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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-562]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (12) relating to the State of Tennessee, a new subdivision (iv) relating to Cumberland and Fentress Counties is added to read:

(e) * * *

(12) *Tennessee.* * * *

(iv) The adjacent portions of Cumberland and Fentress Counties bounded by a line beginning at the junction of the Fentress-Overton County line and State Highway 85 in Fentress County; thence, following the Fentress-Overton County line in a southeasterly, then southwesterly direction to the junction of the Fentress-Overton-Putnam County lines; thence, following the Fentress-Putnam County line in a southeasterly direction to the junction of the Fentress-Putnam-Cumberland County lines; thence, following the Cumberland-Putnam County line in a southwesterly, then westerly direction to U.S. Highway 70 N, State Highway 24 in Cumberland County; thence, following U.S. Highway 70 N, State Highway 24 in a generally southeasterly direction to U.S. Highway 127, State Highway 28; thence, following U.S. Highway 127, State Highway 28 in a northwesterly direction to Secondary Road 4252; thence, following Secondary Road 4252 in a northeasterly direction to the southern boundary of the Catoosa Wildlife Management Area; thence, following the southern boundary of the Catoosa Wildlife Management Area in a generally northeasterly direction to the Cumberland-Morgan County line; thence, following the Cumberland-Morgan County line in a generally northwesterly direction to the junction of the

Cumberland-Morgan-Fentress County lines; thence, following the Fentress-Morgan County line in a generally northerly direction to Secondary Road 4242 in Fentress County; thence, following Secondary Road 4242 in a generally northwesterly direction to U.S. Highway 127, State Highway 28; thence, following U.S. Highway 127, State Highway 28 in a southwesterly direction to State Highway 85; thence, following State Highway 85 in a generally northwesterly direction to its junction with the Fentress-Overton County line.

2. In § 76.2, in paragraph (e) (9) relating to the State of Indiana, subdivisions (i) and (ii) relating to White County are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Cumberland and Fentress Counties in Tennessee because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude portions of White County in Indiana from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is

found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of October 1972.

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

[FR Doc.72-17265 Filed 10-6-72;8:50 am]

[Docket No. 72-563]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (13) relating to the State of Georgia is amended to read:

(e) * * *

(13) *Georgia.* (i) That portion of the State of Georgia comprised of all of Dade County.

(ii) The adjacent portions of Johnson, Washington, and Jefferson Counties bounded by a line beginning at the junction of State Highway 231 and State Highway 15 in Washington County; thence, following State Highway 15 in a southeasterly direction to Secondary Road 2124 in Johnson County; thence, following Secondary Road 2124 in a southeasterly direction to Secondary Road 1474; thence, following Secondary Road 1474 in a southeasterly direction to Secondary Road 2124; thence, following Secondary Road 2124 in a southeasterly direction to the Johnson-Emanuel County line; thence, following the Johnson-Emanuel County line in a generally northeasterly direction to the junction of the Johnson-Emanuel-Jefferson County lines; thence, following the Jefferson-Emanuel County line in a generally northeasterly direction to U.S. Highway 1, State Highway 4 in Jefferson County; thence, following U.S. Highway 1, State Highway 4, in a northerly direction to U.S. Highway 319, State Highway 78; thence, following U.S. Highway 319, State Highway 78, in a northwesterly direction to U.S. Highway 221, State

Highway 171; thence, following U.S. Highway 221, State Highway 171 in a southwesterly direction to State Highway 242; thence, following State Highway 242 in a northwesterly direction to State Highway 231 in Washington County; thence, following State Highway 231 in a generally southwesterly direction to its junction with State Highway 15 in Washington County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Johnson, Washington, and Jefferson Counties in Georgia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of October 1972.

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

[FR Doc.72-17266 Filed 10-6-72; 8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiabendazole

A petition (PP 1F1031) was filed by Merck Sharp & Dohme, Division of Merck

and Co., Inc., Rahway, N.J. 07065, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances (40 CFR Part 180) for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on the raw agricultural commodities: Apples, crabapples, pears, and quinces from post-harvest application at 11 parts per million.

Subsequently, the petitioner amended the petition by (a) withdrawing the proposed tolerances on crabapples and quinces, (b) reducing the proposed tolerances on apples and pears to 10 parts per million, and (c) by proposing tolerance for combined residues of thiabendazole and its metabolite 5-hydroxythiabendazole in milk at 0.1 part per million (for a related document, see this issue of the FEDERAL REGISTER, page 21278.)

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

2. The proposed tolerance for milk is adequate to cover residues resulting from the proposed use, and § 180.6(a)(2) applies. There is no reasonable expectation of residues in eggs, meat, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides programs (36 F.R. 9038), § 180.242 is amended by adding two new paragraphs, as follows:

§ 180.242 Thiabendazole; tolerances for residues.

* * * * *

10 parts per million in or on apples and pears (from postharvest application).

* * * * *

0.1 part per million for combined residues of thiabendazole and its metabolite 5-hydroxythiabendazole in milk.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds

for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10-7-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 28, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.72-17186 Filed 10-6-72; 8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBPART C—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS OR FOR THE TREATMENT OF FOOD-PRODUCING ANIMALS

Thiabendazole

A petition (FAP 2H5008) was filed with the Environmental Protection Agency by Merck Sharp & Dohme, Division of Merck and Co., Inc., Rahway, N.J. 07065, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in dried apple pomace at 33 parts per million resulting from postharvest application of the fungicide to the raw agricultural commodity apples. (For a related document, see this issue of the FEDERAL REGISTER, page 21278.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the au-

thority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 121.260 is amended by adding a new paragraph, as follows:

§ 121.260 Thiabendazole.

(g) A tolerance of 33 parts per million is established for residues of the fungicide thiabendazole in or on dried apple pomace from postharvest application of the fungicide to the raw agricultural commodity apples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10-7-72).

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: September 28, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc. 72-17187 Filed 10-6-72; 8:46 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Combination Antibiotic Drugs Used in Animal Feeds No Longer Sanctioned

The Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness

of various products intended for use in animals. In furtherance of the principles laid down by the National Academy of Sciences, and in response to the need for an integrated evaluation of all animal drug products, the Commissioner of Food and Drugs is continuing to evaluate the efficacy of other marketed products as part of a continuous monitoring program. While the National Academy of Sciences did not evaluate efficacy data relating to the products, which are the subject of this order, the Commissioner did conduct such a review. The Commissioner found that available information failed to provide substantial evidence of effectiveness of the animal products covered in this order when used under the conditions specified.

Interested parties were given written notification of this finding and were requested to submit the information needed to satisfy the requirements of the Federal Food, Drug, and Cosmetic Act. Specifically, they were requested to submit data derived from well-designed studies for each marketed class of animal specified by the labeling of the drug demonstrating that:

1. Each drug in a combination makes a positive contribution to the total claimed effect.

2. The recommended dosage of the antibiotics in these combinations be the optimum for producing the claimed effect, and that this optimization be established by controlled dose response experiments.

3. The combined drugs do not interfere with the action of the individual drugs nor compromise their safety.

Written notification has been received from the interested parties that the combination drugs listed in this order are no longer marketed or in any way the subject of interest for continued use. Such written notification is construed to mean that such persons have waived their right to a hearing regarding the withdrawal from use of such drug combinations. Accordingly, the drugs listed under § 135e.1000(c) may no longer be marketed.

This action will subsequently be reflected by a revision of all applicable regulations. The Commissioner has concluded, however, that pending the revision of the applicable regulations the following interim regulations should be issued to provide prompt public notice of this action and establish a listing of the combination antibiotic drugs used in animal feeds for which approval has been withdrawn based on the review of these products.

The list of drugs provided for under § 135e.1000(c) will be supplemented by other lists formulated and published after publication of the final order based on the Antibiotic Task Force Report.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), a new section is established in Part 135e as follows:

§ 135e.1000 Combination antibiotic drugs in animal feeds no longer sanctioned.

(a) The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of various drugs intended for use in animals. In furtherance of the principles laid down by the National Academy of Sciences, and in response to the need for an integrated monitoring program of all animal drugs, the Commissioner of Food and Drugs has conducted a review of certain additional combination antibiotic drugs used in animal feeds that were not considered by the National Academy of Sciences-National Research Council. The Commissioner has concluded that available information fails to provide substantial evidence of effectiveness of the drugs listed in paragraph (c) of this section, and the manufacturers or distributors have informed the Commissioner that either the drugs are no longer marketed or that there is no interest in their continued marketing.

(b) Certain drug combinations listed in paragraph (c) of this section were in use or sanctioned in Subpart C of Part 121 and/or § 144.26 of this chapter, while other drug combinations should be the subject of an approved new animal drug application. The listing of certain combination antibiotic drugs that are no longer sanctioned for use in animal feed provides prompt public notice of this action and serves as an interim measure to withdraw approval of the drugs listed under paragraph (c) of this section until recodification and amendment to the applicable sections can be completed.

(c) The Commissioner finds that any further marketing of the following combination drugs constitutes a violation of the Federal Food, Drug, and Cosmetic Act in that they have not been shown to be effective for their intended use. This listing is subject to later additions resulting from continued evaluation of combination animal drug products.

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
SPECIES: CHICKEN			83182	AMPROLIUM	.008-.0125 PERCENT
82121	AMPROLIUM	.0125-.025 PERCENT	83185	ERYTHROMYCIN	4.6-18.5 GM/TON
	BACITRACIN	4-50 GM/TON		AMPROLIUM	.008-.0125 PERCENT
	ETHOPABATE	.0004 PERCENT		ARSANILIC ACID	.01 PERCENT
82122	AMPROLIUM	.0125-.025 PERCENT	83187	ERYTHROMYCIN	4.6-18.5 GM/TON
	BACITRACIN PLUS			ETHOPABATE	.0004 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		AMPROLIUM	.008-.0125 PERCENT
	ETHOPABATE	.0004 PERCENT		ARSANILIC ACID	.01 PERCENT
82753	AMPROLIUM	.0125-.025 PERCENT	83189	ERYTHROMYCIN	92.5 GM/TON
	ZINC BACITRACIN PLUS			ETHOPABATE	.0004 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		AMPROLIUM	.0125-.025 PERCENT
	ETHOPABATE	.0004 PERCENT		DIENESTROL DIACETATE	.007 PERCENT
83003	AMPROLIUM	.004-.025 PERCENT	83190	PENICILLIN	2.4-50 GM/TON
	ARSANILIC ACID	.01 PERCENT		AMPROLIUM	.0125-.025 PERCENT
	PENICILLIN	2.4-50 GM/TON		DIENESTROL DIACETATE	.0035 PERCENT
83021	AMPROLIUM	.004-.025 PERCENT	83198	PENICILLIN	2.4-50 GM/TON
	STREPTOMYCIN	30-50 GM/TON		AMPROLIUM	.004-.0125 PERCENT
83022	AMPROLIUM	.004-.025 PERCENT	83411	BACITRACIN PLUS	
	PENICILLIN PLUS			PENICILLIN	3.6-50 GM/TON COMB.
	TYLOSIN	3.2-50 GM/TON COMB.		AMPROLIUM	.004-.025 PERCENT
83023	AMPROLIUM	.004-.025 PERCENT	83412	PENICILLIN PLUS	
	PENICILLIN PLUS			STREPTOMYCIN	14.4-50 GM/TON COMB.
	STREPTOMYCIN	14.4-50 GM/TON COMB.		AMPROLIUM	.004-.025 PERCENT
83027	AMPROLIUM	.004-.25 PERCENT	83416	PENICILLIN PLUS	
	DIENESTROL DIACETATE	.0023-.007 PERCENT		TYLOSIN	3.2-50 GM/TON COMB.
	PENICILLIN	2.4-50 GM/TON		AMPROLIUM	.0125-.025 PERCENT
83043	AMPROLIUM	.0125-.025 PERCENT	83417	ETHOPABATE	.0004 PERCENT
	ROXARSONE	.0025-.005 PERCENT		STREPTOMYCIN	30-50 GM/TON
	BACITRACIN	4-50 GM/TON		AMPROLIUM	.0125-.025 PERCENT
83052	AMPROLIUM	.0125-.025 PERCENT		ETHOPABATE	.0004 PERCENT
	MANGANESE BACITRACIN PLUS		83149	PENICILLIN PLUS	14.4-50 GM/TON COMB.
	PENICILLIN	3.6-50 GM/TON COMB.		STREPTOMYCIN	.0125-.025 PERCENT
83056	AMPROLIUM	.0125-.025 PERCENT		AMPROLIUM	.01 PERCENT
	ROXARSONE	.025-.005 PERCENT		ETHOPABATE	.0004 PERCENT
	MANGANESE BACITRACIN	4-50 GM/TON		PENICILLIN PLUS	
	ETHOPABATE	.0004 PERCENT		STREPTOMYCIN	14.4-50 GM/TON COMB.
83078	AMPROLIUM	.008-.0125 PERCENT	83430	AMPROLIUM	.0125-.025 PERCENT
	TYLOSIN	4-50 GM/TON		ROXARSONE	.0025-.005 PERCENT
83100	AMPROLIUM	.0125-.025 PERCENT		BACITRACIN	4-50 GM/TON
	BACITRACIN METHYLENE			ETHOPABATE	.0004 PERCENT
	DISALICYLATE PLUS		83431	AMPROLIUM	.0125-.025 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		ROXARSONE	.0025-.005 PERCENT
	ETHOPABATE	.0004 PERCENT		BACITRACIN	4-50 GM/TON
83126	AMPROLIUM	.004-.0125 PERCENT	83444	AMPROLIUM	.0125-.025 PERCENT
	ZINC BACITRACIN PLUS			MANGANESE BACITRACIN	4-50 GM/TON
	PENICILLIN	3.6-50 GM/TON COMB.		ETHOPABATE	.0004 PERCENT
83143	AMPROLIUM	.0125-.025 PERCENT	83551	AMPROLIUM	.004-.0125 PERCENT
	PENICILLIN PLUS			BACITRACIN	4-50 GM/TON
	STREPTOMYCIN	14.4-50 GM/TON COMB.	82005	ARSANILIC ACID	.005-.01 PERCENT
83145	AMPROLIUM	.0125-.025 PERCENT		ZINC BACITRACIN PLUS	
	BACITRACIN	4-50 GM/TON		PENICILLIN	3.6-50 GM/TON COMB.
83146	AMPROLIUM	.0125-.025 PERCENT	82006	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN PLUS			ZINC BACITRACIN	4-50 GM/TON
	PENICILLIN	3.6-50 GM/TON COMB.	82051	ARSANILIC ACID	.005-.01 PERCENT
83147	AMPROLIUM	.0125-.025 PERCENT		BACITRACIN	50-100 GM/TON
	PENICILLIN PLUS		82057	ARSANILIC ACID	.005-.01 PERCENT
	TYLOSIN	3.2-50 GM/TON COMB.		BACITRACIN PLUS	
83159	AMPROLIUM	.0125-.025 PERCENT		PENICILLIN	50-100 GM/TON COMB.
	DIENESTROL DIACETATE	.0023 PERCENT	82063	ARSANILIC ACID	.005-.01 PERCENT
	PENICILLIN	2.4-50 GM/TON		BACITRACIN	100-500 GM/TON
83165	AMPROLIUM	.008-.0125 PERCENT	82069	ARSANILIC ACID	.005-.01 PERCENT
	PENICILLIN	2.4-50 GM/TON		BACITRACIN PLUS	
83167	AMPROLIUM	.008-.0125 PERCENT		PENICILLIN	100-500 GM/TON COMB.
	PENICILLIN PLUS		82166	ARSANILIC ACID	.01 PERCENT
	STREPTOMYCIN	14.4-50 GM/TON COMB.		MANGANESE BACITRACIN	4-50 GM/TON
83168	AMPROLIUM	.008-.0125 PERCENT	82219	ARSANILIC ACID	.005-.01 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON		OXYTETRACYCLINE	50 GM/TON
83169	AMPROLIUM	.008-.0125 PERCENT	82351	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN	4-50 GM/TON		OXYTETRACYCLINE	200 GM/TON
83171	AMPROLIUM	.008-.0125 PERCENT	82378	ARSANILIC ACID	.005-.01 PERCENT
	PENICILLIN PLUS			FURAZOLIDONE	.0055 PERCENT
	TYLOSIN	3.2-50 GM/TON COMB.		OXYTETRACYCLINE	200 GM/TON
83174	AMPROLIUM	.008-.0125 PERCENT	82411	ARSANILIC ACID	.005-.01 PERCENT
	ARSANILIC ACID	.01 PERCENT		BACITRACIN METHYLENE	4-50 GM/TON
	ERYTHROMYCIN	4.6-18.5 GM/TON	82418	DISALICYLATE	
83177	AMPROLIUM	.008-.0125 PERCENT		ARSANILIC ACID	.005-.01 PERCENT
	ARSANILIC ACID	.01 PERCENT		BACITRACIN METHYLENE	
	PENICILLIN	2.4-50 GM/TON		DISALICYLATE PLUS	

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
82425	PENICILLIN ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB .005-.01 PERCENT 50-100 GM/TON COMB.	82663	NYSTATIN CHLORTETRACYCLINE NYSTATIN	50 GM/TON 10-50 GM/TON 100 GM/TON
82432	ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE	.005-.01 PERCENT 50-100 GM/TON	82203	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN PLUS	.0023-.007 PERCENT .00083 PERCENT
82446	ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE	.005-.01 PERCENT 100-200 GM/TON	82204	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	3.6-50 GM/TON COMB. .0023-.007 PERCENT .00083 PERCENT
82670	ARSANILIC ACID CHLORTETRACYCLINE	.005-.01 PERCENT 10-50 GM/TON	82205	CHLORTETRACYCLINE DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .00083 PERCENT
82671	ARSANILIC ACID CHLORTETRACYCLINE	.005-.01 PERCENT 50-100 GM/TON	82206	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN	10-50 GM/TON .0023-.007 PERCENT .00083 PERCENT
82672	ARSANILIC ACID CHLORTETRACYCLINE	.005-.01 PERCENT 100-200 GM/TON	82547	STREPTOMYCIN DIENESTROL DIACETATE FURAZOLIDONE	14.4-50 GM/TON COMB. .0023-.007 PERCENT .011 PERCENT
82139	BACITRACIN NYSTATIN	4-50 GM/TON 50 GM/TON	82638	BACITRACIN DIENESTROL DIACETATE CHLORTETRACYCLINE	4-50 GM/TON .0023-.007 PERCENT 10-50 GM/TON
82140	BACITRACIN NYSTATIN PLUS PENICILLIN	3.6-50 GM/TON COMB. 50 GM/TON	82639	DIENESTROL DIACETATE CHLORTETRACYCLINE	.0023-.007 PERCENT 50-100 GM/TON
82141	BACITRACIN NYSTATIN	4-50 GM/TON 100 GM/TON	82493	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN PLUS	.0023-.007 PERCENT .011 PERCENT
82142	NYSTATIN BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. 50 GM/TON	82944	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	3.6-50 GM/TON COMB. .0023-.007 PERCENT .011 PERCENT
82000	NYSTATIN MANGANESE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. 4-50 GM/TON 50 GM/TON	82945	CHLORTETRACYCLINE DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .011 PERCENT
82171	MANGANESE BACITRACIN NYSTATIN	4-50 GM/TON 50 GM/TON	82946	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .011 PERCENT
82173	NYSTATIN MANGANESE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. 50 GM/TON	82947	PENICILLIN PLUS STREPTOMYCIN DIENESTROL DIACETATE	14.4-50 GM/TON COMB. .0023-.007 PERCENT .022 PERCENT
82502	NYSTATIN BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB. 4-50 GM/TON	82948	FURAZOLIDONE BACITRACIN DIENESTROL DIACETATE	4-50 GM/TON .0023-.007 PERCENT .022 PERCENT
82503	BACITRACIN METHYLENE DISALICYLATE NYSTATIN	50 GM/TON 100 GM/TON	82949	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0023-.007 PERCENT .022 PERCENT
82504	NYSTATIN BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB. 4-50 GM/TON	82950	FURAZOLIDONE CHLORTETRACYCLINE DIENESTROL DIACETATE	10-50 GM/TON .0023-.007 PERCENT .022 PERCENT
82505	BACITRACIN METHYLENE DISALICYLATE NYSTATIN	100 GM/TON 4-50 GM/TON	82951	FURAZOLIDONE PENICILLIN DIENESTROL DIACETATE	10-50 GM/TON .0023-.007 PERCENT .022 PERCENT
82783	BACITRACIN METHYLENE DISALICYLATE SODIUM FLUORIDE	.5-1 PERCENT 50 GM/TON	82952	FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB. .0023-.007 PERCENT .0055 PERCENT
82754	NYSTATIN ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. 100 GM/TON	82953	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN	4-50 GM/TON .0023-.007 PERCENT .0055 PERCENT
82756	NYSTATIN ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .07 PERCENT .29 PERCENT	82954	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0023-.007 PERCENT .0055 PERCENT
82484	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE	.12 PERCENT 4-50 GM/TON	82955	DIENESTROL DIACETATE FURAZOLIDONE CHLORTETRACYCLINE	10-50 GM/TON .0023-.007 PERCENT .0055 PERCENT
82496	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE PLUS	.07 PERCENT .29 PERCENT .12 PERCENT	82956	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	2.4-50 GM/TON .0023-.007 PERCENT .0055 PERCENT
82739	PENICILLIN BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .07 PERCENT .29 PERCENT .12 PERCENT	83082	DIENESTROL DIACETATE PENICILLIN FURAZOLIDONE	.0023-.007 PERCENT .0125 PERCENT .00083 PERCENT
82883	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE ZINC BACITRACIN	.07 PERCENT .29 PERCENT .12 PERCENT 4-50 GM/TON	82012	ZINC BACITRACIN PLUS PENICILLIN FURAZOLIDONE	3.6-50 GM/TON COMB. .00083 PERCENT 4-50 GM/TON
82662	ZINC BACITRACIN CHLORTETRACYCLINE	4-50 GM/TON 10-50 GM/TON			

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
82060	FURAZOLIDONE BACITRACIN PLUS	.00083 PERCENT		BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0055 PERCENT
82066	FURAZOLIDONE	50-100 GM/TON COMB. .00083 PERCENT	82939	FURAZOLIDONE BACITRACIN PLUS	
82072	BACITRACIN	100-500 GM/TON .00083 PERCENT	82501	PENICILLIN HYGROMYCIN B	3.6-50 GM/TON COMB. 8-12 GM/TON
82176	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB. .00083 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. 8 GM/TON
82222	FURAZOLIDONE OXYTETRACYCLINE	2.4-50 GM/TON .00083 PERCENT	83138	PENICILLIN - HYGROMYCIN B	
82353	FURAZOLIDONE OXYTETRACYCLINE	50 GM/TON .00083 PERCENT	82123	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .01-.02 PERCENT
82358	FURAZOLIDONE SODIUM ARSANILATE OXYTETRACYCLINE	200 GM/TON .022 PERCENT .005-.01 PERCENT	82127	NICARBAZIN BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB. .01-.02 PERCENT
82373	FURAZOLIDONE SODIUM ARSANILATE OXYTETRACYCLINE	200 GM/TON .011 PERCENT .005-.01 PERCENT	82129	ARSANILIC ACID BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB. .01-.02 PERCENT
82379	FURAZOLIDONE SODIUM ARSANILATE OXYTETRACYCLINE	200 GM/TON .055 PERCENT .005-.01 PERCENT	82131	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB. .01-.02 PERCENT
82414	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.00083 PERCENT 4-50 GM/TON	82133	NICARBAZIN ROXARSONE BACITRACIN PLUS	100-500 GM/TON COMB. .01-.02 PERCENT
82428	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.00083 PERCENT	82135	PENICILLIN NICARBAZIN FURAZOLIDONE	100-500 GM/TON COMB. .01-.02 PERCENT 100-500 GM/TON
82435	PENICILLIN FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	50-100 GM/TON COMB. .00083 PERCENT 50-100 GM/TON	82196	BACITRACIN PLUS PENICILLIN NICARBAZIN NITROFURAZONE	100-500 GM/TON COMB. 125 GM/TON MAXIMUM .01-.02 PERCENT .0056 PERCENT
82442	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.00083 PERCENT	82562	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB. .01-.02 PERCENT 4-50 GM/TON
82449	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	100-200 GM/TON .00083 PERCENT 100-200 GM/TON	82569	NICARBAZIN FURAZOLIDONE CHLORTETRACYCLINE	.01-.02 PERCENT .00083 PERCENT 200 GM/TON
82543	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.011 PERCENT	82568	NICARBAZIN FURAZOLIDONE ZINC BACITRACIN	.01-.02 PERCENT .00083 PERCENT 50 GM/TON
82548	FURAZOLIDONE BACITRACIN	.00083 PERCENT 4-50 GM/TON	82958	NICARBAZIN FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.01-.02 PERCENT .00083 PERCENT 100 GM/TON
82549	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.015-.05 PERCENT .00083 PERCENT	82510	NICARBAZIN NIHYDRAZONE BACITRACIN METHYLENE DISALICYLATE PLUS	100-500 GM/TON COMB. .01-.02 PERCENT 4-50 GM/TON
82550	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE CHLORTETRACYCLINE	.015-.05 PERCENT .00083 PERCENT 10-50 GM/TON	83060	PENICILLIN NIHYDRAZONE MANGANESE BACITRACIN PLUS	3.6-50 GM/TON COMB. 100 GM/TON
82552	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.015-.05 PERCENT .00083 PERCENT	83506	PENICILLIN NIHYDRAZONE ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB. 100 GM/TON
82553	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE	14.4-50 GM/TON COMB. .015-.05 PERCENT .00083 PERCENT	82019	PENICILLIN NITHIAZIDE OXYTETRACYCLINE	3.6-50 GM/TON COMB. .0125-.04 PERCENT 50 GM/TON MAXIMUM
82556	ZINC BACITRACIN FURAZOLIDONE	100 GM/TON .00083 PERCENT	82020	NITHIAZIDE PENICILLIN	.0125-.04 PERCENT 2.4-50 GM/TON
82559	PROCAINE PENICILLIN FURAZOLIDONE	100 GM/TON .00083 PERCENT	82021	NITHIAZIDE PENICILLIN PLUS STREPTOMYCIN	.0125-.04 PERCENT 14.4-50 GM/TON COMB. .0125-.04 PERCENT
82561	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.00083 PERCENT 200 GM/TON COMB.	82146	NITHIAZIDE BACITRACIN	4-50 GM/TON .0125-.04 PERCENT
82567	FURAZOLIDONE BACITRACIN	.00083 PERCENT 50 GM/TON	82147	NITHIAZIDE BACITRACIN PLUS	.0125-.04 PERCENT
82572	FURAZOLIDONE CHLORTETRACYCLINE	.00083 PERCENT 50 GM/TON	82513	BACITRACIN PLUS PENICILLIN NITHIAZIDE	3.6 GM/TON COMB. .0125-.04 PERCENT
82574	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.00083 PERCENT 50 GM/TON COMB.	82585	BACITRACIN METHYLENE DISALICYLATE NITHIAZIDE	4-50 GM/TON .0125-.04 PERCENT
82578	FURAZOLIDONE CHLORTETRACYCLINE	.00083 PERCENT 100 GM/TON	82586	FURAZOLIDONE BACITRACIN NITHIAZIDE	.00083 PERCENT 4-50 GM/TON .0125-.04 PERCENT
82580	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.00083 PERCENT 100 GM/TON COMB.		FURAZOLIDONE BACITRACIN PLUS	.00083 PERCENT
82934	FURAZOLIDONE	.022 PERCENT			

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
82587	PENICILLIN	3.6-50 GM/TON COMB.		FURAZOLIDONE	.00083 PERCENT
	NITHIAZIDE	.0125-.04 PERCENT		BACITRACIN PLUS	
	FURAZOLIDONE	.00083 PERCENT	82096	PENICILLIN	3.6-50 GM/TON COMB.
82588	CHLORTETRACYCLINE	10-50 GM/TON		NITROFURAZONE	.0056 PERCENT
	NITHIAZIDE	.0125-.04 PERCENT		ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00082 PERCENT		FURAZOLIDONE	.00083 PERCENT
82589	PENICILLIN	2.4-50 GM/TON		BACITRACIN PLUS	
	NITHIAZIDE	.0125-.04 PERCENT	82153	PENICILLIN	3.6-50 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT		NITROFURAZONE	.0056 PERCENT
82660	STREPTOMYCIN	14.4-50 GM/TON COMB.		SULFAQUINOXALINE	.01-.02 PERCENT
	NITHIAZIDE	.0125-.04 PERCENT		FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON		BACITRACIN	4-50 PERCENT
82762	NITHIAZIDE	.0125-.04 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.005 PERCENT
82013	ZINC BACITRACIN	4-50 GM/TON	82155	NITROFURAZONE	.0056 PERCENT
	NITROFURAZONE	.0056 PERCENT		ROXARSONE	.0025-.005 PERCENT
	ROXARSONE	.0025-.005 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
82016	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		BACITRACIN	4-50 GM/TON
	NITROFURAZONE	.0056 PERCENT	82161	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	FURAZOLIDONE	.00083 PERCENT		NITROFURAZONE	.0056 PERCENT
82018	FURAZOLIDONE	.00083 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	ZINC BACITRACIN	4-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
82048	NITROFURAZONE	.0056 PERCENT		BACITRACIN PLUS	
	FURAZOLIDONE	.00083 PERCENT		PENICILLIN	3.6-50 GM/TON COMB.
	BACITRACIN PLUS			2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.	82163	NITROFURAZONE	.0056 PERCENT
82049	NITROFURAZONE	.0056 PERCENT		ROXARSONE	.0025-.005 PERCENT
	ROXARSONE	.0025-.005 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS			BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.		PENICILLIN	3.6-50 GM/TON COMB.
82055	NITROFURAZONE	.0056 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT	82180	NITROFURAZONE	.0056 PERCENT
	BACITRACIN	50-100 GM/TON		FURAZOLIDONE	.00083 PERCENT
82056	NITROFURAZONE	.0056 PERCENT		PENICILLIN PLUS	
	ROXARSONE	.0025-.005 PERCENT		STREPTOMYCIN	14.4-50 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT	82181	NITROFURAZONE	.0056 PERCENT
	BACITRACIN	50-100 GM/TON		ROXARSONE	.0025-.005 PERCENT
82061	NITROFURAZONE	.0056 PERCENT		FURAZOLIDONE	.00083 PERCENT
	FURAZOLIDONE	.00083 PERCENT		PENICILLIN PLUS	
	BACITRACIN	50-100 GM/TON	82223	STREPTOMYCIN	14.4-50 GM/TON COMB.
	PENICILLIN	.00083 PERCENT		NITROFURAZONE	.0056 PERCENT
82062	NITROFURAZONE	.0056 PERCENT		FURAZOLIDONE	.00083 PERCENT
	ROXARSONE	.0025-.005 PERCENT	82225	OXYTETRACYCLINE	50 GM/TON
	FURAZOLIDONE	.00083 PERCENT		NITROFURAZONE	.0056 PERCENT
	BACITRACIN PLUS			ROXARSONE	.0025-.005 PERCENT
	PENICILLIN	50-100 GM/TON COMB.	82258	FURAZOLIDONE	.00083 PERCENT
82067	NITROFURAZONE	.0056 PERCENT		OXYTETRACYCLINE	50 GM/TON
	FURAZOLIDONE	.00083 PERCENT		NITROFURAZONE	.0056 PERCENT
	BACITRACIN	100-500 GM/TON		ROXARSONE	.0025-.005 PERCENT
82068	NITROFURAZONE	.0056 PERCENT		FURAZOLIDONE	.00083 PERCENT
	ROXARSONE	.0025-.005 PERCENT		OXYTETRACYCLINE	50 GM/TON
	FURAZOLIDONE	.00083 PERCENT	82272	NITROFURAZONE	.0056 PERCENT
	BACITRACIN	100-500 GM/TON		ROXARSONE	.0025-.005 PERCENT
82073	NITROFURAZONE	.0056 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS			STREPTOMYCIN	30-50 GM/TON
	PENICILLIN	100-500 GM/TON COMB.		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82074	NITROFURAZONE	.0056 PERCENT	82265	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT		ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN PLUS			FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	100-500 GM/TON		STREPTOMYCIN	30-50 GM/TON
82092	NITROFURAZONE	.0112 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	BACITRACIN PLUS			NITROFURAZONE	.0056 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		ROXARSONE	.0025-.005 PERCENT
82093	NITROFURAZONE	.0056 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON		CHLORTETRACYCLINE	10-50 GM/TON
82094	NITROFURAZONE	.0056 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	ROXARSONE	.0025-.005 PERCENT		NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT		ROXARSONE	.0025-.005 PERCENT
82095	BACITRACIN	4-50 GM/TON		SULFAQUINOXALINE	.01-.02 PERCENT
	NITROFURAZONE	.0056 PERCENT		FURAZOLIDONE	.00083 PERCENT

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82279	NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0056 PERCENT .0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT	82341	FURAZOLIDONE PENICILLIN NITROFURAZONE FURAZOLIDONE PENICILLIN	.00083 PERCENT 100 GM/TON .0056 PERCENT .00083 PERCENT 100 GM/TON
82286	NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0056 PERCENT .0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT	82342	NITROFURAZONE FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT 100 GM/TON COMB. .0056 PERCENT .00083 PERCENT
82322	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE	.0056 PERCENT .00083 PERCENT 50 GM/TON	82343	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	100 GM/TON COMB. .0056 PERCENT .00083 PERCENT
82324	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 50 GM/TON COMB.	82344	NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	100 GM/TON COMB. .0056 PERCENT .00083 PERCENT
82325	NITROFURAZONE ROXARSONE FURAZOLIDONE CHLORTETRACYCLINE	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 100 GM/TON	82356	NITROFURAZONE ROXARSONE FURAZOLIDONE OXYTETRACYCLINE	100 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
82326	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE	.0056 PERCENT .00083 PERCENT 100 GM/TON	82368	NITROFURAZONE SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
82327	NITROFURAZONE FURAZOLIDONE OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 100 GM/TON	82370	NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0056 PERCENT .0025-.005 PERCENT .0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
82328	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 100 GM/TON COMB.	82394	NITROFURAZONE NITROPHENIDE FURAZOLIDONE OXYTETRACYCLINE NITROFURAZONE SODIUM ARSANILATE OXYTETRACYCLINE	.0056 PERCENT .05 PERCENT .00083 PERCENT 200 GM/TON .0112 PERCENT .0025-.01 PERCENT 200 GM/TON
82329	NITROFURAZONE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0056 PERCENT .00083 PERCENT 90-180 GM/TON COMB.	82399	NITROFURAZONE SODIUM ARSANILATE OXYTETRACYCLINE NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0025-.005 PERCENT .00083 PERCENT 200 GM/TON 200 GM/TON 4-50 GM/TON
82330	NITROFURAZONE ROXARSONE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 90-180 GM/TON COMB.	82415	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 4-50 GM/TON 3.6-50 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 4-50 GM/TON
82332	NITROFURAZONE ROXARSONE FURAZOLIDONE CHLORTETRACYCLINE	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 200 GM/TON	82417	NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 4-50 GM/TON 3.6-50 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
82333	NITROFURAZONE FURAZOLIDONE OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 200 GM/TON	82422	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT .00083 PERCENT 200 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
82334	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 200 GM/TON COMB.	82424	NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT .00083 PERCENT 200 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
82335	NITROFURAZONE ROXARSONE FURAZOLIDONE ZINC BACITRACIN	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 100 GM/TON	82429	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	50-100 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
82336	NITROFURAZONE FURAZOLIDONE ZINC BACITRACIN	.0056 PERCENT .00083 PERCENT 100 GM/TON	82431	NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	50-100 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
82337	NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 100 GM/TON	82443	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT .00083 PERCENT
82338	NITROFURAZONE FURAZOLIDONE BACITRACIN	.0056 PERCENT .00083 PERCENT 100 GM/TON			
82339	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .00083 PERCENT 100 GM/TON			
82340	NITROFURAZONE ROXARSONE	.0056 PERCENT .0025-.005 PERCENT			

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82445	PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	100-200 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT	82085	PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	100-500 GM/TON COMB. .00075 PERCENT
82450	PENICILLIN NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	100-200 GM/TON COMB. .0056 PERCENT .00083 PERCENT 100-200 GM/TON	82087	NITROPHENIDE BACITRACIN NITROPHENIDE BACITRACIN PLUS	.0125-.025 PERCENT 4-50 GM/TON .0125-.025 PERCENT
82452	NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 100-200 GM/TON	82174	PENICILLIN NITROPHENIDE PENICILLIN	3.6-50 GM/TON COMB. .0125-.025 PERCENT 2.4-50 GM/TON
82461	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .00083 PERCENT 4-50 GM/TON	82178	NITROPHENIDE PENICILLIN PLUS STREPTOMYCIN	.0125-.025 PERCENT 14.4-50 GM/TON COMB. .0125-.05 PERCENT
82462	NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT 4-50 GM/TON	82207	NITROPHENIDE CHLORTETRACYCLINE NITROPHENIDE	.0125-.05 PERCENT 10-50 GM/TON .0125-.05 PERCENT
82468	NITROFURAZONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT	82208	DIENESTROL DIACETATE OXYTETRACYCLINE NITROPHENIDE	.007 PERCENT 10-50 GM/TON .0125-.05 PERCENT
82469	PENICILLIN NITROFURAZONE BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. .0112 PERCENT	82209	NITROPHENIDE PENICILLIN	2.4-50 GM/TON .0125-.05 PERCENT
82471	PENICILLIN NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. .0056 PERCENT .00083 PERCENT	82210	NITROPHENIDE DIENESTROL DIACETATE PENICILLIN	2.4-50 GM/TON .0125-.05 PERCENT .007 PERCENT
82472	PENICILLIN NITROFURAZONE ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT	82211	NITROPHENIDE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0125-.05 PERCENT
82678	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE	3.6-50 GM/TON COMB. .0056 PERCENT .00083 PERCENT	82212	NITROPHENIDE BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. .0125-.05 PERCENT
82680	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE	10-50 GM/TON .0056 PERCENT .00083 PERCENT	82213	PENICILLIN NITROPHENIDE MANGANESE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0125-.05 PERCENT
82682	NITROFURAZONE ROXARSONE FURAZOLIDONE CHLORTETRACYCLINE	100-200 GM/TON .0056 PERCENT .0025-.005 PERCENT .00083 PERCENT	82298	NITROPHENIDE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0125-.05 PERCENT
82715	NITROFURAZONE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0112 PERCENT	82299	NITROPHENIDE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0125-.05 PERCENT
82716	NITROFURAZONE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0112 PERCENT	82300	NITROPHENIDE PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB. .0125-.05 PERCENT
82717	NITROFURAZONE FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0056 PERCENT .00083 PERCENT	82301	NITROPHENIDE BACITRACIN NITROPHENIDE BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON 4-50 GM/TON .0125-.05 PERCENT 4-50 GM/TON
82900	NITROFURAZONE FURAZOLIDONE ZINC BACITRACIN	3.6-50 GM/TON COMB. .0056 PERCENT .00083 PERCENT	82302	NITROPHENIDE ZINC BACITRACIN	.0125-.05 PERCENT 4-50 GM/TON
82907	NITROFURAZONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	4-50 GM/TON .0056 PERCENT .01-.02 PERCENT .00083 PERCENT	82303	NITROPHENIDE MANGANESE BACITRACIN NITROPHENIDE	.0125-.05 PERCENT 4-50 GM/TON .0125-.05 PERCENT
82930	NITROFURAZONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS	3.6-50 GM/TON COMB. .003-.006 PERCENT	82304	STREPTOMYCIN NITROPHENIDE DIENESTROL DIACETATE CHLORTETRACYCLINE	30-50 GM/TON .0125-.05 PERCENT .007 PERCENT 50-200 GM/TON
			82305	NITROPHENIDE DIENESTROL DIACETATE CHLORTETRACYCLINE	.0125-.05 PERCENT .007 PERCENT 50-200 GM/TON
			82306	NITROPHENIDE DIENESTROL DIACETATE STREPTOMYCIN	.0125-.05 PERCENT .007 PERCENT 30-50 GM/TON
			82307	NITROPHENIDE DIENESTROL DIACETATE ZINC BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT .007 PERCENT 3.6-50 GM/TON COMB. .0125-.05 PERCENT
			82308	NITROPHENIDE DIENESTROL DIACETATE MANGANESE BACITRACIN PLUS PENICILLIN	.007 PERCENT 3.6-50 GM/TON COMB. .0125-.05 PERCENT .007 PERCENT
			82309	NITROPHENIDE DIENESTROL DIACETATE BACITRACIN METHYLENE DISALICYLATE PLUS	.0125-.05 PERCENT .007 PERCENT
			82310	PENICILLIN NITROPHENIDE DIENESTROL DIACETATE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0125-.05 PERCENT .007 PERCENT
			82311	NITROPHENIDE DIENESTROL DIACETATE PENICILLIN PLUS STREPTOMYCIN	3.6-50 GM/TON COMB. .0125-.05 PERCENT .007 PERCENT
			82312	NITROPHENIDE	14.4-50 GM/TON COMB. .0125-.05 PERCENT

IDENTIFI- -CATION	DRUG	DOSAGE	IDENTIFI- -CATION	DRUG	DOSAGE
82313	DIENESTROL DIACETATE BACITRACIN	.007 PERCENT 4-50 GM/TON	82861	PHENOTHIAZINE ZINC BACITRACIN	.3-1 PERCENT 4-50 GM/TON
82314	NITROPHENIDE DIENESTROL DIACETATE ZINC BACITRACIN	.0125-.05 PERCENT .007 PERCENT 4-50 GM/TON	82406	PIPERAZINE OXYTETRACYCLINE	.1-.4 PERCENT 10-50 GM/TON
82315	NITROPHENIDE DIENESTROL DIACETATE MANGANESE BACITRACIN	.0125-.05 PERCENT .007 PERCENT 4-50 GM/TON	82407	PIPERAZINE PENICILLIN	.1-.4 PERCENT 2.4-50 GM/TON
82390	NITROPHENIDE DIENESTROL DIACETATE BACITRACIN METHYLENE DISALICYLATE	.007 PERCENT .0125-.05 PERCENT .007 PERCENT 4-50 GM/TON	82104	PIPERAZINE DIHYDROCHLORIDE BACITRACIN	.18-.72 PERCENT 4-50 GM/TON
82391	NITROPHENIDE OXYTETRACYCLINE	.05 PERCENT 200 GM/TON	82114	PIPERAZINE DIHYDROCHLORIDE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .18-.72 PERCENT 4-50 GM/TON
82392	NITROPHENIDE ARSANILIC ACID OXYTETRACYCLINE	.05 PERCENT .0025-.01 PERCENT 200 GM/TON	82492	PIPERAZINE DIHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.18-.72 PERCENT 3.6-50 GM/TON COMB. .18-.72 PERCENT 10-50 GM/TON
82393	NITROPHENIDE SODIUM ARSANILATE OXYTETRACYCLINE	.05 PERCENT .0025-.01 PERCENT 200 GM/TON	82699	PIPERAZINE DIHYDROCHLORIDE CHLORTETRACYCLINE	.18-.72 PERCENT 10-50 GM/TON
82695	NITROPHENIDE OXYTETRACYCLINE	.05 PERCENT 200 GM/TON	82735	PIPERAZINE DIHYDROCHLORIDE ZINC BACITRACIN PLUS PENICILLIN	.18-.72 PERCENT 3.6-50 GM/TON COMB. .18-.72 PERCENT
82696	CHLORTETRACYCLINE NITROPHENIDE	50-100 GM/TON .0125-.025 PERCENT	82867	PIPERAZINE DIHYDROCHLORIDE ZINC BACITRACIN	.18-.72 PERCENT 4-50 GM/TON
82713	CHLORTETRACYCLINE NITROPHENIDE ZINC BACITRACIN PLUS PENICILLIN	100-200 GM/TON .0125-.025 PERCENT 3.6-50 GM/TON COMB. .0125-.025 PERCENT	82483	PIPERAZINE MONOHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE	.13-.52 PERCENT 4-50 GM/TON
82887	NITROPHENIDE ZINC BACITRACIN	3.6-50 GM/TON COMB. .0125-.025 PERCENT 4-50 GM/TON	82495	PIPERAZINE MONOHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.13-.52 PERCENT 3.6-50 GM/TON COMB .13-.52 PERCENT
82294	NYSTATIN PENICILLIN	50-100 GM/TON 2.4-50 GM/TON	82738	PIPERAZINE MONOHYDROCHLORIDE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .13-.52 PERCENT
82295	NYSTATIN STREPTOMYCIN	50-100 GM/TON 30-50 GM/TON	82870	PIPERAZINE MONOHYDROCHLORIDE ZINC BACITRACIN	.13-.52 PERCENT 4-50 GM/TON
82296	NYSTATIN PENICILLIN PLUS STREPTOMYCIN	50-100 GM/TON 14.4-50 GM/TON COMB.	82105	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN	.23-.92 PERCENT 4-50 GM/TON
82097	PHENOTHIAZINE BACITRACIN	.3-1 PERCENT 4-50 GM/TON	82115	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN PLUS PENICILLIN	.23-.92 PERCENT 3.6-50 GM/TON COMB. .23-.92 PERCENT
82098	NICOTINE PHENOTHIAZINE BACITRACIN	.03-.07 PERCENT .3-1 PERCENT 4-50 GM/TON	82493	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB. .23-.92 PERCENT 3.6-50 GM/TON COMB. .23-.92 PERCENT
82107	PHENOTHIAZINE BACITRACIN PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	82700	PIPERAZINE PHOSPHATE MONOHYDRATE CHLORTETRACYCLINE	3.6-50 GM/TON COMB. .23-.92 PERCENT 10-50 GM/TON
82108	PHENOTHIAZINE BACITRACIN PLUS PENICILLIN	.3-1 PERCENT 3.6-50 GM/TON COMB.	82736	PIPERAZINE PHOSPHATE MONOHYDRATE ZINC BACITRACIN PLUS PENICILLIN	.23-.92 PERCENT 3.6-50 GM/TON COMB. .23-.92 PERCENT
82698	PHENOTHIAZINE CHLORTETRACYCLINE	.3-1 PERCENT 10-50 GM/TON	82773	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.23-.92 PERCENT 3.6-50 GM/TON COMB. .23-.92 PERCENT
82728	PHENOTHIAZINE ZINC BACITRACIN PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .003-.07 PERCENT .3-1 PERCENT	82868	PIPERAZINE PHOSPHATE MONOHYDRATE ZINC BACITRACIN PIPERAZINE SULFATE BACITRACIN	4-50 GM/TON .21-.85 PERCENT 4-50 GM/TON
82729	PHENOTHIAZINE ZINC BACITRACIN PLUS PENICILLIN	.3-1 PERCENT 3.6-50 GM/TON COMB.	82116	PIPERAZINE SULFATE BACITRACIN PLUS PENICILLIN	.21-.85 PERCENT 3.6-50 GM/TON COMB. .21-.85 PERCENT
82765	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	82482	PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON 4-50 GM/TON
82766	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.3-1 PERCENT 3.6-50 GM/TON .3-1 PERCENT 4-50 GM/TON	82494	PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.21-.85 PERCENT 3.6-50 GM/TON COMB. .21-.85 PERCENT 10-50 GM/TON
82777	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE NICOTINE	.03-.07 PERCENT .3-1 PERCENT 4-50 GM/TON .03-.07 PERCENT	82701	PIPERAZINE SULFATE CHLORTETRACYCLINE	.21-.85 PERCENT 10-50 GM/TON
82778	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE	.3-1 PERCENT 4-50 GM/TON	82737	PIPERAZINE SULFATE	.21-.85 PERCENT
82860	PHENOTHIAZINE ZINC BACITRACIN NICOTINE	.3-1 PERCENT 4-50 GM/TON .003-.07 PERCENT			

RULES AND REGULATIONS

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IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
82869	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	PIPERAZINE SULFATE	.21-.85 PERCENT	82264	ROXARSONE	.0125-.005 PERCENT
82664	ZINC BACITRACIN	4-50 GM/TON		SULFAQUINOXALINE	.01-.02 PERCENT
	RESERPINE	.0001 PERCENT		FURAZOLIDONE	.00083 PERCENT
82665	CHLORTETRACYCLINE	10-50 GM/TON		STREPTOMYCIN	30-50 GM/TON
	RESERPINE	.0001 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82666	CHLORTETRACYCLINE	100-200 GM/TON	82269	ROXARSONE	.0025-.005 PERCENT
83049	RESERPINE	.0001 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN	4-50 GM/TON		CHLORTETRACYCLINE	10-50 GM/TON
83050	RESERPINE	.0001 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
83051	MANGANESE BACITRACIN	4-50 GM/TON	82271	ROXARSONE	.0025-.005 PERCENT
	RESERPINE	.0001 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
83122	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		FURAZOLIDONE	.00083 PERCENT
	RESERPINE	.0001 PERCENT		CHLORTETRACYCLINE	10-50 GM/TON
83123	ZINC BACITRACIN	4-50 GM/TON		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	RESERPINE	.0001 PERCENT	82276	ROXARSONE	.0025-.005 PERCENT
83442	ZINC BACITRACIN	200 GM/TON MAXIMUM		SULFAQUINOXALINE	.01-.02 PERCENT
	RESERPINE	.0001 PERCENT		ZINC BACITRACIN	4-50 GM/TON
83443	MANGANESE BACITRACIN	4-50 GM/TON		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	RESERPINE	.0001 PERCENT	82278	ROXARSONE	.0025-.005 PERCENT
83714	MANGANESE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		SULFAQUINOXALINE	.01-.02 PERCENT
	RESERPINE	.0002 PERCENT		FURAZOLIDONE	.00083 PERCENT
83810	ZINC BACITRACIN	10-200 GM/TON		ZINC BACITRACIN	4-50 GM/TON
	RESERPINE	.002 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82015	BACITRACIN	10-200 GM/TON	82283	ROXARSONE	.0025-.005 PERCENT
	ROXARSONE	.0025-.005 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
82050	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		ZINC BACITRACIN	4-50 GM/TON
	ROXARSONE	.0025-.005 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	FURAZOLIDONE	.00083 PERCENT	82285	ROXARSONE	.0025-.005 PERCENT
82076	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		SULFAQUINOXALINE	.01-.02 PERCENT
	ROXARSONE	.0025-.005 PERCENT		FURAZOLIDONE	.00083 PERCENT
	FURAZOLIDONE	.00083 PERCENT		BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82151	BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	ROXARSONE	.0025-.005 PERCENT	82292	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN	4-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		BACITRACIN	4-50 GM/TON
82159	ROXARSONE	.0025-.005 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT	82366	ROXARSONE	.0025-.005 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		SULFAQUINOXALINE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		OXYTETRACYCLINE	50 GM/TON
82162	ROXARSONE	.0025-.005 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT	82369	ROXARSONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT		SULFAQUINOXALINE	.0075 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		FURAZOLIDONE	.00083 PERCENT
	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		OXYTETRACYCLINE	50 GM/TON
82255	ROXARSONE	.0025-.005 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT	82423	ROXARSONE	.0025-.005 PERCENT
	PENICILLIN	2.4-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	
82257	ROXARSONE	.0025-.005 PERCENT		PENICILLIN	3.6-50 GM/TON COMB.
	SULFAQUINOXALINE	.01-.02 PERCENT	82430	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	2.4-50 GM/TON		BACITRACIN METHYLENE DISALICYLATE PLUS	
	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		STREPTOMYCIN	30-50 GM/TON
82262	ROXARSONE	.0025-.005 PERCENT			
	SULFAQUINOXALINE	.01-.02 PERCENT			
	STREPTOMYCIN	30-50 GM/TON			

RULES AND REGULATIONS

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
82444	PENICILLIN ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	50-100 GM/TON COMB. .0025-.005 PERCENT .00083 PERCENT	82025	SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82928	PENICILLIN ROXARSONE SULFAQUINOXALINE BACITRACIN PLUS	100-200 GM/TON COMB. .0025-.005 PERCENT .0075 PERCENT	82026	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82931	PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	100-500 GM/TON COMB. .00075 PERCENT .0025-.005 PERCENT .0075 PERCENT .00083 PERCENT	82027	SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
83066	ROXARSONE ZOALENE MANGANESE BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT .0125 PERCENT 3.6-50 GM/TON COMB. .005 PERCENT .0125 PERCENT	82079	SULFAQUINOXALINE BACITRACIN	.0125-.025 PERCENT 4-50 GM/TON
83075	ROXARSONE ZOALENE ZINC BACITRACIN PLUS PENICILLIN	.005 PERCENT .0125 PERCENT 3.6-50 GM/TON COMB. .005 PERCENT .0125 PERCENT	82080	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	.0125-.025 PERCENT 3.6-50 GM/TON COMB. .033-.1 PERCENT 4-50 GM/TON .033-.1 PERCENT
83076	ROXARSONE ZOALENE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005 PERCENT .0125 PERCENT 3.6-50 GM/TON COMB. .005 PERCENT .0125 PERCENT	82084	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
83463	ROXARSONE ZOALENE BACITRACIN PLUS PENICILLIN	.005 PERCENT .0125 PERCENT 3.6 GM/TON .0025-.005 PERCENT .0083-.0125 PERCENT	82143	SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
83539	ROXARSONE ZOALENE MANGANESE BACITRACIN PLUS PENICILLIN	.0083-.0125 PERCENT 3.6-50 GM/TON COMB. .005-.01 PERCENT	82149	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
82007	SODIUM ARSANILATE ZINC BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB. .005-.01 PERCENT	82150	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
82058	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB. .005-.01 PERCENT	82152	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82070	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 100-500 GM/TON COMB. .005-.01 PERCENT	82156	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82419	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB. .005-.01 PERCENT	82157	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82426	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB. .005-.01 PERCENT	82158	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82440	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 100-200 GM/TON COMB. .005-.01 PERCENT	82160	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82705	SODIUM ARSANILATE CHLORTETRACYCLINE	.005-.01 PERCENT 200 GM/TON .0075 PERCENT	82227	SULFAQUINOXALINE OXYTETRACYCLINE	.0075 PERCENT 50 GM/TON
82022	SULFAQUINOXALINE PENICILLIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	2.4-50 GM/TON .00075 PERCENT .0075 PERCENT			
82023	SULFAQUINOXALINE STREPTOMYCIN 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 30-50 GM/TON .00075 PERCENT			
82024	SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 10-50 GM/TON .00075 PERCENT			

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
	FURAZOLIDONE	.00083 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	OXYTETRACYCLINE	50 GM/TON			
82455	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	82966	SULFAQUINOXALINE	.0075 PERCENT
	SULFAQUINOXALINE	.033-.10 PERCENT		FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON		PENICILLIN	100 GM/TON
82465	SULFAQUINOXALINE	.033-.10 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS		82972	SULFAQUINOXALINE	.0075 PERCENT
	PENICILLIN	3.6-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
82506	SULFAQUINOXALINE	.01-.02 PERCENT		CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	200 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE PLUS			2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.	82991	SULFAQUINOXALINE	.01-.02 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		FURAZOLIDONE	.00083 PERCENT
82526	SULFAQUINOXALINE	.0125-.025 PERCENT		BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	PROCAINE PENICILLIN	2.4-50 GM/TON		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82564	SULFAQUINOXALINE	.0075 PERCENT		SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT		PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	CHLORTETRACYCLINE	200 GM/TON	82999	BACITRACIN METHYLENE DISALICYLATE PLUS	
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		PENICILLIN	3.6-50 GM/TON COMB.
82571	SULFAQUINOXALINE	.0075 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	FURAZOLIDONE	.00083 PERCENT	82001	ZOAENE	.0125-.0188 PERCENT
	ZINC BACITRACIN	50 GM/TON		ARSANILIC ACID	.01 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	82499	ZOAENE	.0125-.0188 PERCENT
82577	SULFAQUINOXALINE	.0075 PERCENT		ARSANILIC ACID	.01 PERCENT
	FURAZOLIDONE	.00083 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	
	CHLORTETRACYCLINE	50 GM/TON	83032	PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		ZOAENE	.0125 PERCENT
82584	SULFAQUINOXALINE	.0075 PERCENT		HYGROMYCIN B	8-12 GM/TON
	FURAZOLIDONE	.00083 PERCENT	83064	PENICILLIN PLUS	3.2-50 GM/TON COMB.
	CHLORTETRACYCLINE	100 GM/TON		TYLOSIN	.0125 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		ZOAENE	
82594	SULFAQUINOXALINE	.01-.02 PERCENT		MANGANESE BACITRACIN PLUS	
	FURAZOLIDONE	.00083 PERCENT	83065	PENICILLIN	3.6-50 GM/TON COMB.
	PENICILLIN PLUS			ZOAENE	.0125 PERCENT
	STREPTOMYCIN	14.4-50 GM/TON COMB.		ARSANILIC ACID	.01 PERCENT
82648	SULFAQUINOXALINE	.00075 PERCENT		MANGANESE BACITRACIN PLUS	
	CHLORTETRACYCLINE	50-100 GM/TON	83069	PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		ZOAENE	.0125 PERCENT
82884	SULFAQUINOXALINE	.0125-.025 PERCENT		PENICILLIN PLUS	
	ZINC BACITRACIN	4-50 GM/TON	83118	TYLOSIN	3.2-50 GM/TON COMB.
82925	SULFAQUINOXALINE	.0075 PERCENT		ZOAENE	.0125 PERCENT
	BACITRACIN PLUS		83133	CHLORTETRACYCLINE	10-15 GM/TON
	PENICILLIN	100-500 GM/TON COMB.		ZOAENE	.0125 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	83135	ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.
82927	SULFAQUINOXALINE	.0075 PERCENT		PENICILLIN	.004-.0125 PERCENT
	SODIUM ARSANILATE	.005-.010 PERCENT	83205	ZOAENE	.01 PERCENT
	BACITRACIN PLUS			ZINC BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.		PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	83453	ZOAENE	.004-.0125 PERCENT
82964	SULFAQUINOXALINE	.0075 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	
	FURAZOLIDONE	.00083 PERCENT		PENICILLIN	3.6-50 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE	100 GM/TON	83480	ZOAENE	.004-.0125 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		HYGROMYCIN B	8-12 GM/TON
82965	SULFAQUINOXALINE	.0075 PERCENT	83537	PENICILLIN PLUS	3.2-50 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT		TYLOSIN	.0083-.0125 PERCENT
	BACITRACIN	100 GM/TON		ZOAENE	.01 PERCENT
				ARSANILIC ACID	
				MANGANESE BACITRACIN PLUS	
				PENICILLIN	3.6-50 GM/TON COMB.

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
SPECIES: RABBIT			80130	BACITRACIN SODIUM ARSANILATE	10-50 GM/TON .005-.01 PERCENT
80059	FURAZOLIDONE	.0055 PERCENT	80131	HYGROMYCIN B BACITRACIN ROXARSONE	12 GM/TON 10-50 GM/TON .0025-.0075 PERCENT
80058	OXYTETRACYCLINE	10 GM/TON		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	10 GM/TON	80145	BACITRACIN ARSANILIC ACID	50-100 GM/TON .005-.0101 PERCENT
80269	SULFAQUINOXALINE	.1 PERCENT		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	10 GM/TON	80148	BACITRACIN SODIUM ARSANILATE	50-100 GM/TON .0025-.0075 PERCENT
	SULFAQUINOXALINE	.025 PERCENT		HYGROMYCIN B	12 GM/TON
SPECIES: SWINE			80151	BACITRACIN ROXARSONE	50-100 GM/TON .0025-.0075 PERCENT
80032	ARSANILIC ACID	.005-.01 PERCENT		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	150 GM/TON	80156	BACITRACIN ROXARSONE	50-100 GM/TON .0025-.0075 PERCENT
	NITROFURAZONE	.0056 PERCENT		FURAZOLIDONE	.00083 PERCENT
80045	ARSANILIC ACID	.005-.01 PERCENT		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	150 GM/TON	80159	BACITRACIN PLUS PENICILLIN	50-100 GM/TON COMB. .005-.01 PERCENT
	PEPSIN			ARSANILIC ACID	.005-.01 PERCENT
80048	ARSANILIC ACID	.005-.01 PERCENT		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	150 GM/TON	80162	BACITRACIN PLUS PENICILLIN	50-100 GM/TON COMB. .005-.01 PERCENT
80081	ARSANILIC ACID	.005-.01 PERCENT		SODIUM ARSANILATE	50-100 GM/TON COMB.
	HYGROMYCIN B	12 GM/TON		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	50-150 GM/TON	80165	BACITRACIN PLUS PENICILLIN	50-100 GM/TON COMB. .0025-.0075 PERCENT
80082	ARSANILIC ACID	.005-.01 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON	80170	HYGROMYCIN B BACITRACIN PLUS	12 GM/TON 50-100 GM/TON COMB.
	OXYTETRACYCLINE	500 GM/TON		PENICILLIN	50-100 GM/TON
80119	ARSANILIC ACID	.005-.01 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON		FURAZOLIDONE	.00083 PERCENT
	STREPTOMYCIN	10-50 GM/TON		HYGROMYCIN B	12 GM/TON
80293	ARSANILIC ACID	.005-.01 PERCENT		NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.011 PERCENT	80253	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB.
	OXYTETRACYCLINE	50 GM/TON		BACITRACIN PLUS	10-50 GM/TON COMB.
80294	ARSANILIC ACID	.005-.01 PERCENT		PENICILLIN	10-50 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT	80254	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. .005-.010 PERCENT
	FURAZOLIDONE	.011 PERCENT		ARSANILIC ACID	.005-.010 PERCENT
	OXYTETRACYCLINE	100 GM/TON	80255	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. .005-.010 PERCENT
80296	ARSANILIC ACID	.005-.01 PERCENT		SODIUM ARSANILATE	10-50 GM/TON COMB.
	FURAZOLIDONE	.011 PERCENT		BACITRACIN PLUS	10-50 GM/TON COMB.
	OXYTETRACYCLINE	100 GM/TON		PENICILLIN	.0025-.0075 PERCENT
80298	ARSANILIC ACID	.005-.01 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.0165 PERCENT	80257	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. .00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON		FURAZOLIDONE	.00083 PERCENT
80301	ARSANILIC ACID	.005-.01 PERCENT	80258	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. .0025-.0075 PERCENT
	FURAZOLIDONE	.0165 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	OXYTETRACYCLINE	100 GM/TON		NITROFURAZONE	.0056 PERCENT
80302	ARSANILIC ACID	.005-.01 PERCENT	80259	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. .0025-.0075 PERCENT
	FURAZOLIDONE	.022 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	OXYTETRACYCLINE	50 GM/TON		NITROFURAZONE	.0056 PERCENT
80305	ARSANILIC ACID	.005-.01 PERCENT	80260	BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. .0056 PERCENT
	FURAZOLIDONE	.022 PERCENT		NITROFURAZONE	.0056 PERCENT
	OXYTETRACYCLINE	100 GM/TON	80291	BACITRACIN ROXARSONE	10-50 GM/TON .0025-.0075 PERCENT
80018	BACITRACIN	50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	THYROPROTEIN	200 GM/TON		HYGROMYCIN B	12 GM/TON
80019	BACITRACIN	25 GM/TON		NITROFURAZONE	.0056 PERCENT
	PENICILLIN	25 GM/TON	80309	BACITRACIN ARSANILIC ACID	10-50 GM/TON .005-.01 PERCENT
	THYROPROTEIN	200 GM/TON		BACITRACIN	10-50 GM/TON
80020	BACITRACIN	100 GM/TON	80310	SODIUM ARSANILATE	.005-.01 PERCENT
	THYROPROTEIN	200 GM/TON		BACITRACIN	10-50 GM/TON
80021	BACITRACIN	50 GM/TON	80311	BACITRACIN ROXARSONE	10-50 GM/TON .0025-.0075 PERCENT
	PENICILLIN	50 GM/TON		BACITRACIN	10-50 GM/TON
	THYROPROTEIN	200 GM/TON	80313	ROXARSONE BACITRACIN	.0025-.0075 PERCENT 10-50 GM/TON
80110	BACITRACIN	50 GM/TON		ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON		HYGROMYCIN B	12 GM/TON
80111	BACITRACIN	100 GM/TON		NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT		BACITRACIN	10-50 GM/TON
	HYGROMYCIN B	12 GM/TON		ARSANILIC ACID	.005-.01 PERCENT
80112	BACITRACIN PLUS PENICILLIN	50 GM/TON COMB.		BACITRACIN	10-50 GM/TON
	FURAZOLIDONE	.00083 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON		BACITRACIN	10-50 GM/TON
80113	BACITRACIN PLUS PENICILLIN	100 GM/TON COMB.		ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON		NITROFURAZONE	.0056 PERCENT
80129	BACITRACIN	10-50 GM/TON		BACITRACIN	10-50 GM/TON
	ARSANILIC ACID	.005-.01 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON		FURAZOLIDONE	.00083 PERCENT
				NITROFURAZONE	.0056 PERCENT

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
80248	MANGANESE BACITRACIN PLUS PENICILLIN HYGROMYCIN B	10-50 GM/TON COMB. 12 GM/TON	80275	FURAZOLIDONE HYGROMYCIN B BACITRACIN METHYLENE DISALICYLATE	.00083 PERCENT 12 GM/TON 100 GM/TON
80262	MANGANESE BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB. 10-50 GM/TON	80277	FURAZOLIDONE HYGROMYCIN B BACITRACIN METHYLENE DISALICYLATE PLUS	.00083 PERCENT 12 GM/TON 50 GM/TON COMB. .00083 PERCENT 12 GM/TON
80133	BACITRACIN METHYLENE DISALICYLATE ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT 50-100 GM/TON	80279	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN FURAZOLIDONE HYGROMYCIN B	100 GM/TON COMB. .00083 PERCENT 12 GM/TON 10-50 GM/TON
80144	BACITRACIN METHYLENE DISALICYLATE ARSANILIC ACID HYGROMYCIN B	.005-.01 PERCENT 12 GM/TON 50-100 GM/TON	80281	BACITRACIN METHYLENE DISALICYLATE FURAZOLIDONE HYGROMYCIN B	.00083 PERCENT 12 GM/TON 50-100 GM/TON 10-50 GM/TON
80147	BACITRACIN METHYLENE DISALICYLATE SODIUM ARSANILATE HYGROMYCIN B	.0025-.0075 PERCENT 12 GM/TON 50-100 GM/TON	80143	ZINC BACITRACIN ARSANILIC ACID HYGROMYCIN B	.005-.01 PERCENT 12 GM/TON 50-100 GM/TON
80150	BACITRACIN METHYLENE DISALICYLATE ROXARSONE HYGROMYCIN B	.0025-.0075 PERCENT 12 GM/TON 50-100 GM/TON	80149	ZINC BACITRACIN ROXARSONE HYGROMYCIN B	.0025-.0075 PERCENT 12 GM/TON 50-100 GM/TON
80154	BACITRACIN METHYLENE DISALICYLATE ROXARSONE FURAZOLIDONE HYGROMYCIN B	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON 50-100 GM/TON	80152	ZINC BACITRACIN ROXARSONE FURAZOLIDONE HYGROMYCIN B	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON 50-100 GM/TON
80155	BACITRACIN METHYLENE DISALICYLATE ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT	80153	ZINC BACITRACIN ROXARSONE FURAZOLIDONE HYGROMYCIN B	50-100 GM/TON .0025-.0075 PERCENT .00083 PERCENT 12 GM/TON
80158	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ARSANILIC ACID HYGROMYCIN B	50-100 GM/TON COMB. .005-.01 PERCENT 12 GM/TON	80157	ZINC BACITRACIN PLUS PENICILLIN ARSANILIC ACID HYGROMYCIN B	50-100 GM/TON COMB. .005-.01 PERCENT 12 GM/TON
80161	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN SODIUM ARSANILATE HYGROMYCIN B	50-100 GM/TON COMB. .005-.01 PERCENT 12 GM/TON	80160	ZINC BACITRACIN PLUS PENICILLIN SODIUM ARSANILATE HYGROMYCIN B	50-100 GM/TON COMB. .005-.01 PERCENT 12 GM/TON
80164	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ROXARSONE HYGROMYCIN B	50-100 GM/TON COMB. .0025-.0075 PERCENT 12 GM/TON	80163	ZINC BACITRACIN PLUS PENICILLIN ROXARSONE HYGROMYCIN B	50-100 GM/TON .0025-.0075 PERCENT 12 GM/TON
80168	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE	50-100 GM/TON COMB. .0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT	80166	ZINC BACITRACIN PLUS PENICILLIN ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE	50-100 GM/TON COMB. .0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT
80231	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN HYGROMYCIN B	10-50 GM/TON COMB. 12 GM/TON	80235	ZINC BACITRACIN PLUS PENICILLIN	10-50 GM/TON COMB.
80232	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN PIPERAZINE	10-50 GM/TON COMB. .6 PERCENT	80236	ZINC BACITRACIN PLUS PENICILLIN NICOTINE	.003-.07 PERCENT 3-1.0 PERCENT 10-50 GM/TON
80233	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN SODIUM FLUORIDE	10-50 GM/TON COMB. .5-1 PERCENT	80238	ZINC BACITRACIN NICOTINE SODIUM FLUORIDE SODIUM SULFATE	.03-.07 PERCENT .3 PERCENT 2 PERCENT
80250	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	10-50 GM/TON COMB. 10-50 GM/TON	80241	ZINC BACITRACIN SODIUM FLUORIDE ZINC BACITRACIN	10-50 GM/TON .5-1.0 PERCENT 10-50 GM/TON
80266	BACITRACIN METHYLENE DISALICYLATE PIPERAZINE	.6 PERCENT	80242	ZINC BACITRACIN PIPERAZINE DIHYDROCHLORIDE	10-50 GM/TON .18-.72 PERCENT
80267	BACITRACIN METHYLENE DISALICYLATE SODIUM FLUORIDE	.5-1 PERCENT 50 GM/TON	80243	ZINC BACITRACIN PIPERAZINE PHOSPHATE MONOHYDRATE	10-50 GM/TON .23-.92 PERCENT
80273	BACITRACIN METHYLENE DISALICYLATE	50 GM/TON	80244	ZINC BACITRACIN PIPERAZINE SULFATE	10-50 GM/TON .21-.85 PERCENT
			80245	ZINC BACITRACIN PIPERAZINE MONOHYDROCHLORIDE	10-50 GM/TON .12-.52 PERCENT
			80246	ZINC BACITRACIN BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE	10-50 GM/TON .07 PERCENT .29 PERCENT .12 PERCENT
			80272	ZINC BACITRACIN	50 GM/TON

RULES AND REGULATIONS

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IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON	80204	CHLORTETRACYCLINE	100-200 GM/TON
80276	ZINC BACITRACIN PLUS			FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	50 GM/TON COMB.	80205	CHLORTETRACYCLINE	10-50 GM/TON
	FURAZOLIDONE	.00083 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON		FURAZOLIDONE	.00083 PERCENT
80278	ZINC BACITRACIN PLUS			NITROFURAZONE	.0056 PERCENT
	PENICILLIN	100 GM/TON COMB.	80206	CHLORTETRACYCLINE	50-100 GM/TON
	FURAZOLIDONE	.00083 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON		FURAZOLIDONE	.00083 PERCENT
80280	ZINC BACITRACIN	10-50 GM/TON		NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT	80207	CHLORTETRACYCLINE	100-200 GM/TON
	HYGROMYCIN B	12 GM/TON		ROXARSONE	.0025-.0075 PERCENT
80292	ZINC BACITRACIN	10-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	ROXARSONE	.0025-.0075 PERCENT		NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT	80208	CHLORTETRACYCLINE	10-50 GM/TON
	HYGROMYCIN B	12 GM/TON		ROXARSONE	.0025-.0075 PERCENT
	NITROFURAZONE	.0056 PERCENT		FURAZOLIDONE	.00083 PERCENT
80027	CHLORTETRACYCLINE	100 GM/TON	80209	CHLORTETRACYCLINE	50-100 GM/TON
	OXYTETRACYCLINE	100 GM/TON		ROXARSONE	.0025-.0075 PERCENT
80028	CHLORTETRACYCLINE	100 GM/TON		FURAZOLIDONE	.00083 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT	80210	CHLORTETRACYCLINE	100-200 GM/TON
	OXYTETRACYCLINE	100 GM/TON		ROXARSONE	.0025-.0075 PERCENT
80029	CHLORTETRACYCLINE	100 GM/TON		FURAZOLIDONE	.00083 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT	80211	CHLORTETRACYCLINE	10-50 GM/TON
	OXYTETRACYCLINE	100 GM/TON		HYGROMYCIN B	12 GM/TON
80030	CHLORTETRACYCLINE	100 GM/TON	80212	CHLORTETRACYCLINE	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT		HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	100 GM/TON	80217	CHLORTETRACYCLINE	10-50 GM/TON
80105	CHLORTETRACYCLINE	10-50 GM/TON		ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT	80218	CHLORTETRACYCLINE	50-100 GM/TON
	HYGROMYCIN B	12 GM/TON		ROXARSONE	.0025-.0075 PERCENT
80124	CHLORTETRACYCLINE	10-50 GM/TON	80219	CHLORTETRACYCLINE	100-200 GM/TON
	ARSANILIC ACID	.005-.01 PERCENT		ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON	80220	CHLORTETRACYCLINE	10-50 GM/TON
80029	CHLORTETRACYCLINE	100 GM/TON		PHENOTHIAZINE	.3-1.0 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT	80104	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	100 GM/TON		HYGROMYCIN B	12 GM/TON
80030	CHLORTETRACYCLINE	100 GM/TON	80179	STREPTOMYCIN	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT		FURAZOLIDONE	.011 PERCENT
	OXYTETRACYCLINE	100 GM/TON		OXYTETRACYCLINE	50 GM/TON
80105	CHLORTETRACYCLINE	10-50 GM/TON	80002	HYGROMYCIN B	12 GM/TON
	FURAZOLIDONE	.00083 PERCENT		OXYTETRACYCLINE	50 GM/TON MAXIMUM
	HYGROMYCIN B	12 GM/TON	80035	OXYTETRACYCLINE	10-50 GM/TON
80124	CHLORTETRACYCLINE	10-50 GM/TON		PIPERAZINE	.6 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT	80044	OXYTETRACYCLINE	150 GM/TON
	HYGROMYCIN B	12 GM/TON		PEPSIN	
80125	CHLORTETRACYCLINE	10-50 GM/TON	80036	PENICILLIN	10-50 GM/TON
	SODIUM ARSANILATE	.005-.01 PERCENT		PIPERAZINE	.1-.4 PERCENT
	HYGROMYCIN B	12 GM/TON	80037	PENICILLIN PLUS	
80126	CHLORTETRACYCLINE	10-50 GM/TON		STREPTOMYCIN	10-50 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT		PIPERAZINE	.1-.4 PERCENT
	HYGROMYCIN B	12 GM/TON	80100	PENICILLIN	10-50 GM/TON
80127	CHLORTETRACYCLINE	10-50 GM/TON		HYGROMYCIN B	12 GM/TON
	ROXARSONE	.0025-.0075 PERCENT	80102	PENICILLIN PLUS	
	FURAZOLIDONE	.00083 PERCENT		STREPTOMYCIN	10-50 GM/TON COMB.
	HYGROMYCIN B	12 GM/TON		HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT	80103	PENICILLIN	10-50 GM/TON
80190	CHLORTETRACYCLINE	10-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT		HYGROMYCIN B	12 GM/TON
80191	CHLORTETRACYCLINE	10-50 GM/TON	80107	PENICILLIN PLUS	
	PIPERAZINE PHOSPHATE	.23-.92 PERCENT		STREPTOMYCIN	10-50 GM/TON COMB.
80192	CHLORTETRACYCLINE	10-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	PIPERAZINE PHOSPHATE	.21-.85 PERCENT		HYGROMYCIN B	12 GM/TON
80193	CHLORTETRACYCLINE	10-50 GM/TON	80108	PENICILLIN PLUS	
	SODIUM ARSANILATE	.005-.01 PERCENT		STREPTOMYCIN	45-90 GM/TON COMB.
80194	CHLORTETRACYCLINE	50-100 GM/TON		FURAZOLIDONE	.00083 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT		HYGROMYCIN B	12 GM/TON
80195	CHLORTETRACYCLINE	100-200 GM/TON	80109	PENICILLIN PLUS	
	SODIUM ARSANILATE	.005-.01 PERCENT		STREPTOMYCIN	90-270 GM/TON COMB.
80197	CHLORTETRACYCLINE	10-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT		HYGROMYCIN B	12 GM/TON
80198	CHLORTETRACYCLINE	50-100 GM/TON	80114	PENICILLIN	10-50 GM/TON
	ARSANILIC ACID	.005-.01 PERCENT		ARSANILIC ACID	.005-.01 PERCENT
80199	CHLORTETRACYCLINE	100-200 GM/TON		HYGROMYCIN B	12 GM/TON
	ARSANILIC ACID	.005-.01 PERCENT	80115	PENICILLIN	10-50 GM/TON
80202	CHLORTETRACYCLINE	10-50 GM/TON		SODIUM ARSANILATE	.005-.01 PERCENT
	FURAZOLIDONE	.00083 PERCENT		HYGROMYCIN B	12 GM/TON
80203	CHLORTETRACYCLINE	50-100 GM/TON	80117	PENICILLIN	10-50 GM/TON

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
80118	ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE PENICILLIN ROXARSONE	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT 10-50 GM/TON .0025-.0075 PERCENT	80123	ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE STREPTOMYCIN	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT 10-50 GM/TON
80134	ROXARSONE HYGROMYCIN B PENICILLIN PLUS STREPTOMYCIN	.0025-.0075 PERCENT 12 GM/TON 45-90 GM/TON COMB. .005-.01 PERCENT	80178	ROXARSONE FURAZOLIDONE OXYTETRACYCLINE	.0025-.0075 PERCENT .011 PERCENT 50 GM/TON
80135	ARSANILIC ACID HYGROMYCIN B PENICILLIN PLUS STREPTOMYCIN	.005-.01 PERCENT 12 GM/TON 45-90 GM/TON COMB. .0025-.0075 PERCENT	80183	ROXARSONE FURAZOLIDONE OXYTETRACYCLINE	.0025-.0075 PERCENT .0165 PERCENT 50 GM/TON
80137	ROXARSONE HYGROMYCIN B PENICILLIN PLUS STREPTOMYCIN	45-90 GM/TON COMB. .0025-.0075 PERCENT .00083 PERCENT 12 GM/TON	80187	ROXARSONE FURAZOLIDONE OXYTETRACYCLINE	.0025-.0075 PERCENT .022 PERCENT 50 GM/TON
80138	ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE PENICILLIN PLUS STREPTOMYCIN	45-90 GM/TON COMB. .0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT	80300	ROXARSONE FURAZOLIDONE OXYTETRACYCLINE	.0025-.0075 PERCENT .0165 PERCENT 100 GM/TON
80139	ARSANILIC ACID HYGROMYCIN B PENICILLIN PLUS STREPTOMYCIN	.005-.01 PERCENT 12 GM/TON 90-270 GM/TON COMB. .005-.01 PERCENT	80304	ROXARSONE FURAZOLIDONE OXYTETRACYCLINE	.0025-.0075 PERCENT .022 PERCENT 100 GM/TON
80141	SODIUM ARSANILATE HYGROMYCIN B PENICILLIN PLUS STREPTOMYCIN	90-270 GM/TON COMB. .005-.01 PERCENT 12 GM/TON 90-270 GM/TON COMB. .0025-.0075 PERCENT	80318	ROXARSONE SODIUM ARSANILATE FURAZOLIDONE OXYTETRACYCLINE	.0025-.0075 PERCENT .005-.01 PERCENT .011 PERCENT 100 GM/TON
80142	ROXARSONE FURAZOLIDONE HYGROMYCIN B NITROFURAZONE PENICILLIN PLUS STREPTOMYCIN	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON .0056 PERCENT 90-270 GM/TON COMB. .0025-.0075 PERCENT	80008	SODIUM ARSANILATE HYGROMYCIN B OXYTETRACYCLINE	.005-.01 PERCENT 12 GM/TON 50 GM/TON MAXIMUM
80005	ROXARSONE FURAZOLIDONE HYGROMYCIN B	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON	80033	SODIUM ARSANILATE OXYTETRACYCLINE	.005-.01 PERCENT 150 GM/TON
80006	ROXARSONE FURAZOLIDONE HYGROMYCIN B	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON	80046	NITROFURAZONE SODIUM ARSANILATE OXYTETRACYCLINE	.0056 PERCENT .005-.01 PERCENT 150 GM/TON
80009	ROXARSONE HYGROMYCIN B OXYTETRACYCLINE	.0025-.0075 PERCENT 12 GM/TON 50 GM/TON MAXIMUM	80049	PEPSIN SODIUM ARSANILATE OXYTETRACYCLINE	.005-.01 PERCENT 150 GM/TON .005-.01 PERCENT
80047	ROXARSONE OXYTETRACYCLINE	.005-.01 PERCENT 150 GM/TON	80088	SODIUM ARSANILATE HYGROMYCIN B OXYTETRACYCLINE	.005-.01 PERCENT 12 GM/TON 100 GM/TON
80050	ROXARSONE OXYTETRACYCLINE	.0025-.0075 PERCENT 150 GM/TON	80089	SODIUM ARSANILATE HYGROMYCIN B	.005-.01 PERCENT 12 GM/TON
80077	ROXARSONE FURAZOLIDONE HYGROMYCIN B OXYTETRACYCLINE	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON 50 GM/TON MAXIMUM	80090	SODIUM ARSANILATE HYGROMYCIN B OXYTETRACYCLINE	.005-.01 PERCENT 12 GM/TON 500 GM/TON
80085	NITROFURAZONE ROXARSONE HYGROMYCIN B OXYTETRACYCLINE	.0056 PERCENT .0025-.0075 PERCENT 12 GM/TON 50-150 GM/TON	80295	SODIUM ARSANILATE FURAZOLIDONE OXYTETRACYCLINE	.005-.01 PERCENT .011 PERCENT 50 GM/TON
80086	ROXARSONE HYGROMYCIN B OXYTETRACYCLINE	.0025-.0075 PERCENT 12 GM/TON 500 GM/TON	80299	SODIUM ARSANILATE FURAZOLIDONE OXYTETRACYCLINE	.005-.01 PERCENT .0165 PERCENT 50 GM/TON
80096	ROXARSONE FURAZOLIDONE HYGROMYCIN B OXYTETRACYCLINE	.0025-.0075 PERCENT .00083 PERCENT 12 GM/TON 50-150 GM/TON	80303	SODIUM ARSANILATE FURAZOLIDONE OXYTETRACYCLINE	.005-.01 PERCENT .022 PERCENT 50 GM/TON
80098	NITROFURAZONE ROXARSONE FURAZOLIDONE HYGROMYCIN B OXYTETRACYCLINE	.0056 PERCENT .0025-.0075 PERCENT .00083 PERCENT 12 GM/TON 500 GM/TON			
80120	NITROFURAZONE ROXARSONE HYGROMYCIN B STREPTOMYCIN	.0056 PERCENT .0025-.0075 PERCENT 12 GM/TON 10-50 GM/TON			

SPECIES: TURKEY

84185	ACETYLAMINO-NITROTHIAZOLE STREPTOMYCIN	.015 PERCENT 30-50 GM/TON
84174	AMPROLIUM MANGANESE BACITRACIN PLUS	.0125-.025 PERCENT 3.6-50 GM/TON COMB.
84213	PENICILLIN AMPROLIUM STREPTOMYCIN	.0125-.025 PERCENT 30-50 GM/TON .0125-.025 PERCENT
84214	AMPROLIUM PENICILLIN PLUS STREPTOMYCIN	.0125-.025 PERCENT 14.4-50 GM/TON COMB. .0125-.025 PERCENT
84215	AMPROLIUM BACITRACIN	.0125-.025 PERCENT 4-50 GM/TON
84216	AMPROLIUM BACITRACIN PLUS PENICILLIN	.0125-.025 PERCENT 3.6-50 GM/TON COMB. .005-.010 PERCENT
84003	ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE PLUS	.005-.010 PERCENT 50-100 GM/TON COMB.
84010	PENICILLIN ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE	.005-.010 PERCENT 50-100 GM/TON

RULES AND REGULATIONS

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IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
84039	ARSANILIC ACID BACITRACIN	.005-.010 PERCENT 4-50 GM/TON		PENICILLIN ACETYLAMINO-NITROTHIAZOLE	3.6-50 GM/TON COMB. .015 PERCENT
84084	ACETYLAMINO-NITROTHIAZOLE ARSANILIC ACID BACITRACIN	.015 PERCENT .005-.010 PERCENT 100-500 GM/TON	84175	MANGANESE BACITRACIN NYSTATIN	4-50 GM/TON 50 GM/TON
84090	ARSANILIC ACID BACITRACIN PLUS PENICILLIN	.005-.010 PERCENT 100-500 GM/TON COMB. .005-.010 PERCENT	84176	MANGANESE BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 50 GM/TON 4-50 GM/TON
84146	ARSANILIC ACID BACITRACIN PLUS PENICILLIN	.005-.010 PERCENT 3.6-50 GM/TON COMB. 4-50 GM/TON	84177	MANGANESE BACITRACIN NYSTATIN	100 GM/TON
84153	ARSANILIC ACID BACITRACIN	.005-.010 PERCENT 4-50 GM/TON	84178	MANGANESE BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 100 GM/TON
84160	ARSANILIC ACID BACITRACIN	.005-.010 PERCENT 50-100 GM/TON	84406	BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. 50 GM/TON
84166	ARSANILIC ACID BACITRACIN PLUS PENICILLIN	.005-.010 PERCENT 50-100 GM/TON COMB. 200 GM/TON	84407	PENICILLIN NYSTATIN BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON 50 GM/TON
84265	ARSANILIC ACID OXYTETRACYCLINE	.005-.01 PERCENT 200 GM/TON	84408	NYSTATIN BACITRACIN METHYLENE DISALICYLATE PLUS	50 GM/TON
84276	ARSANILIC ACID AMINO NITROTHIAZOLE OXYTETRACYCLINE	.005-.01 PERCENT .05-10 PERCENT 200 GM/TON	84409	PENICILLIN BACITRACIN METHYLENE DISALICYLATE	3.6-50 GM/TON COMB. 4-50 GM/TON
84343	ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 100-200 GM/TON COMB. .005-.01 PERCENT 100-200 GM/TON	85105	NYSTATIN BACITRACIN METHYLENE DISALICYLATE PLUS	100 GM/TON
84350	ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE	.005-.01 PERCENT 100-200 GM/TON	85107	PENICILLIN ACETYLAMINO-NITROTHIAZOLE BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. .015 PERCENT
84410	ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT	85108	ACETYLAMINO-NITROTHIAZOLE BACITRACIN METHYLENE DISALICYLATE	3.6-50 GM/TON COMB. .05 PERCENT 4-50 GM/TON
84424	ACETYLAMINO-NITROTHIAZOLE ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB. .05 PERCENT	84616	ACETYLAMINO-NITROTHIAZOLE ZINC BACITRACIN PLUS PENICILLIN NYSTATIN	.05 PERCENT 3.6-50 GM/TON COMB. 50 GM/TON
84431	ACETYLAMINO-NITROTHIAZOLE ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE	.005-.01 PERCENT 4-50 GM/TON	84617	ZINC BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 100 GM/TON
84448	ACETYLAMINO-NITROTHIAZOLE ARSANILIC ACID BACITRACIN METHYLENE DISALICYLATE	.05 PERCENT .005-.01 PERCENT 4-50 GM/TON	84744	ZINC BACITRACIN NYSTATIN	4-50 GM/TON 100 GM/TON
84542	ARSANILIC ACID CHLORTETRACYCLINE	.005-.01 PERCENT 10-50 GM/TON	84746	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .05 PERCENT
84543	ARSANILIC ACID CHLORTETRACYCLINE	.005-.01 PERCENT 50-100 GM/TON	85073	ACETYLAMINO-NITROTHIAZOLE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .015 PERCENT
84544	ARSANILIC ACID CHLORTETRACYCLINE	.005-.01 PERCENT 100-200 GM/TON	84388	ACETYLAMINO-NITROTHIAZOLE BUTYNORATE PHENOTHIAZINE	.07 PERCENT .29 PERCENT
84581	ARSANILIC ACID ZINC BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB. .005-.01 PERCENT	84400	PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE	.12 PERCENT 4-50 GM/TON
84618	ARSANILIC ACID ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .015 PERCENT	84465	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE PLUS	.07 PERCENT .29 PERCENT .12 PERCENT
84756	ACETYLAMINO-NITROTHIAZOLE ARSANILIC ACID ZINC BACITRACIN	.005-.010 PERCENT 4-50 GM/TON	84782	PENICILLIN BUTYNORATE ZINC BACITRACIN PLUS PENICILLIN DINITRODIPHENYLSULFONYLETHYLENE DIAMINE SULFANITRAN	3.6-50 GM/TON COMB. .02 PERCENT
85077	ARSANILIC ACID ZINC BACITRACIN PLUS PENICILLIN	.005-.010 PERCENT 3.6-50 GM/TON COMB. .05 PERCENT		BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE ZINC BACITRACIN PLUS PENICILLIN	.03 PERCENT .07 PERCENT .29 PERCENT .12 PERCENT
84038	ACETYLAMINO-NITROTHIAZOLE BACITRACIN	.015 PERCENT 4-50 GM/TON	84191	CHLORTETRACYCLINE ACETYLAMINO-NITROTHIAZOLE	3.6-50 GM/TON COMB 10-50 GM/TON
84069	ACETYLAMINO-NITROTHIAZOLE BACITRACIN NYSTATIN	.015 PERCENT 4-50 GM/TON 50 GM/TON	84534	CHLORTETRACYCLINE NYSTATIN	.015 PERCENT 50 GM/TON
84070	BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 50 GM/TON 4-50 GM/TON	84535	CHLORTETRACYCLINE NYSTATIN	10-50 GM/TON 100 GM/TON
84071	BACITRACIN NYSTATIN	4-50 GM/TON 100 GM/TON	85139	CHLORTETRACYCLINE	10-50 GM/TON
84072	BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 100 GM/TON			
84193	BACITRACIN PLUS				

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
84496	ACETYLAMINO-NITROTHIAZOLE DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN	.10 PERCENT .0023-.007 PERCENT .00083 PERCENT 4-50 GM/TON	84267	OXYTETRACYCLINE FURAZOLIDONE	50 GM/TON .00083 PERCENT
84522	DIENESTROL DIACETATE CHLORTETRACYCLINE	.0023-.007 PERCENT 10-50 GM/TON	84272	OXYTETRACYCLINE FURAZOLIDONE	200 GM/TON .022 PERCENT
84523	DIENESTROL DIACETATE CHLORTETRACYCLINE	.0023-.007 PERCENT 50-100 GM/TON	84301	SODIUM ARSANILATE OXYTETRACYCLINE	.005-.01 PERCENT 200 GM/TON
84524	DIENESTROL DIACETATE CHLORTETRACYCLINE	.0023-.007 PERCENT 100-200 GM/TON	84307	FURAZOLIDONE SODIUM ARSANILATE OXYTETRACYCLINE	.011 PERCENT .005-.01 PERCENT 200 GM/TON
85134	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0023-.007 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .0023-.007 PERCENT	84346	FURAZOLIDONE SODIUM ARSANILATE OXYTETRACYCLINE FURAZOLIDONE	.005-.01 PERCENT 200 GM/TON .00083 PERCENT
85135	DIENESTROL DIACETATE FURAZOLIDONE CHLORTETRACYCLINE	.0023-.007 PERCENT .00083 PERCENT 10-50 GM/TON	84353	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-200 GM/TON COMB. .00083 PERCENT 100-200 GM/TON
85136	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN	.0023-.007 PERCENT .00083 PERCENT 2.4-50 GM/TON	84413	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.00083 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
85203	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN	.0023-.007 PERCENT .011 PERCENT 4-50 GM/TON	84451	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.00083 PERCENT 4-50 GM/TON .00083 PERCENT
85204	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0023-.007 PERCENT .011 PERCENT 3.6-50 GM/TON COMB. .0023-.007 PERCENT	84458	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.00083 PERCENT 3.6-50 GM/TON COMB. .00083 PERCENT
85205	DIENESTROL DIACETATE FURAZOLIDONE CHLORTETRACYCLINE	.0023-.007 PERCENT .011 PERCENT 10-50 GM/TON	84499	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	50 GM/TON COMB. .00083 PERCENT 100 GM/TON
85206	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN	.0023-.007 PERCENT .011 PERCENT 4-50 GM/TON	84503	FURAZOLIDONE CHLORTETRACYCLINE	100 GM/TON COMB. .00083 PERCENT
85207	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0023-.007 PERCENT .011 PERCENT 14.4-50 GM/TON COMB. .0023-.007 PERCENT	84505	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	100 GM/TON COMB. .00083 PERCENT 4-50 GM/TON
85208	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN	.0023-.007 PERCENT .022 PERCENT 4-50 GM/TON	84510	FURAZOLIDONE BACITRACIN	.00083 PERCENT 4-50 GM/TON
85209	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0023-.007 PERCENT .022 PERCENT 3.6-50 GM/TON COMB. .0023-.007 PERCENT	84511	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.00083 PERCENT 3.6-50 GM/TON COMB. .00083 PERCENT
85210	DIENESTROL DIACETATE FURAZOLIDONE CHLORTETRACYCLINE	.0023-.007 PERCENT .022 PERCENT 10-50 GM/TON	84512	FURAZOLIDONE CHLORTETRACYCLINE	10-50 GM/TON .00083 PERCENT
85211	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN	.0023-.007 PERCENT .022 PERCENT 2.4-50 GM/TON	84513	FURAZOLIDONE PENICILLIN	2.4-50 GM/TON .00083 PERCENT
85212	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0023-.007 PERCENT .022 PERCENT 14.4-50 GM/TON COMB. .0023-.007 PERCENT	84584	FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .00083 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
85213	DIENESTROL DIACETATE FURAZOLIDONE BACITRACIN	.0023-.007 PERCENT .0055 PERCENT 4-50 GM/TON	84621	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE ZINC BACITRACIN	.00083 PERCENT 4-50 GM/TON .00083 PERCENT
85215	DIENESTROL DIACETATE FURAZOLIDONE CHLORTETRACYCLINE	.0023-.007 PERCENT .0055 PERCENT 10-50 GM/TON	84759	FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .05 PERCENT .00083 PERCENT
85216	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN	.0023-.007 PERCENT .0055 PERCENT 2.4-50 GM/TON	85080	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE ZINC BACITRACIN	100 GM/TON .00083 PERCENT 100 GM/TON
85217	DIENESTROL DIACETATE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0023-.007 PERCENT .0055 PERCENT 14.4-50 GM/TON COMB. .00083 PERCENT	85140	FURAZOLIDONE ZINC BACITRACIN	100 GM/TON .00083 PERCENT
84013	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	50-100 GM/TON COMB. .00083 PERCENT 4-50 GM/TON	85143	FURAZOLIDONE PENICILLIN	200 GM/TON .00083 PERCENT
84042	FURAZOLIDONE BACITRACIN ACETYLAMINO-NITROTHIAZOLE	.00083 PERCENT 4-50 GM/TON .015 PERCENT	85156	FURAZOLIDONE CHLORTETRACYCLINE FURAZOLIDONE	200 GM/TON COMB. .022 PERCENT 200 GM/TON COMB. .0055 PERCENT
84087	FURAZOLIDONE BACITRACIN	.00083 PERCENT 100-500 GM/TON	85158	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE FURAZOLIDONE	200 GM/TON COMB. .022 PERCENT 200 GM/TON COMB. .00083 PERCENT
84169	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.00083 PERCENT 50-100 GM/TON COMB.	85194	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0055 PERCENT
84204	FURAZOLIDONE	.00083 PERCENT	85199	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0055 PERCENT
			85202	FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
85222	FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN ACETYLAMINO-NITROTHIAZOLE	.00083 PERCENT 14.4-50 GM/TON COMB. .015-.05 PERCENT		SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
85224	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.00083 PERCENT 100-500 GM/TON COMB. .011 PERCENT	84066	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
84442	NIHYDRAZONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB. .01875 PERCENT		2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .0056 PERCENT
84022	NITARSONE ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0125-.04 PERCENT 4-50 GM/TON	84088	NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .0056 PERCENT
84049	NITHIAZIDE BACITRACIN	.0125-.04 PERCENT 50 GM/TON	84094	NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .0056 PERCENT
84050	NITHIAZIDE BACITRACIN PLUS PENICILLIN	.0125-.04 PERCENT 3.6-50 GM/TON COMB. .0125-.04 PERCENT	84088	NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .0056 PERCENT
84257	NITHIAZIDE OXYTETRACYCLINE	.0125-.04 PERCENT 50 GM/TON	84094	NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .0056 PERCENT
84258	NITHIAZIDE PENICILLIN	.0125-.04 PERCENT 2.4-50 GM/TON	84112	NITROFURAZONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .00112 PERCENT
84440	NITHIAZIDE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0125-.04 PERCENT 3.6-50 GM/TON COMB. .0125-.04 PERCENT	84113	NITROFURAZONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .00112 PERCENT
84445	NITHIAZIDE BACITRACIN METHYLENE DISALICYLATE	.0125-.04 PERCENT 4-50 GM/TON	84114	NITROFURAZONE FURAZOLIDONE BACITRACIN	.0056 PERCENT .00083 PERCENT 4-50 GM/TON
84514	NITHIAZIDE FURAZOLIDONE BACITRACIN	.0125-.04 PERCENT .00083 PERCENT 4-50 GM/TON	84116	NITROFURAZONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .0056 PERCENT
84533	NITHIAZIDE CHLORTETRACYCLINE	.0125-.04 PERCENT 10-50 GM/TON	84159	NITROFURAZONE FURAZOLIDONE BACITRACIN	.0056 PERCENT .00083 PERCENT 4-50 GM/TON
84628	NITHIAZIDE ZINC BACITRACIN PLUS PENICILLIN	.0125-.04 PERCENT 3.6-50 GM/TON COMB. .0125-.04 PERCENT	84164	NITROFURAZONE FURAZOLIDONE BACITRACIN	.0056 PERCENT .00083 PERCENT 4-50 GM/TON
84738	NITHIAZIDE ZINC BACITRACIN	.0125-.04 PERCENT 4-50 GM/TON	84230	NITROFURAZONE FURAZOLIDONE BACITRACIN	.0056 PERCENT .00083 PERCENT 50-100 GM/TON
85125	NITHIAZIDE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0125-.04 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .0125-.04 PERCENT	84232	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT 50 GM/TON .0056 PERCENT .00083 PERCENT
85126	NITHIAZIDE FURAZOLIDONE CHLORTETRACYCLINE	.0125-.04 PERCENT .00083 PERCENT 10-50 GM/TON	84234	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE NITROFURAZONE FURAZOLIDONE	50 GM/TON COMB. .0056 PERCENT .00083 PERCENT 100 GM/TON
85127	NITHIAZIDE FURAZOLIDONE PENICILLIN	.0125-.04 PERCENT .00083 PERCENT 10-50 GM/TON	84235	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE NITROFURAZONE FURAZOLIDONE	50 GM/TON COMB. .0056 PERCENT .00083 PERCENT 100 GM/TON
85128	NITHIAZIDE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0125-.04 PERCENT .00083 PERCENT 10-50 GM/TON 14.4-50 GM/TON COMB.	84236	OXYTETRACYCLINE NITROFURAZONE FURAZOLIDONE	100 GM/TON COMB. .0056 PERCENT .00083 PERCENT
84007	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 50-100 GM/TON COMB. .0056 PERCENT	84237	NITROFURAZONE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0056 PERCENT .00083 PERCENT 90-180 GM/TON COMB. .0056 PERCENT
84014	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .00083 PERCENT 50-100 GM/TON	84241	NITROFURAZONE FURAZOLIDONE OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 200 GM/TON
84056	NITROFURAZONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN	.0056 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON	84242	NITROFURAZONE FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.0056 PERCENT .00083 PERCENT 200 GM/TON COMB. .0056 PERCENT
84058	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN	.003-.006 PERCENT .0056 PERCENT .0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON	84244	NITROFURAZONE FURAZOLIDONE ZINC BACITRACIN NITROFURAZONE FURAZOLIDONE BACITRACIN	.003-.006 PERCENT .0056 PERCENT .00083 PERCENT 100 GM/TON .0056 PERCENT .00083 PERCENT 100 GM/TON
84064	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE	.003-.006 PERCENT .0056 PERCENT	84246	NITROFURAZONE FURAZOLIDONE BACITRACIN NITROFURAZONE FURAZOLIDONE BACITRACIN	.0056 PERCENT .00083 PERCENT 100 GM/TON .0056 PERCENT .00083 PERCENT 100 GM/TON
			84247	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .00083 PERCENT 100 GM/TON

IDENTIFICATION	DRUG	DOSAGE **	IDENTIFICATION	DRUG	DOSAGE
84249	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT		ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0056 PERCENT
84250	PENICILLIN NITROFURAZONE FURAZOLIDONE	100 GM/TON .0056 PERCENT .00083 PERCENT	84594	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT
84252	ZINC BACITRACIN PLUS PENICILLIN	100 GM/TON COMB. .0056 PERCENT	84623	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT
84280	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT	84640	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .0056 PERCENT
84296	BACITRACIN PLUS PENICILLIN	100 GM/TON COMB. .0056 PERCENT	84642	ACETYLAMINO-NITROTHIAZOLE NITROFURAZONE	.015 PERCENT .0056 PERCENT
84298	NITROFURAZONE ROXARSONE	.0056 PERCENT .0025-.005 PERCENT	84678	FURAZOLIDONE ACETYLAMINO-NITROTHIAZOLE	.00083 PERCENT .05 PERCENT
84322	AMINO NITROTHIAZOLE OXYTETRACYCLINE	.05-.1 PERCENT 200 GM/TON	84691	STREPTOMYCIN NITROFURAZONE	30-50 GM/TON .0056 PERCENT
84347	SULFAQUINOXALINE FURAZOLIDONE	.0075 PERCENT .00083 PERCENT	84761	ROXARSONE FURAZOLIDONE	.0025-.005 PERCENT .00083 PERCENT
84354	OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	50 GM/TON .00075 PERCENT	85012	ACETYLAMINO-NITROTHIAZOLE STREPTOMYCIN	.05 PERCENT 30-50 GM/TON
84365	NITROFURAZONE NITROPHENIDE	.0056 PERCENT .05 PERCENT	85013	NITROFURAZONE BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB. .0056 PERCENT .00083 PERCENT
84375	FURAZOLIDONE OXYTETRACYCLINE	.00083 PERCENT 200 GM/TON	85071	PENICILLIN NITROFURAZONE	3.6-50 GM/TON COMB. .0056 PERCENT
84414	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT	85106	FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS	.0056 PERCENT .0025-.005 PERCENT .00083 PERCENT
84416	BACITRACIN METHYLENE DISALICYLATE PLUS	100-200 GM/TON COMB. .0056 PERCENT	84323	PENICILLIN NITROFURAZONE	100-200 GM/TON .0056 PERCENT
84489	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT	84335	SULFAQUINOXALINE FURAZOLIDONE	.0075 PERCENT .00083 PERCENT
84551	BACITRACIN METHYLENE DISALICYLATE PLUS	100-200 GM/TON COMB. .0056 PERCENT	84370	BACITRACIN PLUS PENICILLIN	100-500 GM/TON .00075 PERCENT
84552	ACETYLAMINO-NITROTHIAZOLE NITROFURAZONE	.015 PERCENT .0056 PERCENT	84371	2,4-DIAMINO-5-(PARA- CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84553	NITROFURAZONE FURAZOLIDONE	.0056 PERCENT .00083 PERCENT	84406	NITROPHENIDE BACITRACIN	.0125-.025 PERCENT 4-50 GM/TON
84593	CHLORTETRACYCLINE NITROFURAZONE	50-100 GM/TON .0056 PERCENT	84488	NITROPHENIDE ROXARSONE	.0125-.05 PERCENT .0025-.005 PERCENT
			84498	FURAZOLIDONE OXYTETRACYCLINE	.00083 PERCENT 200 GM/TON
			84590	NITROPHENIDE AMINO NITROTHIAZOLE	.0125-.025 PERCENT .05-.10 PERCENT
			84591	OXYTETRACYCLINE NITROPHENIDE	200 GM/TON .0125-.025 PERCENT
				BACITRACIN METHYLENE DISALICYLATE PLUS	4-50 GM/TON
				NITROPHENIDE BACITRACIN METHYLENE DISALICYLATE PLUS	.0125-.025 PERCENT 3.6-50 GM/TON COMB. .05 PERCENT
				PENICILLIN NITROPHENIDE	3.6-50 GM/TON COMB. .0125-.025 PERCENT
				PENICILLIN NITROPHENIDE	2.4-50 GM/TON .0125-.025 PERCENT
				STREPTOMYCIN NITROPHENIDE	14.4-50 GM/TON COMB. .0125-.025 PERCENT
				ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB. .05 PERCENT
				NITROPHENIDE ZINC BACITRACIN PLUS	.0125-.025 PERCENT 3.6-50 GM/TON COMB. .05 PERCENT

RULES AND REGULATIONS

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IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
85019	PENICILLIN NITROPHENIDE ZINC BACITRACIN	3.6-50 GM/TON COMB. .0125-.025 PERCENT 4-50 GM/TON	84606	PENICILLIN PIPERAZINE MONOHYDROCHLORIDE ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB. .13-.52 PERCENT
85020	NITROPHENIDE ZINC BACITRACIN	.05 PERCENT 4-50 GM/TON	84793	PENICILLIN PIPERAZINE MONOHYDROCHLORIDE ZINC BACITRACIN	3.6-50 GM/TON COMB. .13-.52 PERCENT 4-50 GM/TON
84188	NYSTATIN PENICILLIN	50-100 GM/TON 2.4-50 GM/TON	84126	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN	.18-.72 PERCENT 4-50 GM/TON
84189	NYSTATIN STREPTOMYCIN	50-100 GM/TON 30-50 GM/TON	84136	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN PLUS	.23-.92 PERCENT
84118	PHENOTHIAZINE BACITRACIN NICOTINE	.3-1 PERCENT 4-50 GM/TON .03-.07 PERCENT	84397	PENICILLIN PIPERAZINE PHOSPHATE MONOHYDRATE	3.6-50 GM/TON COMB. .23-.92 PERCENT
84119	PHENOTHIAZINE BACITRACIN	.3-1 PERCENT 4-50 GM/TON	84569	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB. .23-.92 PERCENT
84128	PHENOTHIAZINE BACITRACIN PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	84604	PIPERAZINE PHOSPHATE MONOHYDRATE CHLORTETRACYCLINE PIPERAZINE PHOSPHATE MONOHYDRATE	10-50 GM/TON .23-.92 PERCENT
84129	PHENOTHIAZINE BACITRACIN PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	84669	ZINC BACITRACIN PLUS PENICILLIN PIPERAZINE PHOSPHATE MONOHYDRATE	3.6-50 GM/TON COMB. .23-.92 PERCENT
84377	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE NICOTINE	.3-1 PERCENT 4-50 GM/TON .03-.07 PERCENT .3-1 PERCENT	84791	BACITRACIN METHYLENE DISALICYLATE PIPERAZINE PHOSPHATE MONOHYDRATE	4-50 GM/TON .23-.92 PERCENT
84378	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE	.3-1 PERCENT 4-50 GM/TON	84137	ZINC BACITRACIN PIPERAZINE SULFATE BACITRACIN PLUS PENICILLIN	4-50 GM/TON .21-.85 PERCENT
84389	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	84386	BACITRACIN PLUS PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE	3.6-50 GM/TON COMB. .21-.85 PERCENT 4-50 GM/TON
84390	PHENOTHIAZINE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.3-1 PERCENT 3.6-50 GM/TON COMB. .3-1 PERCENT	84398	PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.21-.85 PERCENT 3.6-50 GM/TON COMB. .21-.85 PERCENT
84596	PHENOTHIAZINE ZINC BACITRACIN PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	84570	PIPERAZINE SULFATE CHLORTETRACYCLINE PIPERAZINE SULFATE ZINC BACITRACIN PLUS PENICILLIN	10-50 GM/TON .21-.85 PERCENT
84597	PHENOTHIAZINE ZINC BACITRACIN PLUS PENICILLIN NICOTINE	.3-1 PERCENT 3.6-50 GM/TON COMB. .03-.07 PERCENT .3-1 PERCENT	84605	PIPERAZINE SULFATE ZINC BACITRACIN PLUS PENICILLIN PIPERAZINE SULFATE	3.6-50 GM/TON COMB. .21-.85 PERCENT 4-50 GM/TON .015 PERCENT
84796	PENICILLIN PHENOTHIAZINE ZINC BACITRACIN	3.6-50 GM/TON COMB. .3-1 PERCENT 4-50 GM/TON	84792	PIPERAZINE SULFATE ZINC BACITRACIN PENICILLIN ACETYLAMINO-NITROTHIAZOLE PENICILLIN PLUS	3.6-50 GM/TON COMB. .21-.85 PERCENT 4-50 GM/TON 2.4-50 GM/TON .015 PERCENT
84127	PIPERAZINE BACITRACIN	.21-.85 PERCENT 4-50 GM/TON	84183	STREPTOMYCIN ACETYLAMINO-NITROTHIAZOLE PENICILLIN PLUS	14.4-50 GM/TON COMB. .015 PERCENT
84341	PIPERAZINE OXYTETRACYCLINE	.1-.4 PERCENT 10-50 GM/TON	84184	STREPTOMYCIN ACETYLAMINO-NITROTHIAZOLE PENICILLIN PLUS	14.4-50 GM/TON COMB. .05 PERCENT
84342	PIPERAZINE PENICILLIN	.1-.4 PERCENT 2.4-50 GM/TON	84187	STREPTOMYCIN ACETYLAMINO-NITROTHIAZOLE RESERPINE	14.4-50 GM/TON COMB. .05 PERCENT .0001 PERCENT
84125	PIPERAZINE DIHYDROCHLORIDE BACITRACIN	.18-.72 PERCENT 4-50 GM/TON	84179	BACITRACIN RESERPINE MANGANESE BACITRACIN RESERPINE	4-50 GM/TON .0001 PERCENT 4-50 GM/TON .0001 PERCENT
84135	PIPERAZINE DIHYDROCHLORIDE BACITRACIN PLUS PENICILLIN	.18-.72 PERCENT 3.6-50 GM/TON COMB. .18-.72 PERCENT	84180	MANGANESE BACITRACIN PLUS PENICILLIN RESERPINE	3.6-50 GM/TON COMB. .0002 PERCENT 4-50 GM/TON
84384	PIPERAZINE DIHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE	.18-.72 PERCENT 4-50 GM/TON	84481	RESERPINE PENICILLIN RESERPINE	.0001 PERCENT 2.4-50 GM/TON .00002-.0001 PERCENT
84396	PIPERAZINE DIHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.18-.72 PERCENT 3.6-50 GM/TON COMB. .18-.72 PERCENT	84536	CHLORTETRACYCLINE RESERPINE CHLORTETRACYCLINE	10-50 GM/TON .00002-.0001 PERCENT 50-100 GM/TON
84568	PIPERAZINE DIHYDROCHLORIDE CHLORTETRACYCLINE	.18-.72 PERCENT 10-50 GM/TON	84537	RESERPINE CHLORTETRACYCLINE	100-200 GM/TON .00002-.0001 PERCENT
84603	PIPERAZINE DIHYDROCHLORIDE ZINC BACITRACIN PLUS PENICILLIN	.18-.72 PERCENT 3.6-50 GM/TON COMB. .18-.72 PERCENT	84538	RESERPINE CHLORTETRACYCLINE	100-200 GM/TON .00002-.0001 PERCENT
84790	PIPERAZINE DIHYDROCHLORIDE ZINC BACITRACIN	.18-.72 PERCENT 4-50 GM/TON	84633	RESERPINE ZINC BACITRACIN RESERPINE	100-200 GM/TON 4-50 GM/TON .0001 PERCENT
84138	PIPERAZINE MONOHYDROCHLORIDE BACITRACIN	.13-.52 PERCENT 4-50 GM/TON	84634	ZINC BACITRACIN RESERPINE	4-50 GM/TON .0001 PERCENT
84387	PIPERAZINE MONOHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE	.13-.52 PERCENT 4-50 GM/TON	84008	ZINC BACITRACIN ROXARSONE	4-50 GM/TON .0025-.005 PERCENT
84399	PIPERAZINE MONOHYDROCHLORIDE BACITRACIN METHYLENE DISALICYLATE PLUS	.13-.52 PERCENT			

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
	FURAZOLIDONE	.00083 PERCENT	85069	ROXARSONE	.0025-.005 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS			SULFAQUINOXALINE	.0075 PERCENT
84044	PENICILLIN	50-100 GM/TON COMB.		BACITRACIN PLUS	100-500 GM/TON COMB.
	ROXARSONE	.0025-.005 PERCENT		PENICILLIN	.00075 PERCENT
	FURAZOLIDONE	.00083 PERCENT	85072	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT
	BACITRACIN	4-50 GM/TON		ROXARSONE	.0075 PERCENT
84054	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT		SULFAQUINOXALINE	.00083 PERCENT
	ROXARSONE	.0025-.005 PERCENT		BACITRACIN PLUS	100-500 GM/TON COMB.
	SULFAQUINOXALINE	.01-.02 PERCENT		PENICILLIN	.00075 PERCENT
	BACITRACIN	4-50 GM/TON		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	
84152	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT	85086	ROXARSONE	.0025-.005 PERCENT
	ROXARSONE	.0025-.005 PERCENT		ZINC BACITRACIN PLUS	
	FURAZOLIDONE	.00083 PERCENT		PENICILLIN	3.6-50 GM/TON COMB.
	BACITRACIN PLUS			ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT
84281	PENICILLIN	3.6-50 GM/TON COMB.	85090	ROXARSONE	.0025-.005 PERCENT
	ROXARSONE	.0025-.005 PERCENT		FURAZOLIDONE	.00083 PERCENT
	FURAZOLIDONE	.00083 PERCENT		ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.
	AMINO NITROTHIAZOLE	.05-.1 PERCENT		PENICILLIN	.05 PERCENT
	OXYTETRACYCLINE	200 GM/TON	84004	ACETYLAMINO-NITROTHIAZOLE	.005-.01 PERCENT
84294	ROXARSONE	.0025-.005 PERCENT		SODIUM ARSANILATE	
	SULFAQUINOXALINE	.0075 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	50-100 GM/TON COMB.
	OXYTETRACYCLINE	50 GM/TON		PENICILLIN	.005-.01 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	84040	SODIUM ARSANILATE	4-50 GM/TON
84297	ROXARSONE	.0025-.005 PERCENT		BACITRACIN	.015 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT		ACETYLAMINO-NITROTHIAZOLE	.005-.01 PERCENT
	FURAZOLIDONE	.00083 PERCENT	84091	SODIUM ARSANILATE	
	OXYTETRACYCLINE	50 GM/TON		BACITRACIN PLUS	100-500 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	84147	PENICILLIN	.005-.01 PERCENT
84348	ROXARSONE	.0025-.005 PERCENT		SODIUM ARSANILATE	
	FURAZOLIDONE	.00083 PERCENT		BACITRACIN PLUS	3.6-50 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE PLUS		84167	PENICILLIN	.005-.01 PERCENT
	PENICILLIN	100-200 GM/TON COMB.		SODIUM ARSANILATE	
84412	ROXARSONE	.0025-.005 PERCENT	84344	BACITRACIN PLUS	50-100 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE PLUS			SODIUM ARSANILATE	.005-.01 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		BACITRACIN METHYLENE DISALICYLATE PLUS	100-200 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT	84411	PENICILLIN	.005-.01 PERCENT
84415	ROXARSONE	.0025-.005 PERCENT		SODIUM ARSANILATE	
	FURAZOLIDONE	.00083 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE PLUS		84456	PENICILLIN	.015 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		ACETYLAMINO-NITROTHIAZOLE	.005-.01 PERCENT
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT		SODIUM ARSANILATE	
84429	ROXARSONE	.0025-.005 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS	3.6-50 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT	84582	PENICILLIN	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS			SODIUM ARSANILATE	
	PENICILLIN	3.6-50 GM/TON COMB.		ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT	84619	PENICILLIN	.005-.01 PERCENT
84460	ROXARSONE	.0025-.005 PERCENT		SODIUM ARSANILATE	
	FURAZOLIDONE	.00083 PERCENT		ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE PLUS		84045	PENICILLIN	.015 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.		ACETYLAMINO-NITROTHIAZOLE	.01-.02 PERCENT
	ROXARSONE	.0025-.005 PERCENT		SULFAQUINOXALINE	4-50 GM/TON
	FURAZOLIDONE	.00083 PERCENT		BACITRACIN	.003-.006 PERCENT
84624	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE		84046	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	
	ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.		SULFAQUINOXALINE	.01-.02 PERCENT
	PENICILLIN	.05 PERCENT		BACITRACIN PLUS	3.6-50 GM/TON COMB.
84641	ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT		PENICILLIN	.003-.006 PERCENT
	ROXARSONE	.00083 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	
	FURAZOLIDONE	.05 PERCENT	84052	SULFAQUINOXALINE	.01-.02 PERCENT
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT		ARSANILIC ACID	.005-.010 PERCENT
84750	STREPTOMYCIN	30-50 GM/TON		BACITRACIN	4-50 GM/TON
	ROXARSONE	.0025-.005 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.	84053	SULFAQUINOXALINE	.01-.02 PERCENT
	PENICILLIN	.015 PERCENT		SODIUM ARSANILATE	.005-.010 PERCENT
	ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT			
85040	ROXARSONE	.00083 PERCENT			
	FURAZOLIDONE	.00083 PERCENT			
	ZINC BACITRACIN PLUS	3.6-50 GM/TON COMB.			
	PENICILLIN				

RULES AND REGULATIONS

21301

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
	BACITRACIN	4-50 GM/TON	84577	SULFAQUINOXALINE	.0125-.025 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT	84587	CHLORTETRACYCLINE	100-200 GM/TON
84055	SULFAQUINOXALINE	.01-.02 PERCENT		SULFAQUINOXALINE	.0125-.025 PERCENT
	FURAZOLIDONE	.00083 PERCENT	84588	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	BACITRACIN	4-50 GM/TON		SULFAQUINOXALINE	.005-.025 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT	84589	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84100	SULFAQUINOXALINE	.0125-.025 PERCENT		SULFAQUINOXALINE	.033-.10 PERCENT
	BACITRACIN	4-50 GM/TON	84629	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84101	SULFAQUINOXALINE	.0125-.025 PERCENT		SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.		ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84103	SULFAQUINOXALINE	.005-.025 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.	84674	SULFAQUINOXALINE	.005-.025 PERCENT
84292	SULFAQUINOXALINE	.0075 PERCENT		BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ARSANILIC ACID	.005-.01 PERCENT	85016	SULFAQUINOXALINE	.0125-.025 PERCENT
	OXYTETRACYCLINE	50 GM/TON		ZINC BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	85017	SULFAQUINOXALINE	.005-.025 PERCENT
84293	SULFAQUINOXALINE	.0075 PERCENT		ZINC BACITRACIN	4-50 GM/TON
	SODIUM ARSANILATE	.005-.01 PERCENT	85018	SULFAQUINOXALINE	.033-.10 PERCENT
	OXYTETRACYCLINE	50 GM/TON		ZINC BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	85066	SULFAQUINOXALINE	.0075 PERCENT
84295	SULFAQUINOXALINE	.0075 PERCENT		BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	OXYTETRACYCLINE	50 GM/TON	85067	SULFAQUINOXALINE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		ARSANILIC ACID	.005-.010 PERCENT
84334	SULFAQUINOXALINE	.0125-.025 PERCENT		BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	AMINO NITROTHIAZOLE	.05-.10 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84357	SULFAQUINOXALINE	.0125-.025 PERCENT	85068	SULFAQUINOXALINE	.0075 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON		SODIUM ARSANILATE	.005-.010 PERCENT
84358	SULFAQUINOXALINE	.005-.025 PERCENT		BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84359	SULFAQUINOXALINE	.033-.1 PERCENT	85070	SULFAQUINOXALINE	.0075 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
84502	SULFAQUINOXALINE	.0075 PERCENT		BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	CHLORTETRACYCLINE	50 GM/TON	85103	SULFAQUINOXALINE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		FURAZOLIDONE	.00083 PERCENT
84509	SULFAQUINOXALINE	.0075 PERCENT		OXYTETRACYCLINE	50 GM/TON
	FURAZOLIDONE	.00083 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	CHLORTETRACYCLINE	100 GM/TON	85113	SULFAQUINOXALINE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		FURAZOLIDONE	.00083 PERCENT
84528	SULFAQUINOXALINE	.0075 PERCENT		OXYTETRACYCLINE	50 GM/TON
	CHLORTETRACYCLINE	10-50 GM/TON	85114	SULFAQUINOXALINE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		FURAZOLIDONE	.00083 PERCENT
84529	SULFAQUINOXALINE	.0075 PERCENT		CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	50 GM/TON COMB.
	CHLORTETRACYCLINE	50-100 GM/TON		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	85122	SULFAQUINOXALINE	.0075 PERCENT
84530	SULFAQUINOXALINE	.0075 PERCENT		FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100-200 GM/TON		CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	100 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84575	SULFAQUINOXALINE	.0125-.025 PERCENT	85123	SULFAQUINOXALINE	.0075 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON		FURAZOLIDONE	.00083 PERCENT
84576	SULFAQUINOXALINE	.0125-.025 PERCENT		PENICILLIN PLUS STREPTOMYCIN	90-180 GM/TON COMB.
	CHLORTETRACYCLINE	50-100 GM/TON			

IDENTIFICATION	DRUG	DOSAGE	IDENTIFICATION	DRUG	DOSAGE
85131	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT	85155	PYRIMIDINE	.0075 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT		SULFAQUINOXALINE	.00083 PERCENT
	FURAZOLIDONE	.00083 PERCENT		FURAZOLIDONE	100 GM/TON
85132	CHLORTETRACYCLIN	10-50 GM/TON	85165	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		SULFAQUINOXALINE	.00083 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT		FURAZOLIDONE	200 GM/TON
85133	FURAZOLIDONE	.00083 PERCENT	85166	CHLORTETRACYCLINE	.0075 PERCENT
	PENICILLIN	2.4-50 GM/TON		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00083 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT		SULFAQUINOXALINE	100 GM/TON
85152	SULFAQUINOXALINE	.01-.02 PERCENT	85183	OXYTETRACYCLINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00083 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.		SULFAQUINOXALINE	50 GM/TON
85153	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT	85184	ZINC BACITRACIN	.0075 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00083 PERCENT
	FURAZOLIDONE	.00083 PERCENT		SULFAQUINOXALINE	50 GM/TON
85154	ZINC BACITRACIN	100 GM/TON	85185	BACITRACIN METHYLENE DISALICYLATE	.0075 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT		SULFAQUINOXALINE	50 GM/TON
85154	FURAZOLIDONE	.00083 PERCENT	85186	BACITRACIN	.0075 PERCENT
	BACITRACIN	100 GM/TON		2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00083 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL	.00075 PERCENT		SULFAQUINOXALINE	50 GM/TON

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (10-7-72).

(Sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b)

Dated: September 26, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-16682 Filed 10-6-72; 8:49 am]

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

PART 148z—DOXYCYCLINE Doxycycline Hyclate

The Commissioner has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug sterile doxycycline hyclate for injection.

He concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

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 (21 CFR 2.120), Parts 141 and 148z are amended as follows:

1. Part 141 is amended:
a. In § 141.5(b) by alphabetically inserting a new item in the table as follows:

§ 141.5 Safety test.
* * * * *
(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Test dose		
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
***	***	***	***	***
Doxycycline hyclate for injection	***	4 2 mg-----	0.5	Intravenous.
***	***	***	***	***

b. In § 141.7(c) by alphabetically inserting a new item in the table, as follows:
§ 141.7 Histamine test.

Antibiotic drug	Diluent (diluent number as listed in § 141.3(b))	Test dose		
		Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)	Route of administration as described in paragraph (C) of this section
***	***	***	***	***
Doxycycline hyclate-----	***	4 5.0-----	1.0	***
***	***	***	***	***

2. By adding two new sections as follows:

§ 148z.1a Sterile doxycycline hyclate.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Sterile doxycycline hyclate is a hydrochloride hemihydrate salt of 6-deoxy-oxytetracycline. It is so purified and dried that:

(i) Its potency is not less than 800 nor more than 920 micrograms of doxycycline per milligram on an "as is" basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not less than 1.4 nor more than 2.75 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(viii) It contains not less than 82 nor more than 90 percent doxycycline on an "as is" basis.

(ix) It gives a positive identity test for doxycycline hyclate.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples required:

(a) For all tests except sterility: 12 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1N hydrochloric acid to obtain a concentration of 1,000 micrograms of doxycycline per milliliter (estimated). Further dilute with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this subchapter, using a solution containing 7.5 milligrams of doxycycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing the equivalent of 10

milligrams of doxycycline per milliliter.

(8) *Doxycycline content.* Proceed as directed in § 148z.1(b) (5) of this subchapter.

(9) *Identity.* Proceed as directed in § 141.521 of this subchapter, using the 0.25 potassium bromide mixture described in paragraph (b) (1) of that section.

(10) *Crystallinity.* Proceed as directed in § 141.504(a) of this subchapter.

§ 148z.5 Doxycycline hyclate for injection.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate for injection is a dry mixture of doxycycline hyclate and a buffer substance. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of doxycycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 2.0 percent. Its pH when reconstituted as directed in the labeling is not less than 1.8 and not more than 3.3. It passes the identity test for the presence of the doxycycline moiety. The doxycycline hyclate used conforms to the standards prescribed by § 148z.1a(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The doxycycline hyclate used in making the batch for potency, moisture, pH, doxycycline content, identity, and crystallinity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, and identity.

(ii) Samples required:

(a) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents from each container if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with sufficient 0.1N hydrochloric acid to give a stock solution of convenient concentration (containing not less than 150 micrograms of doxycycline in

acid). Further dilute an aliquot with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this subchapter, using a solution containing 7.5 milligrams of doxycycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(a) of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using the drug reconstituted as directed in the labeling.

(8) *Identity.* Proceed as directed in § 141.550 of this subchapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline hyclate for injection and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final concentration of the sample and standard solutions. The sample and standard must each produce a major, yellow fluorescent spot with the same R_f value and the sample-standard mixed solution must show no separation of major spots.

Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (10-7-72).

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

Dated: October 2, 1972.

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

[FR Doc.72-17212 Filed 10-6-72; 8:49 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration

PART 1913—DISCLOSURE OF INFORMATION

Pursuant to 5 U.S.C. 301, 5 U.S.C. 552, and § 70.71 of Title 29 of the Code of Federal Regulations, Chapter XVII of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new Part 1913, to read as set forth below.

These rules shall become effective immediately.

Subpart A—General

- Sec.
1913.1 Purpose and scope.
1913.2 Definitions.

Subpart B—Procedure for Disclosure

- 1913.11 Access to materials and index.
1913.12 Request for records.
1913.13 Description of information requested.
1913.14 Deficient descriptions.
1913.15 Requests for categories of records.
1913.16 Time for reply to request.
1913.17 Action on request; protection of privacy.
1913.18 Form of denials.
1913.19 Appeals from denial of requests.
1913.20 Time for action on appeals.
1913.21 Action on appeals.
1913.22 Manual copying; special searching; copying services and fees.

Subpart C—Guidelines Concerning Disclosure

- 1913.30 General.
1913.31 Compliance Operations Manual.
1913.32 Disclosable information.
1913.33 Information which is partially disclosable.
1913.34 Nondisclosable information.

AUTHORITY: The provisions of this Part 1913 issued under 5 U.S.C. 301, 552; 29 CFR 70.71.

Subpart A—General

§ 1913.1 Purpose and scope.

(a) This part supplements the general regulations of the Secretary of Labor providing for access to public information, which are published in Part 70 of this title. This part publishes the policies and procedures of the Occupational Safety and Health Administration and the Bureau of Labor Statistics concerning the availability for public inspection and copying of records compiled in the administration of the laws listed in paragraph (b) of this section and any other records of the Occupational Safety and Health Administration.

(b) The principal application of the rules in this part is to the disclosure of information compiled in the administration of the safety and health provisions of the following laws:

- (1) William-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651);
- (2) Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35);
- (3) Contract Work Hours and Safety Standards Act (the Construction Safety Act) (40 U.S.C. 333);
- (4) Service Contract Act of 1965 (41 U.S.C. 351);
- (5) Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 941); and
- (6) National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951).

§ 1913.2 Definitions.

(a) "Administration" means the Occupational Safety and Health Administration, U.S. Department of Labor.

(b) "Bureau" means the Bureau of Labor Statistics, U.S. Department of Labor.

Subpart B—Procedure for Disclosure

§ 1913.11 Access to materials and index.

Materials of the Administration and the Bureau of the types listed in §§ 70.11 through 70.15 of this title are available for inspection and copying by any member of the public at the document inspection facilities of the Administration or the Bureau. A current index of the materials available at each facility is maintained at the facility. Arrangements for such inspection may be made in response to oral requests.

§ 1913.12 Requests for records.

(a) (1) *Administration records.* Any person who desires to inspect or copy an Administration record of the types described in Subpart C of this part must submit a written request to that effect to the head of the area office of the Administration having custody of the record. A list of the Administration's area offices is annexed to this part as Appendix A to this part; a list of the Administration's regional offices is also annexed as Appendix B to this part. For the most part, the filing of records of the Administration is decentralized, and thus Area Directors of the Administration have custody of most records. If the record is located in the Washington, D.C., office of the Administration, the request shall be made to the Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

(2) *Bureau records.* For the most part, the records of the Bureau are kept in the Bureau's national office. Any person who desires to inspect or copy a record of the Bureau of the types described in Subpart C of this part must submit a written request to that effect to the Commissioner of Labor Statistics, Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C. 20212.

(b) If the person making the request does not know where the record is located, he may send his request to the Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, for appropriate handling.

§ 1913.13 Description of information requested.

Section 70.44 of this title shall apply.

§ 1913.14 Deficient descriptions.

Section 70.45 of this title shall apply.

§ 1913.15 Requests for categories of records.

Section 70.46 of this title shall apply.

§ 1913.16 Time for reply to request.

Section 70.47 of this title shall apply.

§ 1913.17 Action on request; protection of privacy.

Section 70.48 of this title shall apply.

§ 1913.18 Form of denials.

Section 70.49 of this title shall apply.

§ 1913.19 Appeals from denial of requests.

Section 70.50 of this title shall apply.

§ 1913.20 Time for action on appeals.

Section 70.51 of this title shall apply.

§ 1913.21 Action on appeals.

Section 70.52 of this title shall apply.

§ 1913.22 Manual copying; special searching; copying services and fees.

Sections 70.61 and 70.62 of this title shall apply.

Subpart C—Guidelines Concerning Disclosure

§ 1913.30 General.

(a) This subpart provides guidelines concerning for the most part disclosure of a number of standard forms used by the Administration and the Bureau in administering the Occupational Safety and Health Act. The public may examine some of these forms after information is entered thereon. Some completed forms may be disclosed upon request; others may be disclosed with deletions; others may be disclosed only under certain conditions; and others are not disclosable.

(b) This subpart also contains guidelines concerning the disclosure of various reports of employment accidents which are fatal to one or more employees or which result in the hospitalization of five or more employees.

(c) The guidelines are intended to implement the disclosure policies of the Secretary of Labor, as expressed in §§ 70.11 and 70.21 through 70.31 of this title, which apply the provisions of the public information section of the Administrative Procedure Act (5 U.S.C. 552).

(d) The guidelines deal only with matters which are most commonly the subject of disclosure. Matters concerning which no express guidelines are set forth will be handled on a case-by-case basis.

(e) To the extent that the guidelines provide for the disclosure of materials which fall within the exemptions set forth in 5 U.S.C. 552(b), their disclosure is found to serve the public interest and not to impede the discharge of any function of the Department of Labor in that their disclosure is consistent with and furthers the purpose of the safety and health laws involved.

§ 1913.31 Compliance Operations Manual.

The Administration's Compliance Operations Manual (Jan. 1972) (OSHA-2006), a manual of guidelines for implementing the Occupational Safety and Health Act of 1970, is published, and copies are offered for sale by the U.S. Government Printing Office. Copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 1913.32 Disclosable information.

Forms containing the following information shall be disclosed upon request:

- (a) All citations for alleged violations;

(b) Notices of de minimis violations issued pursuant to section 9(a) of the Williams-Steiger Occupational Safety and Health Act;

(c) Notification of any proposed penalty;

(d) Notification of failure to correct violation and of any proposed additional penalty;

(e) Citations for alleged imminent dangers;

(f) Any document similar to those listed in the preceding paragraphs in this section.

§ 1913.33 Information which is partially disclosable.

(a) Forms containing the Compliance Safety and Health Officer's report of an inspection, including any worksheet forms, are available for public inspection and copying under the following circumstances, subject to the provisions of § 1913.34:

(1) Where a final decision has been made by the Administration that no citation should be issued;

(2) Where a citation of proposed penalty has been issued and the citation becomes the final order of the Occupational Safety and Health Review Commission because no notice of contest has been filed within 15 working days, as required by section 10(b) of the Act and the prescribed safety or health corrections have been made;

(3) Where a citation or proposed penalty is contested and action of the Review Commission becomes final.

(b) Section 1904.8 of this chapter requires that, within 8 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest office of the Area Director of the Administration. Records consisting of such reports or compiled from such reports shall be available for public inspection and copying subject to the provisions of § 1913.34, except when the report is placed within an investigation file compiled for law enforcement purposes, in which event the report shall be disclosable under the criteria applied in paragraph (a) of this section.

§ 1913.34 Nondisclosable information.

The following material shall not be disclosed when it appears in any investigative file or in any other record:

(a) Trade secrets as described in 18 U.S.C. 1905 and 26 U.S.C. 7213(b), except to the extent that a description involving a trade secret is essential to procedural fairness in proceedings under the Act. In the latter event, to the extent practicable, no description shall be used which would result in a competitive disadvantage to an employer, manufacturer, or producer. This paragraph interprets and applies section 15 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 664) in conjunction with 18 U.S.C. 1905 and 26 U.S.C. 7213(b);

(b) Opinions, estimates, or recommendations of the type described in § 70.25 of this title;

(c) Identity of witnesses who are employees of the employer involved;

(d) Where there has been an accident, assessment of actions and time necessary to achieve compliance (any final action in this regard in the case of violations would be shown in the citation disclosable under § 1913.22);

(e) Evaluation of whether a violation of a regulation, code, or standard caused or contributed to an accident;

(f) Judgments as to whether a regulation, code, or standard adequately covers the cause of an accident;

(h) Complaints of alleged violations and any other material tending to reveal the identity of persons protected by the informer's privilege;

(i) Information disclosing confidential raw materials or confidential intermediate products;

(j) In any complaint filed under section 8(f)(1) of the Occupational Safety and Health Act of 1970, the name of the person submitting the complaint and the names of individual employees referred to in the complaint shall not be disclosed, where the person submitting the complaint has requested anonymity, either for himself or for individual employees mentioned in the complaint;

(k) Information concerning the composition of statistical samples used by the Bureau in its statistical surveys;

(l) Information appearing in response to statistical surveys conducted by the Bureau.

Signed at Washington, D.C., this 4th day of October 1972.

G. G. GUENTHER,
Assistant Secretary of Labor.

Signed at Washington, D.C., this 4th day of October 1972.

GEOFFREY H. MOORE,
Commissioner of Labor Statistics.

APPENDIX A

AREA AND DISTRICT OFFICES OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR

The following list contains the addresses of all area and district offices of the Occupational Safety and Health Administration. (District offices are established primarily for the purpose of determining compliance with occupational safety and health standards in maritime workplaces, i.e., longshoring, ship repair, shipbuilding, and shipbreaking.) Any person seeking information in the custody of an area or district office should address the request as follows: Area Director (or District Supervisor), Occupational Safety and Health Administration, U.S. Department of Labor (address). If the person requesting the information does not know which office to contact, he may direct the request to the Regional Office for the State or territory in question. The Regional Offices of the Occupational Safety and Health Administration are listed in Appendix B. Requests directed to the Regional Office should be addressed as follows: Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor (address).

AREA OFFICES

Alabama

Todd, Mall, 2047 Canyon Road, Birmingham, AL 35216.
Room 801, Commerce Building, 118 North Royal Street, Mobile, AL 36602.

Alaska

Room 214, Willhohth Building, 610 C Street, Anchorage, AK 99501.

Arizona

Suite 910, Amerco Towers, 2721 North Central Avenue, Phoenix, AZ 85004.

California

Room 514, Hartwell Building, 19 Pine Avenue, Long Beach, CA 90802.
Room 1706, 100 McAllister Street, San Francisco, CA 94102.

Colorado

Squire Plaza Building, 8527 West Colfax Avenue, Lakewood, CO 80215.

Connecticut

Room 617, Federal Building, 450 Main Street, Hartford, CT 06103.

Florida

Room 204, Bridge Building, 3200 East Oakland Park Boulevard, Fort Lauderdale, FL 33308.

U.S. Federal Office Building, 400 West Bay Street, Box 35063, Jacksonville, FL 32202.

Georgia

Room 723, 1371 Peachtree Street NE., Atlanta, GA 30309.

Suite 201, Enterprise Building, 6605 Abercorn Street, Savannah, GA 31405.

Hawaii

Suite 505, 333 Queen Street, Honolulu, HI 96813.

Illinois

Room 1200, 300 South Wacker Drive, Chicago, IL 60606.

Indiana

Room 423, 46 East Ohio Street, Indianapolis, IN 46204.

Kentucky

Room 561, 600 Federal Place, Louisville, KY 40202.

Louisiana

Room 1036, Federal Building, 600 South Street, New Orleans, LA 70130.

Maryland

Room 1110-A, Federal Building, 31 Hopkins Plaza, Charles Center, Baltimore, MD 21201.

Massachusetts

Custom House Building, State Street, Boston, MA 02109.

Michigan

Room 626, Michigan Theatre Building, 220 Bagley Avenue, Detroit, MI 48226.

Minnesota

Room 437, 110 South Fourth Street, Minneapolis, MN 55401.

Missouri

Room 1100, Davidson Building, 1627 Main Street, Kansas City, MO 64108.

Room 553, 210 North 12th Street, St. Louis, MO 63101.

Montana

Room 203, Central Park Building, 711 Central Avenue, Billings, MT 59102.

Nebraska

Room 630, 630 City National Bank Building, 16th and Harney Streets, Omaha, NE 68102.

New Hampshire

Room 425, Federal Building, 55 Pleasant Street, Concord, NH 03301.

New Jersey

Room 635, Federal Office Building, 970 Broad Street, Newark, NJ 07102.

New York

370 Old Country Road, Garden City, Long Island, NY 11530.

Room 1405, 90 Church Street, New York, NY 10007.

Room 203, Midtown Plaza, 700 East Water Street, Syracuse, NY 13210.

North Carolina

1361 East Morehead Street, Charlotte, NC 28204.

Ohio

Room 5522, Federal Office Building, 550 Main Street, Cincinnati, OH 45202.

847 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

Room 224, Bryson Building, 700 Bryden Road, Columbus, OH 43015.

Room 734, Federal Office Building, 234 North Summit Street, Toledo, OH 43604.

Oklahoma

Room 512, Petroleum Building, 420 South Boulder Avenue, Tulsa, OK 74103.

Oregon

Room 526, Pittcock Block, 921 Southwest Washington Street, Portland, OR 97205.

Pennsylvania

Suite 1010, 1317 Filbert Street, Philadelphia, PA 19107.

Room 445-D, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Puerto Rico

Room 328, Condominium San Alberto Building, 605 Condado Avenue, Santurce, PR 00907.

Rhode Island

Room 613, 57 Eddy Street, Providence, RI 02903 (district office).

Tennessee

Suite 302, 1600 Hayes Street, Nashville, TN 37203.

Texas

Room 6B1, Federal Building, 1100 Commerce Street, Dallas, TX 75202.

Room 325, U.S. Custom House Building, Galveston, TX 77550 (district office).

Room 802, Old Federal Office Building, 201 Fannin Street, Houston, TX 77002.

Room 421, Federal Building, 1205 Texas Avenue, Lubbock, TX 79401.

Utah

Suite 309, Executive Building, 455 East Fourth South, Salt Lake City, UT 84111.

Virginia

Stanwick Building, Room 111, 3661 Virginia Beach Boulevard, Norfolk, VA 23502.

Room 8018, Federal Building (Post Office Box 10186), 400 North Eighth Street, Richmond, VA 23240.

Washington

1902 Smith Tower Building, 506 Second Avenue, Seattle, WA 98104.

Wisconsin

Room 906, Sheraton Schroeder Hotel, 509 West Wisconsin Avenue, Milwaukee, WI 53203.

APPENDIX B

REGIONAL OFFICES OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR

Region I—Boston

(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.)

Room 308-E, John F. Kennedy Federal Building, Government Center, Boston, MA 02203.

Region II—New York

(New York, New Jersey, Puerto Rico, Virgin Islands.)

Room 920, 341 Ninth Avenue, New York, NY 10001.

Region III—Philadelphia

(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.)

Room 410, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107.

Region IV—Atlanta

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.)

Suite 587, 1375 Peachtree Street NE., Atlanta, GA 30309.

Region V—Chicago

(Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin.)

Room 1200, 300 South Wacker Drive, Chicago, IL 60606.

Region VI—Dallas

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas.)

Suite 600, Texaco Building, 1512 Commerce Street, Dallas, TX 75201.

Region VII—Kansas City

(Iowa, Kansas, Missouri, Nebraska.)

Room 300, Waltham Building, 823 Walnut Street, Kansas City, MO 64106.

Region VIII—Denver

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.)

Post Office Box 3588, Room 15010, Federal Building, 1961 Stout Street, Denver, CO 80202.

Region IX—San Francisco

(Arizona, California, Hawaii, Nevada.)

Box 36017, 10353 Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Region X—Seattle

(Alaska, Idaho, Oregon, Washington.)

1808 Smith Tower Building, 506 Second Avenue, Seattle, WA 98104.

[FR Doc. 72-17252 Filed 10-6-72; 8:50 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

PART 202—PRENOTIFICATION AND REPORTING

Violations for Failure To Comply With Pay Board Regulations

Section 208 of the Economic Stabilization Act of 1970, as amended, provides

that it shall be a violation to fail or refuse to comply with an order or regulation issued pursuant to the Act. The purpose of the amendments set forth below is to set out in regulatory form the obligations imposed by such section of the Act in order to provide guidance to all persons covered by the regulations and to continue to promote voluntary compliance with the stabilization program. In addition, paragraph (f) has been added to § 201.17 in order to compel persons to make timely submissions of documents relating to issues or matters pending before the Pay Board. Amendments to § 201.14(e) indicate that failure to comply with the prenotification and reporting rules relating to deferred increases or with the additional information requirement involving such increases shall be a violation. Other amendments to § 201.14(e) update the prenotification rules by deleting interim date provisions. Such deletions do not represent a substantive change. Conforming amendments are made in §§ 202.10(b)(2) and 202.20(b)(2). Since such amendments are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11,640, as amended, the Board finds that the time for submission of written comments by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. Interested persons may submit written comments regarding these amendments. Communication should be addressed to the Office of the General Counsel, Pay Board, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 743), Executive Order No. 11,640, 37 F.R. 1213 (1972), as amended by Executive Order No. 11,660, 37 F.R. 6175 (1972), and Cost of Living Council Order No. 3, 36 F.R. 20202 (1971), as amended)

Effective date. These amendments are effective on and after October 7, 1972, except that the provisions contained in paragraphs (d) and (e) of § 201.17 are effective on and after November 14, 1971.

By direction of the Chairman.

ROBERT P. TIERNAN,
Executive Director.

PARAGRAPH 1. Section 201.14(e) is amended to read as follows:

§ 201.14 Wage and salary increases effective after November 13, 1971.

(e) *Notice requirement*—(1) *In general.* In accordance with the provisions of Part 202 of this chapter, prenotification shall be submitted to the Pay Board not less than 90 days prior to the scheduled effective date of any increase to be paid pursuant to an employment contract or pay practice referred to in this section when such increase would affect an appropriate employee unit of 1,000 or more employees and would cause the total of such increases to be in excess of 7 percent for a control year. In addition to the prenotification requirement set forth in the preceding sentence, no part

of any such scheduled increase shall be paid or received until the latest of 90 days after notice of such increase has been given to the Pay Board, 60 days after a party at interest provides any additional information required pursuant to subparagraph (2) of this paragraph, or the scheduled effective date of such increase. For purposes of this paragraph, a fair and reasonable estimate shall be used in determining whether contingent increases (such as cost of living adjustments) will cause the total of such increases to exceed 7 percent. Furthermore, such notice shall be in accordance with the instructions contained in paragraph (f) of this section. Notice requirements with respect to other pay adjustments are contained in §§ 202.10 (b) (2) and 202.20 (b) (2) of this chapter. Failure to comply with any of the provisions contained in this subparagraph (as well as the subparagraphs referred to in the immediately preceding sentence) shall be a violation of Pay Board regulations within the meaning of § 201.17.

(2) *Additional information.* In addition to the provisions of subparagraph (1) of this paragraph, after June 23, 1972, the Board may require a party at interest to furnish adequate and complete supplemental information within a specified period of time as to the factors the Board considers necessary to determine whether the increase referred to in such subparagraph is unreasonably inconsistent with the standard, exceptions, or the review criteria referred to in paragraph (d) of this section. The failure to furnish additional information requested pursuant to this subparagraph, or to furnish it on a timely basis, shall be a violation of Pay Board regulations within the meaning of § 201.17(d).

PAR. 2. Section 201.17 is amended by deleting the word "or" at the end of paragraph (c), revising paragraph (d), and adding new paragraphs (e) and (f), to read as follows:

§ 201.17 Violations.

It shall be a violation of Pay Board regulations, subject to the sanctions, fines, penalties and other relief provided in the Act, for any person to:

(d) Fail or refuse to comply with a decision or order of the Pay Board or with any regulation issued pursuant to the Act, or induce, solicit, encourage, force, or require any other person to fail or refuse to comply with a decision or order of the Pay Board or with any regulation issued pursuant to the Act;

(e) Fail or refuse to file any prenotification, report, certification, or other document required by regulations; or

(f) Fail or refuse to submit to the Pay Board, or its delegate, information within the knowledge or control of a person, if the Board has required or ordered that person to submit such information after determining such information is relevant to the disposition of any matter affecting such person before the Board: *Provided, however,* This paragraph shall not apply to the failure or refusal to submit any additional information requested pursuant to § 201.14 (e) (2).

PAR. 3. Section 202.10 is amended by revising paragraph (b) (2) to read as follows:

§ 202.10 Prenotification and reporting requirements.

(b) *Special rules.* * * *

(2) *Existing contracts and pay practices previously set forth.* Category I pay adjustments made pursuant to the terms of employment contracts and pay practices previously set forth, which existed prior to November 14, 1971, are subject to the provisions of § 201.14 of this chapter. Prenotification shall be submitted to the Pay Board not less than 90 days prior to the scheduled effective date of any such Category I pay adjustment which would cause the total of wage and salary increases for the appropriate control year to exceed 7 percent. Prenotification shall be submitted to the Pay Board not less than 60 days prior to the scheduled effective date of all other Category I pay adjustments which are subject to the provisions of § 201.14 of this chapter. Except as provided in § 201.14 of this chapter, such Category I pay adjustments may be put into effect without prior approval of the Pay Board.

PAR. 4. Section 202.20 is amended by revising paragraph (b) (2) to read as follows:

§ 202.20 Prenotification and reporting requirements.

(b) *Special rules.* * * *

(2) *Existing contracts and pay practices previously set forth.* Category II pay adjustments made pursuant to the terms of employment contracts and pay practices previously set forth, which existed prior to November 14, 1971, are subject to the provisions of § 201.14 of this chapter. Prenotification shall be submitted to the Pay Board not less than 90 days prior to the scheduled effective date of any such pay adjustment which would cause the total of wage and salary increases for the appropriate control year to exceed 7 percent. A report shall be made to the Pay Board within 10 days after any other Category II pay adjustment subject to the provisions of § 201.14 of this chapter is put into effect. Except as provided in § 201.14 of this chapter all such pay adjustments may be put into effect without prior approval of the Pay Board.

[FR Doc.72-17277 Filed 10-4-72; 5:08 pm]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 411, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), and (ii) of § 908.711 (Valencia Orange Regulation 411, 37 F.R. 20223) during the period September 29 through October 5, 1972, are hereby amended to read as follows:

§ 908.711 Valencia Orange Regulation 411.

(b) *Order.* (1) * * *

(i) District 1: 442,000 cartons.
(ii) District 2: 408,000 cartons.

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

Dated: October 4, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-17218 Filed 10-6-72; 8:51 am]

[Lemon Reg. 554]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.854 Lemon Regulation 554.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 3, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 8 through October 14, 1972, is hereby fixed at 200,000 cartons.

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

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

Dated: October 4, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 72-17292 Filed 10-6-72; 8:53 am]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Order Amending the Order, As Amended, Regulating the Handling of Grapefruit Grown in the Indian River District in Florida

§ 912.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., June 7, 1972, upon proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912) regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective upon publication in the FEDERAL REGISTER (Oct. 7, 1972), and that it would be contrary to the public interest to postpone such effective time until 30 days after such publication (5 U.S.C. 553). The provisions of this order would authorize the inclusion of all shipments of grapefruit to market destinations outside of the regulation area in the computation of prorate bases for handlers. Shipment of grapefruit will begin early in October. Therefore, this order should become effective as soon as practicable so that such computation for the current fiscal period may be in accordance with such provisions. The provisions of this order are well known to producers and handlers. The hearing was held in Vero Beach, Fla., on June 7, 1972, and the recommended decision and final decision were published in the FEDERAL REGISTER on July 28, 1972 (37 F.R. 15167) and August 19, 1972 (37 F.R. 16805), respectively. Copies of the text of the amended order have been made available to all known producers and handlers; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time of such order.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of grapefruit grown in the Indian River District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period August 1, 1971, through July 31, 1972, handled not less than 50 percent of the volume of grapefruit covered by the said order as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1971, through July 31, 1972) were engaged, within the production area, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

1. Section 912.7 *Handle or ship* is revised to read as follows:

§ 912.7 **Handle or ship.**

"Handle" or "ship" means to sell or transport grapefruit, or in any other way, to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

2. Paragraph (a) of § 912.46 *Recommendations for volume regulation* is revised to read as follows:

§ 912.46 **Recommendation for volume regulation.**

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during the next succeeding week: *Provided*, That such regulations shall not be recommended during the period beginning with and including the first full week in January and ending with but not including the first full week in May after regulations during such period have limited the volume of grapefruit handled during 12 weeks.

3. Section 912.47 *Issuance of volume regulation* is revised to read as follows:

§ 912.47 **Issuance of volume regulation.**

Whenever the Secretary finds, from information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 12 weeks of the period beginning with and including the first full week in January and ending with but not including the first full week in May. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

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

Issued at Washington, D.C., this 3d day of October 1972 to become effective upon publication in the FEDERAL REGISTER (Oct. 7, 1972).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-17219 Filed 10-6-72;8:51 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

]Thirteeneth Gen. Rev. of the Export Regs., Amdt. 50]

LICENSING PROCEDURES, ELECTRONIC COMPUTERS AND RELATED EQUIPMENT

Parts 371, 373, and 376 are amended to read as set forth below.

(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: October 4, 1972.

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

1. Section 71.4(c) is amended to read as follows:

PART 371—GENERAL LICENSES

§ 371.4 **General license GIT; intransit shipments.**

(c) *Shipments originating in Canada.*
(1) The provisions of general license GIT are applicable, as modified herein, to all shipments from Canada moving in transit through the United States to any foreign destination, regardless of the origin of the commodities. For each such shipment, the customs office at the U.S. port of export shall require a copy of Form B-13, Canadian Customs Entry, certified or stamped by the Canadian customs authorities, except where the shipment is made under a validated U.S. export license or applicable U.S. general license other than general license GIT, or is valued at less than \$50.

(2) The commodity description, quantity, ultimate consignee, country of ultimate destination, and all other pertinent details of such shipment must be the same on a required Form B-13, as on Commerce Form 7513,² or when Form 7513 is not required, must be the same as on Customs Form 7512.³ When there is a material difference, a corrected Form B-13 authorizing the shipment is required.

(3) Any parties to the export shall submit any further proof that the customs officer at the U.S. port of entry or the port of export may require to enable him to determine that general license GIT applies, including the fact

that the destination of the shipment is properly authorized by the Canadian authorities. An export shall not be cleared for shipment by the customs officer at the U.S. port of export under general license GIT unless all provisions of this general license have been complied with.

PART 373—SPECIAL LICENSING PROCEDURES

2. The following commodities are deleted from Supplement No. 1 to Part 373:

3(7) Lubricants wholly made of fluorocarbon polymers or copolymers as defined in Part 399.2, Interpretation 22.

512(25) Diethylene triamine, purity 96 percent or higher.

581(12) Pipe and tubing made of, lined with, or covered with polytetrafluoroethylene, polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidene fluoride, or hexafluoropropylene and vinylidene fluoride.

62(4) Hose and tubing lined with or covered with polytetrafluoroethylene, polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidene fluoride, or hexafluoropropylene and vinylidene fluoride.

655(2)(3) Textile fabrics and articles, n.e.c., (a) wholly made of fluorocarbon polymers or copolymers as defined in Part 399.2, Interpretation 22; and (b) coated or impregnated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of such contained polymeric substance, either alone or in combination with fluorocarbon polymers or copolymers as defined in Part 399.2, Interpretation 22, is 50 percent or more of the total value of the materials used.

678(1) Tubes, pipes, and fittings therefor, lined with or covered with polytetrafluoroethylene, polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidene fluoride, or hexafluoropropylene and vinylidene fluoride.

6895(16) Titanium metal and titanium alloys containing 70 percent or more titanium, wrought or unwrought, including intermediate mill shapes, and waste and scrap.

723(1) Wire and cable coated with or insulated with fluorocarbon polymers or copolymers as defined in Part 399.2, Interpretation 22.

723(2) Wire and cable coated or insulated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes.

723(3)(4) Communications or coaxial cable.

89300(8) Hose, tubing, and fittings therefor, made of, lined with, or covered with polytetrafluoroethylene, polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidene fluoride, or hexafluoropropylene and vinylidene fluoride.

²The complete names of these forms are: Commerce Form 7513 "Shipper's Export Declaration for Intransit Goods"; Customs Form 7512, "Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit."

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

3. Section 376.10 is revised to read as follows:

§ 376.10 Electronic computers and related equipment.

An application for a license to export or reexport electronic and/or related commodities (Export Control Commodity Nos. 714 and 891) to Country Groups Q, W, and Y shall include the following information as applicable:

(a) *Analog computers.* (1) The quantity, static accuracy, and total error rating of each type of summer, integrator, multiplier, or function generator employed; and

(2) The number of integrator time scales and whether or not they are switchable during operation.

(b) *Digital computers.*—(1) *Central processors.* (i) The quantity, type, and specifications;

(ii) The size of the internal memory (s) (bits), cache or buffer memory and main memory;

(iii) The maximum internal memory (designed capability in bits);

(iv) The actual I/O bus rate of the processor, in millions of bits per second, as limited by all peripheral devices and data channels in the configuration. If independent or multipoint memories are included in the CPU, the bus rate computations should include the net effect of interleaved and/or overlapped operations. The extent to which a CPU can process data and simultaneously support I/O transmissions should also be stated:

(v) The CPU bus rate (in millions of bits per second), including actual maximized I/O rate if simultaneous with CPU processing; and

(vi) Processing data rate (in millions of bits per second). (Processing data rate is not required for those central processors, not configured with floating point hardware modules.)

(2) *Disc drives, drums, magnetic card files, and other direct access peripherals.* (i) The quantity and type of each random access memory device.

(ii) For each type device, as applicable (refer to appropriate definitions for these characteristics):

(a) The average seek time (in milliseconds);

(b) The average latency time (in milliseconds);

(c) The average access time (in milliseconds);

(d) The factor (average access time (in seconds)) $3/2 \times 8,000$;

(e) The net capacity per spindle (in millions of bits); and

(f) The effective bit transfer rate.

(iii) For the total number of direct access devices for which an application is made (applicants who wish to export random access devices as enhancements to computers previously exported should take into account the performance characteristics of any random access devices which may already be a part of the system configuration:

(a) The total connected net capacity (in millions of bits); and

(b) The total number of accesses (in number per second).

(3) *Magnetic tape drives.* The quantity and type and specification of each tape drive, including:

(i) The maximum transport speed (in inches per second);

(ii) The maximum read/write capability (in bits per inch);

(iii) A statement as to whether the drive-controller combination has a read-while-write capability;

(iv) The single device effective bit transfer rate (in million bits per second). If a read-while-write feature is included, the effective bit transfer rate should be based on a device pair; and

(v) For incremental records; the tape speed (in inches per second) at the maximum stepping rate.

(4) *Terminal devices.* (i) The quantity, type, and performance specification of each terminal device;

(ii) The effective bit transfer for each device (in bits per second);

(iii) For visual display units, sufficient descriptive details should be provided to identify visual display units as strictly alphanumeric, limited graphic, full graphic with line drawing capabilities, monitor only, interactive with certain types of input devices, and hardware and/or software mechanisms for generating visual presentations;

(iv) For terminal devices to be located "remote" from the computer operating area". In addition to the information required in subdivisions (i), (ii), and (iii) of this subparagraph, the information should include the total effective bit transfer rate of all terminal devices (excluding parity, word marker, and flag bits), of all terminal devices to be associated with the computer as limited by any telecommunications channel(s). (This computation should include those terminal devices proposed for export, those the end user is obtaining from other sources, and those that may already be installed with the computer.); and

(v) For computers equipped with remote terminal devices:

(a) The effective bit transfer rate of each interfaced telecommunications channel (in bits per second) considering channel and interface limitations; and

(b) The percent of time each interfaced telecommunications channel is dedicated to the given terminal equipment and associated end users, (e.g., a time shared telephone dial-up line or a leased or specially installed line).

(5) *Magnetic recording media.* (1) *Magnetic tape:*

(a) Certified maximum packing density limit of the tape (in bits per inch); and

(b) Make and model number of computer system that tapes will be used with, including type and number of peripheral devices included with the system. (In particular, the quantity of magnetic tape drives associated with the system and their performance characteristics in terms of the data set forth above under "magnetic tape drives" should be stated.)

¹ See paragraph (d) (2) (xi) of this section for a definition of the terms distinguishing local from remote locations.

(ii) Disc packs and other random access recording media:

(a) The quantity, type, and specification of the commodities proposed for export; and

(b) The make and model of the computer system that the media will be used with, including the type and number of peripheral devices included with the system. (In particular, the type, quantity, and performance characteristics of the disc-drive devices that the media will be used with should be stated.)

(6) *Digital computer system parameters.* (i) The effective bit transfer rate (in millions of bits per second) of each selector or multiplex channel as limited by peripheral devices, interface units, control units, data acquisition, and conversion equipment which may be proposed for export or obtained from other sources that the proposed end user intends to add to the system;

(ii) The "total effective bit transfer rate" of the system; i.e., the sum of the effective bit transfer rates of all CPU channels to the extent supportable by the CPU either simultaneously or concurrently. In a given system, the typical contributing data sources or sinks are the following:

(a) Direct access devices;

(b) Magnetic tape devices;

(c) Data acquisition devices and networks;

(d) Remote terminal devices;

(e) Peripheral arithmetic devices;

(f) High speed CRT devices;

(g) Computer-to-computer transmissions; and

(h) A/D and D/A devices.

For systems having both high speed and low speed I/O devices, where the difference in transmission rates is several orders of magnitude, the applicant may neglect to include the low speed devices in the computation of system total effective bit transfer rate;

(iii) The total net capacity of all direct access devices associated with the system; and

(iv) The total number of accesses of all direct access devices associated with the system (including those now installed, to be obtained from other sources, and those currently proposed).

(7) *Off-line input/output devices.* In making applications for devices intended to collect and/or format data for subsequent processing on a computer system or for data transmission subsequent to processing, the exporter should identify the central computer system that the equipment is intended to be used with by make and model number, including the type and quantity of all peripheral devices that define the total system. In the event that the subject off-line I/O devices includes as constituent components, e.g., magnetic tape drives, disc drives, etc., the required technical data relative to these components should be furnished.

(c) *Additional supporting data: End use and end user.* (1) The name and address of the actual end user of the equipment;

(2) A definitive statement as to the type of services performed or goods produced by the proposed end user;

(3) A statement of the nature of the data processing activities for which the equipment will be used;

(4) The location of all remote terminals proposed for the system, and distance from the main computer installation. If any user of a terminal differs from the end user of the central computer system, this information should be given and the information required by subparagraphs (1), (2), and (3) of this paragraph should be provided for each additional end user;

(5) A technical justification for the requirement for the equipment that is proposed for export; and

(6) A simplified system schematic drawn in standard computer equipment/system symbology showing the CPU features and the specific channel connections of all peripheral devices, data acquisition and/or control elements and telecommunications networks included in the system. In instances where an exporter proposes to export a commodity that will be used to enhance an existing system the schematic should clearly identify which components constitute the existing system and which are proposed as enhancements or additions.

Although the information required by the above sections should be sufficient to support most applications, there may be instances depending on the performance characteristics of the computer system proposed for export, or the nature of the proposed application, when it will be necessary for the Office of Export Control to request additional information regarding the proposed transaction from an applicant.

(d) *Definitions of Terms.*—(1) *Analog computers*—(i) "Static accuracy" for summers, inverters, and integrators only, applies to the percentage of actual output voltage. All other references to static accuracy apply to the percentage of full scale voltage; that is, from maximum negative to maximum positive reference voltage.

(ii) "Total error" includes all errors of the unit resulting from, for example, tolerances of resistors and capacitors, tolerances of input and output impedances of amplifiers, the effect of loading, the effects of phase shift, the generating functions, etc. Total error at 1 kHz is to be measured with those resistors incorporated in the inverter, summer, or integrator that provide the least error.

(2) *Digital computers.* (i) "CPU bus rate" is the number of bits, excluding parity, accessed in one memory cycle times the number of read-write cycles per second times the number of independent memories (including interleaved) which can be transferred simultaneously between the main memory and the CPU, as limited by any device normally placed between the main memory and the CPU. For systems with multiple CPUs, the "CPU bus rate" is the sum of the individual CPU bus rates as defined above that can be sustained simultaneously.

(ii) "I/O bus rate" is the number of bits excluding parity accessed in one

memory cycle times the number of read-write cycles per second times the number of independent memories (including interleaved) which can be transferred simultaneously between the main memory and the I/O bus (or busses) as limited by any device normally placed between the main memory and the I/O bus, and which can be transferred simultaneously with the CPU bus rate.

(iii) "Total effective bit transfer rate" is the sum of the effective bit transfer rates of all peripheral memory units and data channels provided with the system, which can have simultaneous access to the I/O bus (or busses) as limited by the I/O control units provided with the system, assuming the configuration of peripheral units and data channels which would maximize this rate. The effective bit transfer rate (RE) for magnetic tape transports and for data channels is the maximum bit transfer rate excluding parity. For static memory devices, it is the number of bits transferred per access excluding parity divided by the "average access time." For rotating memory devices it is the product of the maximum bit transfer rate excluding parity (R), the number of independent read-write channels (c) and the rotational period (TR) divided by the sum of the rotational period (TR) and the sum of the "minimum seek time" (Tmin) and the "latency time" (TL) divided by the number of independent seek mechanisms (S). The mathematical expression is as follows:

$$RE = \frac{R \times C \times TR}{TR + T_{min} + TL} \times S$$

(iv) "Average access time" is the sum of the "average seek time" and the "latency time" divided by the number of independent seek means or mechanisms.

(v) "Average seek time" for moving head and/or moving media devices is the sum of the "maximum seek time" and twice the "minimum seek time" divided by three. "Maximum seek time" is as rated for the particular device; e.g., for moving head devices the time to move between the two most widely separated tracks. "Minimum seek time" for moving head and/or moving media devices is as rated for the particular device; e.g., for moving head devices the time to move from one track to an adjacent track. "Seek time" for static or fixed head devices is zero.

(vi) "Latency time" for static memory devices is the cycle time of the device; "latency time" for rotating memory devices is the rotational period divided by twice the number of independent read-write heads per track.

(vii) "Processing data rate" is the product of the average number of bits transferred per instruction and the processing rate. (a) As used in this definition, "the average number of bits transferred per instruction is the sum of:

(1) The number of bits in a fixed or floating point "instruction;"

(2) 0.40 times the number of bits in a fixed point "operand;" and

(3) 0.15 times the number of bits in a floating point "operand."

(b) The "processing rate" is the reciprocal of the sum of:

(1) 0.85 times the average "execution time" of a fixed point addition;

(2) 0.09 times the average "execution time" of a floating point addition; and

(3) 0.06 times the average "execution time" of a floating point multiplication.

(c) The "instruction" and "operand" lengths and the "execution times" of the operations in (a) of this subdivision are based on:

(1) A fixed point operand of 24 bits or greater;

(2) A floating point operand length of 30 bits or greater;

(3) The fetching of an instruction word from main memory (for CPUs simultaneously fetching more than one instruction in one memory word, the execution time shall be the average over the possible locations of the instruction within the fetch word);

(4) One operand being in the accumulator(s) or a location in main memory acting as the accumulator(s);

(5) The second operand being in main memory;

(6) The result being left in the same accumulator or a location in main memory acting as the accumulator;

(7) The instruction and operands being in optimum locations in main memory; or

(8) No indexing or indirect operations being included.

(viii) "Net capacity" of a memory device is the total capacity designed to be accessible to the digital computing system excluding parity and error correction.

(ix) "Total number of accesses" is the sum of the number of all direct access peripheral memory units provided with the system. The number of accesses (per second) to a memory device is the reciprocal of the "average access time."

(x) "Terminal devices" are all peripheral devices excluding memory devices and special process control sensing and actuating equipments, capable of transmitting and/or receiving of binary digits or alphanumeric characters. Normal groupings of such equipment; e.g., combined paper tape reader/punch and printer, connected to a single data or communication channel, shall be considered as single devices.

(xi) The "computer operating area" is the immediate vicinity of the computer installation where the normal operating, support, and service functions take place.

(xii) "Tele-communications channels" are the transmission paths or circuits and the terminal transmission and receiving equipment (modems) for transferring digital information between distant locations.

(e) *Alternative means of furnishing information.* Instead of including all of the above information with each application, the applicant may furnish the Office of Export Control with technical specifications for his line of commodities described in paragraphs (a), (b), and (c) of this section, keeping them current by

supplementing technical bulletins or other similar publications as they are released, provided that such publications contain all of the applicable required technical information computed in accordance with the definition of terms as set forth in paragraph (d) of this section, and further, that such information which relates to system performance as well as to individual component performance is directly applicable to the specific system configuration for which an application for an export license is made. In such cases, an exporter can comply with the requirements of this § 376.10 by identifying the model number and entering the following statement in the "Commodity Description" space on the application, or on an attachment:

The current technical information relating to the commodity(ies) described on this application, as required by § 376.10 of the Export Control Regulations, has been previously furnished the Office of Export Control.

(f) *Applications for enhancement/expansion equipment.* An application for a license to export equipment to country groups Q, W, and Y, to be interfaced with an existing computer system should include full particulars of the current system configuration, including make, model number, and quantity of those components which comprise the system. Insofar as is practicable that information which pertains to the current system as is listed in paragraphs (a), (b), and (c) of this section, should also be included with the application, as well as the applicable data related to the additional equipment that the applicant wishes to export.

[FR Doc.72-17249 Filed 10-6-72;8:50 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

[Docket No. C-2282]

PART 13—PROHIBITED TRADE PRACTICES

B. Altman & Co.

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, B. Altman & Co., New York, N.Y., Docket No. C-2282, Sept. 18, 1972]

In the Matter of B. Altman & Co., a Corporation

Consent order requiring a New York City importer and distributor of tex-

tile fiber products, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent B. Altman & Co., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any ladies' scarves; or any article of wearing apparel, or fabric intended for use or which may be reasonably expected to be used in an article of wearing apparel, imported by or manufactured under the control or direction of B. Altman & Co., as the terms "commerce", and "article of wearing apparel" are defined in the Flammable Fabrics Act, as amended; or any other article of wearing apparel, or fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel, the manufacturer or domestic importer of which has not furnished a guaranty under section 8(a) of the Flammable Fabrics Act, as amended; and which ladies' scarves, articles of wearing apparel and fabric fail to conform to an applicable standard or regulation, issued, amended, or continued in effect under the provisions of the aforesaid Act; *Provided, however,* Nothing herein shall accord to the respondent immunity from any subsequent proceedings under section 3, 6(a) or 6(b) of the Flammable Fabrics Act, as amended. Further, nothing herein shall limit the authority of the Commission to extend the terms of the order to products, fabrics or related materials presently excluded from this order in any subsequent proceeding against the respondent.

It is further ordered, That if not already accomplished the respondent notify all of its customers who can be identified as having purchased or to whom if identified, have been delivered the products which gave rise to this complaint of the flammable nature of said products and effect the recall of said products from such customers wherever possible.

It is further ordered, That if not already accomplished the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10),

days after service upon it of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since May 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any article of wearing apparel, or fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel, which article of wearing apparel or fabric comes within the provisions of the first paragraph of this order, having a plain surface and made of silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any article of wearing apparel, or fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel, having a raised fiber surface. Upon request of the Commission, the respondent shall submit samples of any such article of wearing apparel, or not less than 1 square yard in size of any such fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 13, 1972.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17197 Filed 10-6-72;8:46 am]

[Docket No. C-2277]

PART 13—PROHIBITED TRADE PRACTICES

Carpet Interiors, et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; 13.73–90 *Textile Fiber Products Identification Act*; 13.73–92 *Truth in Lending Act*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*; 13.155–35 *Discount savings*; 13.155–70 *Percentage savings*; 13.155–95 *Terms and conditions*; 13.155–95(a) *Truth in Lending Act*; 13.155–100 *Usual as reduced, special, etc.*; § 31.175 *Quality of product or service*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108–80 *Textile Fiber Products Identification Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185–80 *Textile Fiber Products Identification Act*; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212–80 *Textile Fiber Products Identification Act*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*; 13.1623–80 *Textile Fiber Products Identification Act*; 13.1623–95 *Truth in Lending Act*; § 13.1710 *Qualities or properties*;—Prices: § 13.1823 *Terms and conditions*; 13.1823–20 *Truth in Lending Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852–70 *Textile Fiber Products Identification Act*; 13.1852–75 *Truth in Lending Act*; § 13.1876 *Notice of third party sale of contract*; § 13.1905 *Terms and conditions*; 13.1905–60 *Truth in Lending Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147, 72 Stat. 1717; 15 U.S.C. 45, 1601–1605, 70) [Cease and desist order, Carpet Interiors, et al. Folcroft, Commonwealth of Pennsylvania, Docket No. C-2277, Sept. 6, 1972]

In the Matter of Carpet Interiors, a Corporation Trading and Doing Business as Remnant City, and Rudolph J. Pentima, and Marvin Zeitz, Individually and as Officers of Said Corporation

Consent order requiring a Folcroft, Pa., seller and distributor of carpeting and other merchandise, among other things, to cease representing that any price for their merchandise is a special or reduced price, unless such price constitutes a significant reduction from the established selling price; advertising for the purpose of obtaining leads or prospects unless the advertised products are capable of performing their advertised function and an adequate stock is maintained; disparaging or refusing to sell any product advertised; misrepresenting the quality or properties of any of their merchandise; falsely advertising, deceptively guaranteeing, and misbranding their textile fiber products; and failing to disclose to customers any disclosures required by Regulation Z of the Truth in Lending Act. Respondents are further required to include on the face of its

notes a notice that if the contract is sold to a third party, the customer may be required to make payments to someone other than the seller even if the purchase contract is not fulfilled.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Carpet Interiors, a corporation, trading and doing business as Remnant City, its successors and assigns, and its officers, and Rudolph J. Pentima and Marvin Zeitz, individually and as officers of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Christmas Warehouse Sale" or any other word or words of similar import or meaning to designate the price or prices of their merchandise, unless the price or prices of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. Using the word "Save" or any other word or words of similar import or meaning in conjunction with a stated dollar or percentage amount of savings, unless the stated dollar or percentage amount of savings actually represents the difference between the offering price and the actual bona fide price at which such merchandise had been sold or offered for sale on a regular basis to the public by respondents for a reasonably substantial period of time in the recent, regular course of their business.

3. (a) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to

the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of price in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

4. Representing, orally or in writing, directly or by implication, that any price for their merchandise is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such merchandise has been sold in substantial quantities by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

5. Failing to maintain adequate records, (a) which disclose the facts upon which any savings claim, including pricing claims and similar representations of the type described in paragraphs 1 through 4 of this order are based, and (b) from which the validity of any savings claim, including pricing claims and similar representations of the type described in paragraphs 1 through 4 of this order can be determined.

6. Representing, orally or in writing, directly or by implication, that any offer is limited in point of time or restricted in any other manner, unless the represented limitation or restriction is actually imposed and in good faith adhered to by respondents.

7. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered and respondents maintain an adequate and readily available stock of said products.

8. Disparaging, in any manner, or refusing to sell any product advertised.

9. Using any advertising, sales plan, or procedure involving the use of false, deceptive or misleading statements or representations which are designed to obtain leads or prospects for the sale of other merchandise.

10. Representing, orally or in writing, directly or indirectly, that any products or services are offered for sale when such offer is not a bona fide offer to sell said products or services.

11. Representing, directly or by implication, through the use of photographs or in any other manner, that their inferior grade carpeting has the appearance, thickness or texture of superior grade carpeting in common use; or misrepresenting, in any manner, the appearance, thickness, texture, or any other quality standard of their merchandise.

12. Representing, orally or in writing, directly or by implication, that any of their merchandise is guaranteed, unless the nature and extent of the guarantee,

the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of such guarantee.

13. Failing to incorporate the following statement on the face of all sales contracts, all notes or other instruments of indebtedness executed by or on behalf of respondents' customers with such conspicuousness and clarity as is likely to be read and understood by the purchaser:

NOTICE

If you are obtaining credit in connection with this purchase, you will be required to sign a promissory note, a sales contract or other instrument of indebtedness which may be purchased from the seller by a bank, finance company or any other third party. If such is the case, you will be required to make your payments to someone other than the seller. You should be aware that if this happens you may have to pay the note, contract or other instrument of indebtedness in full to its new owner even if your purchase contract is not fulfilled.

II. *It is further ordered.* That respondents Carpet Interiors, a corporation, trading and doing business as Remnant City, its successors and assigns, and its officers, and Rudolph J. Pentima and Marvin Zeitz, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of

identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosures relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

III. *It is further ordered.* That respondents Carpet Interiors, a corporation, trading and doing business as Remnant City, its successors and assigns, and its officers, and Rudolph J. Pentima and Marvin Zeitz, individually and as officers of said corporation, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), or in connection with any advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit as "advertisement" and "consumer credit" are defined in Regulation Z, do forthwith cease and desist from:

1. Failing to disclose the "total downpayment" in the manner and form required by § 226.8(c) (2) of Regulation Z.

2. Failing to disclose the "unpaid balance of cash price" in the manner and form required by § 226.8(c) (3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended; and to disclose the amount of the "amount financed", as required by § 226.8(C) (7) of Regulation Z.

4. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein; and to disclose the dollar amount of the "finance charge" as required by § 226.8(c) (8) (i) of Regulation Z.

5. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

6. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as "deferred payment price" as required by § 226.8(c) (8) (ii) of Regulation Z.

7. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness; and to disclose the number, dates and amount of the sum of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

8. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation as required by § 226.8(b) (7) of Regulation Z.

9. (a) Failing in any transaction in which respondents retain or acquire a security interest in real property which is used or expected to be used as the principal residence of the customer to comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

(b) Failing to disclose, or to accurately disclose on the notice of rescission, the date on which the customer's right of rescission expires, said date being not earlier than the third business day following the date of the transaction, as required by § 226.9(b) of Regulation Z.

10. Representing, directly or by implication, in any advertisement, as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z.

- (i) The cash price;
- (ii) The amount of the downpayment required or that no downpayment is required, as applicable;
- (iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;
- (iv) The amount of the finance charge expressed as an annual percentage rate; and
- (v) The deferred-payment price.

11. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered:

a. That the respondents herein shall forthwith distribute a copy of this order to each of their respective operating divisions or departments.

b. That the respondents herein shall forthwith distribute a copy of this order to all present and future personnel of respondents engaged in the offering for sale, or sale, of any carpeting or any other merchandise offered for sale by

respondents or engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation, or placing of advertising, and that respondents secure a signed statement from all such personnel acknowledging receipt of said order from each such person.

c. That respondents herein shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

d. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 6, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17198 Filed 10-6-72;8:47 am]

[Docket No. C-2275]

PART 13—PROHIBITED TRADE PRACTICES

Key Learning Systems, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; 13.15-30 *Connections or arrangements with others*; 13.15-80 *Government connection*; 13.15-195 *Nature*; 13.15-225 *Personnel or staff*; § 13.73 *Formal regulatory and statutory requirements*: 13.73-92 *Truth in Lending*; § 13.85 *Government approval, action, connection or standards*: 13.85-15 *Civil Service Commission connections or recognition*; § 13.155 *Prices*: 13.155-95 *Terms and conditions*; 13.155-95(a) *Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections*: § 13.1425 *Government connection*: § 13.1490 *Nature*; § 13.1520 *Personnel or staff*; § 13.1553 *Services*;—*Goods*: § 13.1623 *Formal regulatory and statutory requirements*; 13.1623-95 *Truth in Lending Act*;—*Prices*: § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1892 *Sales contract, right to cancel provision*; § 13.1905 *Terms and conditions*; 13.1905-60 *Truth in Lending Act. Subpart—Threatening suits, not in good faith*: § 13.2264 *Delinquent debt collection*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Key Learning Systems, Inc., et al., Riviera Beach, Fla., Docket No. C-2275, Aug. 29, 1972]

In the Matter of Key Learning Systems, Inc., Key Training Service, Inc., Automobile - Household - Education Credit and Finance Corp., Corporations, and George Lewson, S. Wyman Rolph and Theodosia W. La Barbera, Individually and as Officers of Said Corporations

Consent order requiring a Riviera Beach, Fla., franchisor of home instruction courses, among other things, to cease representing that respondents' business is connected with any branch or agency of the U.S. Government; misrepresenting the qualifications of respondents' personnel or staff; misrepresenting the availability of civil service jobs; misrepresenting the nature and legal characteristics of any enrollment or other contract; misrepresenting the action to be taken or the results thereof, to effect payment of alleged indebtedness; neglecting to inform prospective customers of their right to a 3-day cooling-off period in which they may cancel the contract and receive all monies paid. Respondent is further required to make all disclosures to customers required by Regulations Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

COUNT I

It is ordered, That respondents Key Learning Systems, Inc., Key Training Service, Inc., and Automobile-Household-Education Credit and Finance Corp., corporations, their successors and assigns, their officers, and George Lewson, S. Wyman Rolph and Theodosia W. La Barbera, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, licensee, franchisee, or other device in connection with advertising, offering for sale, sale or distribution of courses of study or instruction or any other services or products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents' business is connected with any branch or agency of the U.S. Government or with any State or local governmental agency.

2. Representing, directly or by implication, that respondents and their franchisees are engaged in soliciting applications for the purpose of selecting or training persons for civil service employment with the U.S. Government, or that respondents' representatives possess the necessary qualifications and special knowledge which would enable them to determine the qualifications of persons for such employment, or that respondents are engaged in any business other than that in which they are actually engaged.

3. Representing, directly or by implication, that respondents' and their franchisees have any specialized knowledge or information concerning civil service

job openings or the availability of civil service positions in any area, or misrepresenting in any manner the availability of civil service jobs.

4. Representing, directly or by implication, that respondents have available, and can provide, specialized training courses of study to their purchasers for every position within the civil service.

5. Representing, directly or by implication, that persons completing any course of study are assured of or will obtain civil service positions.

6. Representing, directly or by implication, that contracts executed by the purchasers of respondents' courses of instruction will not be effective, binding or accepted by them until all monies required for the "downpayment" or similar preliminary payments, are received; or misrepresenting in any manner the nature and legal characteristics of any enrollment or other contract.

7. Failing to clearly and conspicuously disclose in all advertising, orally prior to the time of the sale and in writing on any enrollment agreement or contract, that respondents are a private business enterprise engaged in the solicitation and sale of a course of study and instruction; that respondents have no connection with any branch or agency of the U.S. Government, or with any State or local governmental agency, and that the purpose of such contact is to sell a course of study.

8. Misrepresenting, in any manner, the nature of respondents' business or the purpose of respondents' initial contact with prospective customers.

9. Representing, directly or by implication, that Automobile-Household-Education, or any other similar corporate division, subsidiary, licensee, franchisee, or device is an independent or separate organization from the said business enterprise operated by respondents. That any collection agency is an independent separate organization, or a bona fide assignee or purchaser of accounts receivable when it is owned, operated and controlled by respondents.

10. Representing, directly or by implication, that legal action may be instituted unless it is intended in good faith that such legal action may be instituted; or misrepresenting in any manner the action to be taken or results of any action which may be taken to effect payment of any such account or alleged debt.

11. Representing, directly or by implication, that in the event of nonpayment or delinquency of any account or alleged debt arising from any enrollment contract or other purchase agreement, the general or public credit rating or standing of any person may be adversely affected, unless respondents refer the information concerning such delinquency to a bona fide credit reporting agency.

12. Contracting for any sale whether in the form of an enrollment contract or other purchase agreement which shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

13. Failing to disclose, orally prior to the time of sale and in writing on any enrollment contract or other purchase agreement signed by the purchaser with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that the purchaser may rescind or cancel the sale by directing or mailing a notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date upon which the purchaser signed such enrollment contract or purchase agreement.

14. Failing to provide a separate and clearly understandable form showing the respondents' name and address and which the buyer may use as a notice of cancellation.

15. Failing to refund immediately all monies to (a) purchasers who have requested contract cancellation in writing within three business days from the sale thereof, and (b) purchasers showing that respondents' solicitations or performances were attended by or involved violation of any of the provisions of this order.

16. Failing to:

(a) Deliver by ordinary mail a copy of this order to each present and every future licensee or franchisee; and failing to obtain an agreement in writing from each present and every future licensee or franchisee to abide by the terms of this order. *Provided, however,* That as to any licensee or franchisee whose franchise agreement is in effect as of the effective date of this order, respondents' failure to obtain said agreement to abide by the terms of the order shall not be deemed a violation of this provision if, after having made a diligent effort to obtain said agreement from any such licensee or franchisee and such licensee or franchisee having failed or refused to execute such agreement, respondents inform the Commission of the identity of such licensee or franchisee.

(b) Institute a program of continuing surveillance adequate to reveal whether the business of each licensee and franchisee so described in Paragraph (a) above conforms to the requirements of this order.

COUNT II

It is further ordered, That respondents Key Learning Systems, Inc., Key Training Service, Inc. and Automobile-Household-Education Credit and Finance Corp., corporations, their successors and assigns, their officers, and George Lewson, S. Wyman Rolph and Theodosia W. La Barbera, individually and as officers of said corporations, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division, licensee, franchisee, or other device in connection with any extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15

U.S.C. 1601, et seq.), do forthwith cease and desist from:

1. Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments as required by § 226.8(b)(4) of Regulation Z.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions or departments.

It is further ordered, That respondents and their franchisees deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale of any product or service, and in the consummation of any extension of consumer credit, or in any aspect of preparation, creation, or placing of advertising, and that respondents and their franchisees secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days after any change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 29, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 72-17191 Filed 10-6-72; 8:46 am]

[Docket No. C-2280]

PART 13—PROHIBITED TRADE PRACTICES

Leon Hecht Fur Corp. and Leon Hecht

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec.

8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leon Hecht Fur Corp., et al., New York, N.Y., Docket No. C-2280, Sept. 13, 1972]

In the Matter of Leon Hecht Fur Corp., a Corporation, and Leon Hecht, Individually and as an Officer of Said Corporation

Consent order requiring a New York City retailer of fur products, among other things to cease misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Leon Hecht Fur Corp., a corporation, its successors and assigns, and its officers, and respondent Leon Hecht, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by section 4(2) of the Fur Products Labeling Act.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur products is "natural" when such fur is pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith

distribute a copy of this order to each of its operating divisions.

It is further ordered. That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 13, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17195 Filed 10-6-72; 8:46 am]

[Docket No. C-2281]

PART 13—PROHIBITED TRADE PRACTICES

New York Merchandise Co., Inc., and Max Fradkin

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, New York Merchandise Co., Inc., et al., New York, N.Y., Docket No. C-2281, Sept. 13, 1972]

In the Matter of New York Merchandise Co., Inc., a Corporation, and Max Fradkin, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and wholesaler of apparel, novelties, and gift items, including scarves, among other things to cease importing, selling, or transporting fabrics so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered. That respondents New York Merchandise Co., Inc., a corporation, and its officers, and Max Fradkin, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric or related material; or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product",

"fabric" and "related material" are defined in the Flammable Fabric Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered. That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products, and effect recall of such products from said customers.

It is further ordered. That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered. That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since August 12, 1969, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered. That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered. That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and

form in which they have complied with this order.

Issued: September 13, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17193 Filed 10-6-72; 8:46 am]

[Docket No. C-2283]

PART 13—PROHIBITED TRADE PRACTICES

Ohrbach's, Inc.

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Ohrbach's, Inc., New York, N.Y., Docket No. C-2283, Sept. 13, 1972]

In the Matter of Ohrbach's, Inc., a Corporation

Consent order requiring a New York City retail department store, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered. That respondent Ohrbach's, Inc., a corporation, its successors, and assigns and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from selling, offering for sale in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any ladies' scarves; or any article of wearing apparel, or fabric intended for use or which may be reasonably expected to be used in an article of wearing apparel, imported by or manufactured under the control or direction of Ohrbach's, Inc., as the terms "commerce" and "article of wearing apparel" are defined in the Flammable Fabrics Act, as amended; or any other article of wearing apparel, or fabric intended for use or which may be reasonably expected to be used in an article of wearing apparel, the manufacturer of which has not furnished a guaranty under section 8(a) of the Flammable Fabrics Act, as amended; and which ladies' scarves, articles of wearing apparel or fabric fail to conform to an applicable standard or regulation, issued, amended, or continued in effect under the provisions of the aforesaid Act; provided, however, nothing herein shall accord to the respondent immunity from any subsequent proceedings under sections 3, 6(a), or 6(b) of the Flammable Fabrics Act, as

amended. Further, nothing herein shall limit the authority of the Commission to extend the terms of the order to products, fabrics, or related materials presently excluded from this order in any subsequent proceeding against the respondent.

It is further ordered, That the respondent notify all of its customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondent herein either process the products that gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall within ten (10) days after service upon it of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 26, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any article of wearing apparel, or fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel, which article of wearing apparel or fabric comes within the provisions of the first paragraph of this order, having a plain surface and made of silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any article of wearing apparel, or fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel, having a raised fiber surface. Upon request of the Commission the respondent shall submit samples of any such article of wearing apparel, or 1 square yard in size of any fabric which is intended for use or which may reasonably be expected to be used in an article of wearing apparel, as described above.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the

creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 13, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.
[FR Doc.72-17196 Filed 10-6-72;8:46 am]

[Docket No. C-2279]

PART 13—PROHIBITED TRADE PRACTICES

Shutzer Industries, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: § 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Shutzer Industries, Inc., et al., Lawrence, Mass., Docket No. C-2279, Sept. 13, 1972]

In the Matter of Shutzer Industries, Inc., a Corporation, and Shutzer Manufacturing Co., Inc., a Corporation, and Lawrence L. Shutzer, Individually and as an Officer of Said Corporations

Consent order requiring a Lawrence, Mass., manufacturer and distributor of men's and boys' garments, among other things to cease misbranding its merchandise by failing to adequately label said merchandise in accordance with the applicable provisions of the Wool Products Labeling Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Shutzer Industries, Inc., a corporation, its successors and assigns, and its officers, and Shutzer Manufacturing Co., Inc., a corporation, its successors and assigns, and its officers, and Lawrence L. Shutzer, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction or manufacture for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment,

or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed changes in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order.

Issued: September 13, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.
[FR Doc.72-17192 Filed 10-6-72;8:46 am]

[Docket No. C-2278]

PART 13—PROHIBITED TRADE PRACTICES

Wellco Carpet Corp.

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Wellco Carpet Corp., Calhoun, Ga., Docket No. C-2278, Sept. 8, 1972]

In the Matter of Wellco Carpet Corp., a Corporation

Consent order requiring a Calhoun, Ga., seller and manufacturer of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued or amended

under the provisions of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered. That respondent Welco Carpet Corp., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered. That respondent, if it has not already done so, notify all of its customers who have purchased or to whom has been delivered the products which gave rise to this complaint, of the possible flammable nature of said products and effect the recall, if it has not already done so, of said products from such customers.

It is further ordered. That the respondent herein shall either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered. That respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since September 10, 1971, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondent will submit with its report, a complete description of each style of carpet or rug currently in inven-

tory or production. Upon request, respondent will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered. That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered. That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 8, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17194 Filed 10-6-72;8:46 am]

SUBCHAPTER F—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS UNDER THE FAIR CREDIT REPORTING ACT

PART 600—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

Notice is hereby given that the Federal Trade Commission announces an interpretation (16 CFR 600.6) issued pursuant to § 1.73 of its procedures and rules of practice (36 F.R. 9293). Section 1.73 of these rules provides, in part, that the Commission will issue and cause to be published in the FEDERAL REGISTER interpretations of the provisions of the Fair Credit Reporting Act on its own initiative or pursuant to the application of any person when it appears to the Commission that guidance as to the legal requirements of the Act would be in the public interest and would serve to bring about more widespread and equitable observance of the Act. The interpretations are not substantive rules and do not have the force or effect of statutory provisions. They are guidelines intended as clarification of the Fair Credit Reporting Act, and, like industry guides, are advisory in nature. Failure to comply with such interpretations may result in corrective action by the Commission under applicable statutory provisions.

Title 16 of the Code of Federal Regulations is amended by the addition of a new Subchapter F, Statements of General Policy or Interpretations under the Fair Credit Reporting Act, consisting at this time of Part 600, Statements of General Policy or Interpretations. Notice of proposed rule making was published at 37 F.R. 11903 and 37 F.R. 12068 (June 15 and 17, 1972); and five proposed interpretations were published as notices in the FEDERAL REGISTER of March 8,

1972 (37 F.R. 4982). Section 600.6, at present the only section in new Part 600, reads as follows:

§ 600.6 Civil Service Commission.

(a) In the course of its operations the U.S. Civil Service Commission collects and files data concerning current and potential employees of the Federal Government. This data may include commentary on such matters as the subject's character, general reputation, personal characteristics, or mode of living, and the information is routinely transmitted to various branches of the Government. The question has arisen whether these activities are subject to the provisions of the Fair Credit Reporting Act.

(b) The definition of a "consumer report" in section 603(d)(2) includes any written, oral, or other communication containing information of the type reported by the Civil Service Commission when that communication is used for employment purposes. That provision is applicable, however, only to those reports issued by a "consumer reporting agency," which is described in section 603(f) as being a "person" which assembles such information "for monetary fees, dues, or on a cooperative nonprofit basis" to third parties. Although such a person may be a "government or governmental subdivision or agency" (section 603(b)), it is the Commission's view that the Civil Service Commission was not intended by Congress to be subject to the Fair Credit Reporting Act.

(c) While in another context exchanges of information between the Civil Service Commission and other Government agencies might be described as "nonprofit" and "cooperative," the legislative history of section 603(d) indicates that that language was intended to refer to commercial enterprises engaged in mutually beneficial exchanges of information. (See 116 Cong. Rec. 36576 (remarks of Representative Brown) (1970).) The proposition that Federal agencies were meant to be included as well finds no support in the congressional debates or committee reports.

(d) In addition, there is no reference to administrative agencies of the U.S. Government in the discussions of the definition of the term "consumer reporting agency" which preceded passage of the Fair Credit Reporting Act. (116 Cong. Rec. 35941 (remarks of Senator Proxmire) (1970); 116 Cong. Rec. 36575 (remarks of Representatives Wylie, Sullivan, Brown, and Widnall (1970)).) Normally Congress requests the views of officials of affected agencies when hearings are held on proposed legislation. It is unlikely that legislation affecting the Civil Service Commission would have been considered and passed without the benefit of comments from that agency.

(e) For these reasons, the reporting activities of Federal agencies such as the Civil Service Commission will not be included within the scope of the Commission's Fair Credit Reporting Act enforcement program.

Comments on the interpretation may be submitted to the Secretary of the Commission within thirty (30) days from the date of this notice. The interpretation will automatically become final upon the expiration of sixty (60) days from the date of publication in the FEDERAL REGISTER unless the Commission determines to rescind, revoke, modify, or withdraw the interpretation, in which event notice of such action will be published in the FEDERAL REGISTER.

(84 Stat. 1127-1136, 15 U.S.C. 1601 et seq.)

By directions of the Commission dated September 12, 1972, and October 3, 1972.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17190 Filed 10-6-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9827; Amdts. 23-13 and 27-8]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY AND ACROBATIC CATEGORY AIRPLANES

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

Airplane and Rotorcraft Manuals, Markings, and Placards

Correction

In F.R. Doc. 72-16238, appearing on page 20022, of the issue for Saturday, September 23, 1972, the following changes are to be made:

1. Section 23.1559(a)(2) is corrected to read as follows:

§ 23.1559 Operating limitations placard.

(a) * * *

(2) For airplanes of more than 6,000 pounds maximum weight certificated in more than one category:

The markings and placards installed in this airplane contain operating limitations which must be complied with when operating this airplane in the ----- category. (Insert category.) Other operating limitations which must be complied with when operating this airplane in this category or in the ----- category are contained in the Airplane Flight Manual. (Insert category or categories.)

2. Section 27.1501(b) is corrected to read as follows:

§ 27.1501 General.

(b) For each helicopter, be included in a Rotorcraft Flight Manual or in approved manual material, unless the operating rules of this chapter require a Rotorcraft Flight Manual, and expressed in placards and markings; and

3. Section 27.1559 is corrected to read as follows:

§ 27.1559 Limitations placard.

There must be a placard in clear view of the pilot stating:

The markings and placards installed on this ----- (Insert helicopter, gyrodyne, etc.) contain operating limitations which must be complied with when operating this rotorcraft. Other operating limitations which must be complied with when operating this rotorcraft are contained in the ----- (Insert "Rotorcraft Flight Manual" for rotorcraft other than helicopters. Insert either "Rotorcraft Flight Manual" or "approved manual material," whichever is applicable, for helicopters. If "approved manual material" is inserted, the placard must also contain a statement setting forth the form and location of the material.) If the Rotorcraft Maintenance Manual contains "Airworthiness Limitations" issued under § 27.1529(a)(2), the placard must contain the following additional statement: "The 'Airworthiness Limitations' section of the Rotorcraft Maintenance Manual must be complied with.

[Docket No. 72-EA-83; Amdt. 39-1532]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming HIO-360-D1A type aircraft engines.

There have been reports of magneto failures on the HIO-360-D1A aircraft engine which have been attributed to a loss of lubrication. Since the deficiency can exist or develop on similar type engines, an airworthiness directive is being issued which will require inspection and lubrication and periodic replacement of parts in the left magneto.

Since the foregoing presents an air safety problem, expeditious adoption of this airworthiness directive is required and therefore notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Avco LYCOMING. Applies to HIO-360-D1A model engines installed on Hughes Model 269C and 300C helicopters.

Compliance required as indicated after effective date of this AD. To prevent possible failures of the Bendix S4LN-1208 magnetos, P/N 10-349285-5, accomplish the following:

1. Within the next 50 hours' time in service and at each 50 hours' time in service thereafter, inspect and lubricate the magneto distributor bushing or both magnetos in accordance with Lycoming Service Bulletin No. 336B or later revision or equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

2. Within the next 100 hours' time in service and at each 100 hours' time in service thereafter, replace those parts in the left

magneto with the parts contained in Bendix Kit No. 10-391320 or equivalent FAA-approved parts.

3. Upon request, with substantiating data submitted through an FAA maintenance inspector, the compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective October 13, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on September 28, 1972.

F. A. CARBOINE,
Acting Director, Eastern Region.

[FR Doc.72-17232 Filed 10-6-72;8:50 am]

[Docket No. 72-EA-93; Amdt. 39-1533]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-20 and PA-22 type aircraft.

There have been reports of deterioration of the fuel hoses in the subject aircraft due to heat, chafing, and other factors. The complete failure of the line could result in a fire. Since the foregoing deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued to require replacement of the fuel hose. The possibility of fire presents a hazard to air safety and therefore requires expeditious adoption of this amendment. Therefore notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER: Applies to all PA-20 type aircraft S/N 20-1 and up and PA-22 type aircraft S/N 22-1 to 22-9393 inclusive.

Compliance required within 100 hours in service or at next annual inspection, whichever occurs first, after the effective date of this AD unless already accomplished.

To prevent potential in-flight fire due to fuel line failure, accomplish the following:

Identify the flexible fuel line assembly routed from fuel strainer to the carburetor. A metal identification band permanently affixed to each line may be used for this purpose. Replace any P/N 70322-32 hose assembly with P/N 17766-66 hose assembly or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. If the fuel line cannot be identified, it shall also be replaced with P/N 17766-66. Installation and routing of replacement hose assemblies shall be accomplished so as to prevent abrasion, interference chafing, and heat damage.

Upon request, and submission of substantiating data through an FAA Maintenance

Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD. (Piper Service Bulletin No. 351 dated May 3, 1972, pertains to this subject.)

This amendment is effective October 13, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on September 28, 1972.

F. A. CARBOINE,
Acting Director, Eastern Region.

[FR Doc.72-17231 Filed 10-6-72;8:50 am]

[Airspace Docket No. 72-WE-29]

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

Alteration of Transition Area

On August 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16810) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fallon, Nev. transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Los Angeles, Calif., on September 29, 1972.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the description of the Fallon, Nev., transition area is amended to read as follows:

FALLON, NEV.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the NAAS Fallon TACAN and within 2 miles northeast and 2.5 miles southwest of the Fallon TACAN 296° radial, extending from the 11-mile-radius area to 15 miles northwest of the TACAN; that airspace extending upward from 1,200 feet above the surface within 12 miles northwest and 7 miles southeast of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles southwest to 30 miles northeast of the VOR, within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles northeast of the TACAN, within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials, within 23 miles southwest and 10 miles northeast of the Fallon TACAN 139° and 319° radials, extending from 10 miles northwest to 23 miles southeast of the TACAN, excluding that airspace within the Yerington and Reno, Nev., transition areas; and that airspace ex-

tending upward from 9,500 feet MSL within 23 to 44 miles southeast of Fallon TACAN bounded on the northeast by a line 10 miles northeast of and parallel to the Fallon TACAN 139° radial and on the southwest by the northeast edge of V-105 E.

[FR Doc.72-17229 Filed 10-6-72;8:48 am]

[Airspace Docket No. 72-WE-31]

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

Alteration of Control Zone

On August 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16811) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Redding, Calif. control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Los Angeles, Calif., on September 29, 1972.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the description of the Redding, Calif., control zone as amended by (37 F.R. 727) is further amended to read as follows:

REDDING, CALIF.

Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles west and 4 miles east of the Redding VOR 192° radial extending from the 5-mile-radius zone to 8 miles south of the VOR, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.72-17228 Filed 10-6-72;8:48 am]

[Airspace Docket No. 72-WE-32]

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

Alteration of Transition Area

On August 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16811) stating that the Federal Aviation Adminis-

tration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Red Bluff, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Los Angeles, Calif., on September 28, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the description of the Red Bluff, Calif., transition area is amended in part as follows: Beginning in the third line of the description of the Red Bluff, Calif., transition area delete all before " * * * " extending from the 5-mile-radius area " * * * " and substitute therefor "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) and within 2 miles west and 4 miles east of the Redding VOR 192° radial. * * * "

[FR. Doc.72-17230 Filed 10-6-72;8:48 am]

[Dockets No. 12291, Amdt. 169-1]

PART 169—EXPENDITURE OF FEDERAL FUNDS FOR NONMILITARY AIRPORTS OR AIR NAVIGATION FACILITIES THEREON

Technical Amendments To Reflect Current Terminology

The purpose of these amendments is to delete from Part 169 of the Federal Aviation Regulations obsolete language, and to insert therein terminology in conformity with the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) and with current titles and positions of FAA personnel.

First, the changes to §§ 169.3(a) and 169.5(d) respectively substitute "Regional Airport Division or District Office" for "Area Office" as the place to file applications for recommendations and certifications, and substitute "Regional Directors" for "Area Managers" as the personnel who exercise the authority of the Administrator, in order to properly reflect the current FAA organization. Second, the changes to § 169.3(b) (1) and (2) respectively substitute reference to the Airport and Airway Development Act of 1970 for reference to the superseded Federal Airport Act (49 U.S.C. 1108), and substitute "National Airport System Plan" for "National Airport Plan," in conformity with the 1970 Act.

Since these amendments are procedural in nature and do not impose a burden on any person, notice and public

procedure thereon is not required and the amendments may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 169 of the Federal Aviation Regulations is amended, effective October 7, 1972, as follows:

1. By amending the second sentence in paragraph (a), paragraph (b) (1), and the introductory language of paragraph (b) (2) of § 169.3, to read as follows:

§ 169.3 Application for recommendation and certification.

(a) * * * The application shall be filed with the Regional Airport Division or District Office, whichever is appropriate, in whose geographical area the airport is located. * * *

(b) * * *

(1) Approval of a project under section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701).

(2) Inclusion of an airport in the National Airport System Plan, if— * * *

3. By amending paragraph (d) of § 169.5 to read as follows:

§ 169.5 FAA determination.

(d) The authority of the Administrator under this part is exercised by Regional Directors as to airports or facilities within their respective regions.

(Secs. 308(a), 313(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1349(a), 1354(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 2, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-17227 Filed 10-6-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENT

These changes are made to implement FPR 1-1.322, Payment of interest on contractor's claims. The applicability of this clause to subcontracts under cost-type prime contracts has been implemented in § 9-7.000-50 and described in § 9-7.5004-7(b). The clause is also added by reference to the various contract outlines in Subpart 9-16.50. Correction to the implementation of FPR 1-12.1102-2, Listing of Employment Openings, have been made in § 9-16.5002-8 and -9.

1. In Part 9-7, Contract Clauses, § 9-7.000-50, *Policy, cost-type contractor procurement*, is revised as follows:

§ 9-7.000-50 Policy, cost-type contractor procurement.

Contracting officers shall require cost-type contractors to use terms and conditions in connection with procurement under their AEC contracts which are adequate to protect the Government's interests consistent with their contractual obligations. In addition to the prime contract flowdown provisions, the instructions and notes in §§ 9-7.5004-3, 9-7.5004-7, 9-7.5004-10, 9-7.5004-11, and 9-7.5006-47 are to be applied to cost-type contractor procurement. Other terms and conditions shall be included as may be required as a matter of law (e.g., Contract Work Hours Standards Act—Overtime Compensation, Davis-Bacon Act, etc.) or as appropriate under the circumstances.

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-7, *Payment of interest on contractors' claims* is revised as follows:

§ 9-7.5004-7 Payment of interest on contractors' claims.

(a) See FPR 1-1.322(b).

(b) The clause referenced in § 9-7.5004-7(a) applies to first-tier subcontracts under cost-type prime contracts in the manner the disputes clause applies to such subcontracts pursuant to § 9-7.5004-3(b).

3. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-2, *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities)*, a new paragraph (44) is added as follows:

§ 9-16.5002-2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

(44) Payment of interest on contractors' claims—FPR 1-1.322(b).

4. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-4, *Outline of a cost-plus-a-fixed-fee construction contract*, a new Article XXXVIII—Payment of Interest on Contractors' Claims, is added as follows:

§ 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract.

Article XXXVIII—Payment of Interest on Contractors' Claims. Insert contract clause set forth in FPR 1-1.322(b).

5. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-5, *Outline of a cost-plus-a-fixed-fee architect-engineer contract*, a new Article XLI—Payment of Interest on Contractors' Claims, is added as follows:

§ 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

Article XLI—Payment of Interest on Contractors' Claims. Insert contract clause set forth in FPR 1-1.322(b).

6. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-8, *Outline of a special research support agreement with educational institutions*, Appendix B, Article XXVIII—List of Employment Openings, is corrected and a new Article XXXI—Payment of Interest on Contractors' Claims is added as follows:

§ 9-16.5002-8 Outline of a special research support agreement with educational institutions.

* * * * *
APPENDIX B

ARTICLE B-XXVIII—LISTING OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1-12.1102-2.

ARTICLE B-XXXI—PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

Insert the clause set forth in FPR 1-1.322(b).

7. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-9, *Outline of cost-type contract for research and development with educational institutions*, Article B-44—List of Employment Openings, is corrected and a new Article B-45—Payment of Interest on Contractors' Claims is added as follows:

§ 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.

ARTICLE B-44—LISTING OF EMPLOYMENT OPENINGS

Insert the clause set forth in FRP 1-12.1102-2.

ARTICLE B-45—PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

Insert the clause set forth in FRP 1-1.322(b).

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Dated at Germantown, Md. this 2nd day of October 1972.

Effective Date. These amendments are effective upon publication in the FEDERAL REGISTER (10-7-72).

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.72-17238 Filed 10-6-72;8:50 am]

PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Correction

In F.R. Doc. 72-16471 appearing at page 20244 of the issue for Thursday, September 28, 1972, in § 9-53.106 the tabulated material under "Active Offices" should read as follows:

ACTIVE OFFICES

Field installations:	Contract prefix
San Francisco.....	AT(04-3)-
Grand Junction.....	AT(05-1)-
Idaho Falls.....	AT(10-1)-
Chicago.....	AT(11-1)-
Paducah.....	AT(15-1)-
Kansas City.....	AT(23-3)-
Nevada.....	AT(26-1)-
New Brunswick.....	AT(28-1)-
Los Alamos.....	AT(29-1)-
Albuquerque.....	AT(29-2)-
Brookhaven.....	AT(30-2)-
Schenectady.....	AT(30-3)-
Dayton.....	AT(33-1)-
Portsmouth.....	AT(33-2)-
Pittsburgh.....	AT(36-1)-
Savannah River.....	AT(38-1)-
Oak Ridge.....	AT(40-1)-
Richland.....	AT(45-1)-
Puerto Rico.....	AT(51-1)-
Headquarters:	
Headquarters Services.....	AT(49-1)-
General Manager.....	AT(49-2)-
Military Application.....	AT(49-3)-
Production and Materials Management.....	AT(49-4)-
Reactor Development and Technology.....	AT(49-5)-
Biomedical and Environmental Research.....	AT(49-7)-
Physical Research.....	AT(49-8)-
Personnel.....	AT(49-13)-
International Programs.....	AT(49-14)-
Space Nuclear Systems.....	AT(49-15)-
Management Information and Telecommunications Systems.....	AT(49-17)-
Contracts.....	AT(49-18)-
Applied Technology.....	AT(49-19)-
Controlled Theronuclear Research.....	AT(49-20)-
Office of Information Services.....	AT(49-21)-
Waste Management and Transportation.....	AT(49-22)-
Nuclear Materials Security.....	AT(49-23)-
Regulation.....	AT(49-24)-
Joint AEC/NASA Space Nuclear Systems Office.....	SNSO-
Joint AEC/NASA Space Nuclear Systems Office—Nevada.....	SNSN-

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

PART 280—REGULATIONS GOVERNING AWARDS OF ODS AGREEMENTS AND PAYMENT OF ODS

In F.R. Doc. 72-10998, appearing in the FEDERAL REGISTER issue of July 18, 1972 (37 F.R. 14236), notice was published that the Maritime Subsidy Board, pursuant to section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), was considering the promulgation of regulations governing award of operating-differential subsidy (ODS) agreements and payment of ODS. Interested parties were invited to file written comments on the proposed regulations.

Pursuant to that Notice written comments were received from Liner Council, American Institute of Merchant Ship-

ping, States Marine International, Inc., Isthmian Lines, Inc., Waterman Steamship Corp., and American Export Lines, Inc. Those comments have been reviewed and those regarding form have been adopted while those of substance adopted only if in accord with the Final Opinion and Order of the Maritime Subsidy Board dated June 1, 1972, in Docket No. S-244. The regulations were published to carry out the mandate of that Final Opinion and Order. The question of whether the regulations will apply to applications for ODS put to hearing and in which the record has been closed prior to that Final Opinion and Order will be resolved on the Board's consideration of the record in each proceeding.

Therefore, notice is hereby given that the Maritime Subsidy Board on this date adopted a new Part 280 to title 46, Chapter II, Code of Federal Regulations as follows:

- Sec. 280.1 Purpose.
- 280.2 Definitions.
- 280.3 Standards governing award of an ODS agreement.
- 280.4 Standards governing payment of ODS.
- 280.5 Computation of ODS payable on outbound and inbound legs of a service.
- 280.6 Accounting on calendar year basis.
- 280.7 Examination of cargo carried on a single voyage.
- 280.8 Effective date; prospective application.
- 280.9 Example.

AUTHORITY: The provisions of this Part 280 issued under section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114).

§ 280.1 Purpose.

The purpose of this part is to prescribe regulations governing the award of operating-differential subsidy (ODS) agreements and the payment of ODS under title VI of the Merchant Marine Act, 1936, as amended (Act), as that title has been interpreted by the Maritime Subsidy Board (Board) in Docket No. S-244.

§ 280.2 Definitions.

For purposes of this part:

(a) "Commercial cargoes" shall mean cargoes other than military and civilian preference cargoes. "Conference-rated civilian preference cargoes" shall mean civilian preference cargoes moving at rates set by international rate conferences. "Open-rated civilian preference cargoes carried at 'world rates'" shall mean civilian preference cargoes moving at rates negotiated with shippers and set at the level at which the majority of carriers in a given trade carry the civilian preference cargoes. "Preference cargoes", whether military or civilian, shall mean cargoes required by law to be carried on United States flag vessels.

(b) "Gross freight revenues" shall mean gross revenues earned from the carriage of cargo. Gross revenues earned from the carriage of passengers and mail and miscellaneous gross revenues shall not be included within the term "gross freight revenues."

(c) "Inbound gross freight revenue" shall mean gross freight revenues earned from carriage of cargoes in foreign commerce inbound to the United States; "outbound gross freight revenue" shall mean gross freight revenue earned from carriage of cargoes in foreign commerce outbound from the United States. Gross freight revenue earned from the carriage of wayport cargoes between foreign ports shall not be included within either outbound or inbound gross freight revenues.

(d) "Total gross revenue" shall mean gross freight revenues consisting of inbound, outbound, and wayport gross freight revenues; gross revenues earned from carriage of passengers and mail; and miscellaneous gross revenues.

(e) "Service" shall mean "essential service in the foreign commerce of the United States" as described in section 211(a) of the Act. Where an ODS agreement has been made, the specific nature of each service covered by the ODS agreement shall be as defined in the agreement.

§ 280.3 Standards governing award of an ODS agreement.

No ODS agreements, including any amendments thereto concerning additional services or revised service area, shall be made under title VI of the Act unless the applicant establishes in its application that the vessel operations proposed to be subsidized will be conducted in a manner which will not preclude the applicant from carrying at least 50 percent of its inbound gross freight revenues and at least 50 percent of its outbound gross freight revenues for each service covered by the application from the carriage of commercial cargoes, conference-rated civilian preference cargoes, or open-rated civilian preference cargoes carried at "world" rates.

§ 280.4 Standards governing payment of ODS.

(a) (1) ODS will be paid in full for vessel operations on the inbound and outbound legs of each service covered by an ODS agreement only if at least 50 percent of the annual inbound and 50 percent of the annual outbound gross freight revenues earned for that service are earned from the carriage of commercial cargoes, conference-rated civilian preference cargoes, or open-rated civilian preference cargoes carried at "world" rates.

(2) If less than 50 percent of the annual inbound or outbound gross freight revenues earned on the inbound or outbound leg of a service covered by an ODS agreement are earned from carriage of commercial cargoes, conference-rated civilian preference cargoes or open-rated civilian preference cargoes carried at "world" rates, payment of ODS for the inbound or outbound leg of the service shall be reduced as follows:

Percent of inbound or out-bound gross freight revenue from carriage of competitive cargoes	ODS reduction (expressed in percent of total ODS payable for cargo carriage on the inbound or outbound leg of the service)
40 to 49.9	20
30 to 39.9	40
20 to 29.9	60
10 to 19.9	80
0 to 9.9	100

(b) The Board shall have the power to waive the provisions of paragraph (a) of this section for a specific period of time under special circumstances and for good cause shown.

§ 280.5 Computation of ODS payable on outbound and inbound legs of a service.

For purposes of § 280.4(a)(2), "total ODS payable for cargo carriage on the inbound or outbound leg of a service" shall be computed in accordance with the following formula: Inbound or outbound gross freight revenues for the service divided by total gross revenues for the service times total ODS payable for the service equals total ODS payable for cargo carriage on the inbound or outbound leg of the service.

§ 280.6 Accounting on calendar year basis.

The calculations to be made under §§ 280.4 and 280.5 are to be based on voyages terminated during a calendar year in a service covered by an ODS agreement. For calendar year 1973, the first year under these regulations, the calculations to be made under §§ 280.4 and 280.5 shall be on voyages commencing and terminating in 1973.

§ 280.7 Reporting requirements.

Holders of ODS agreements shall, at the time of filing reports for form MA-172, file with the Board reports covering the calendar accounting period as indicated in § 280.6. Said reports shall show for each subsidized service the annual total gross revenues, the gross freight revenues from wayport cargo, the passenger, mail, and miscellaneous gross revenues, the inbound and the outbound gross freight revenues as defined in § 280.2(c) and the annual outbound and inbound gross freight revenues earned from the carriage of military cargoes and open-rated civilian preference cargoes carried at premium rates.

§ 280.8 Examination of cargo carried on a single voyage.

Nothing in this part shall require the Board to examine into the cargo carried on any leg of a single voyage and nothing in this part shall prevent payment of ODS or require a reduction in ODS where a leg or legs of a single voyage is devoted exclusively to carriage of cargoes other than commercial, conference-rated civilian preference, or open-rated civilian preference at "world" rates, provided only that the requirements of this part are met. This rule pertains solely to administration of this part and

is not intended to supersede requirements under ODS agreements such as relating to sailings and carriage of full loads of military or bulk cargoes.

§ 280.9 Effective date; prospective application.

This part shall be effective for existing ODS agreements for voyages commencing after December 31, 1972, in a subsidized service and for new ODS agreements or any amendments to existing ODS agreements on January 1, 1973. This part shall only apply prospectively to all ODS agreements existing on the effective date of this part and to all new ODS agreements or any amendments to existing ODS agreements made after such effective date.

§ 280.10 Example.

Company A operates several vessels engaged in carrying (a) cargo, passengers and mail from the west coast of the United States outbound to foreign ports in the Far East, (b) cargo between foreign ports in the Far East, and (c) cargo from foreign ports in the Far East inbound to the west coast of the United States. Company A's operation on this service is subsidized under a valid ODS contract, made in accordance with § 280.3. Total annual subsidy payable for Company A's service is \$1 million.

In 1971, Company A's gross revenues were as follows:

Outbound gross freight revenues	\$4,000,000
Inbound gross freight revenues	4,000,000
Gross freight revenues—Wayport cargo	1,000,000
Total gross freight revenues	9,000,000
Passenger, mail, and miscellaneous gross revenues	1,000,000
Total gross revenues	10,000,000

Of the \$4 million outbound gross freight revenues, \$1,600,000 or 40 percent was earned from carriage of commercial cargoes, conference-rated civilian preference cargoes and open-rated civilian preference cargoes carried at "world" rates. Of the \$4 million inbound gross freight revenues \$1,200,000 or 30 percent was earned from carriage of such cargoes.

Company A's failure to earn at least 50 percent of its outbound gross freight revenues from carriage of competitive cargoes disqualifies it from receiving full ODS for cargo carriage on the outbound leg of its service. Since the percentage of outbound gross freight revenue earned from carriage of competitive cargoes was only 40 percent, § 280.4(a)(2) requires that payment of ODS to Company A be reduced by an amount equal to 20 percent of total ODS payable for cargo carriage on the outbound leg.

Under § 280.5, total ODS payable to Company A for cargo carriage on the outbound leg equals outbound gross freight revenue (\$4 million) divided by total gross revenues (\$10 million) times total ODS payable for the service (\$1 million), or \$400,000; 20 percent of \$400,000 equals \$80,000. Accordingly, subsidy payable to Company A in 1971 must be reduced \$80,000 to \$920,000.

Similarly, Company A's failure to earn at least 50 percent of its inbound gross freight revenues from carriage of competitive cargoes disqualifies it from receiving full ODS for cargo carriage on the inbound leg of its service. Since the percentage of inbound gross freight revenue earned from carriage of competitive cargoes was only 30 percent, § 280.4(a)(2) requires that payment of ODS to Company A be reduced by an amount

equal to 40 percent of total ODS payable for cargo carriage on the inbound leg.

Under § 280.5 total ODS payable to Company A for cargo carriage on the inbound leg equals inbound gross freight revenue (\$4 million) divided by total gross revenues (\$10 million) times total ODS payable for the service (\$1 million), or \$400,000; 40 percent of \$400,000 equals \$160,000. Accordingly, subsidy payable to Company A in 1971 must be reduced \$160,000 in addition to \$80,000 reduced, on account of inbound cargo carriage to \$780,000.

Dated: October 4, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,

Secretary, MSB,

Maritime Administration.

[FR Doc.72-17270 Filed 10-6-72; 8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19536; FCC 72-861]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Terre Haute, Ind.

Report and order. In the amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations (Terre Haute, Ind.), Docket No. 19536, RM-1919.

1. The Commission here considers the notice of proposed rule making in this proceeding, adopted July 6, 1972 (FCC 72-598; 37 F.R. 14002). This was based on the petition of Alpha Broadcasting Corp. (Alpha), to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules) to assign Channel 38 in lieu of Channel 66 at Terre Haute, Ind. (RM-1919). Changes elsewhere are not necessary in order to make the assignment. Alpha, as the holder of a construction permit (BPCT-4117), also requested a show cause order from modification of a construction permit should the Commission grant the substitution.

2. Pertinent information about Terre Haute is as follows: Its population is 70,335; it is the seat of Vigo County, population 114,528, and it is the central city of the Terre Haute Standard Metropolitan Statistical Area (SMSA) consisting of Vigo, Clay (population 23,933), Sullivan (population 19,889), and Vermillion (population 16,793) Counties.¹ Channels 2, 10, *26, and 66 are presently assigned to Terre Haute and Stations KTWQ and KTHI-TV operate on Channels 2 and 10, respectively.

3. Petitioner's premise is that in order for a commercial UHF station to compete with VHF stations, there must be a reduction of the disparity between that of VHF and UHF channels, here, narrowing the difference in frequencies. Alpha referred to its prior petition to change the educational reservation from

¹ All population figures are taken from the 1970 Census.

Channel 26 to 66 which was denied; 19 R.R. 2d 1850 (1970). In this proceeding, Alpha seeks the lowest UHF channel available in light of the action taken in the land mobile proceedings.² More specifically, Alpha noted that in Docket No. 18262 steps have been taken to reassign Channels 70 through 83 to the land mobile services, and Alpha believes that in a few years this may be extended downward to encompass Channel 66. Alpha amended its proposal which originally called for the interchange of the noncommercial reservation from Channel 26 to Channel 38, but the Corporation for Public Broadcasting (CPB), and the National Association of Educational Broadcasters (NAEB) opposed that proposal; Alpha amended its petition to merely request substitution of Channel 38 for 66. The amended proposal was noticed for rule making.

4. The only party commenting in this proceeding is the petitioner, which for the most part, relies on the arguments previously made. These are summarized above. Alpha indicates that time is of the essence, since the target date for Station WIII-TV to commence operation is October 29, 1972, as an affiliate of the American Broadcasting Co. (ABC); since ABC has a secondary affiliation with both Stations WIWO and WTHI-TV, Alpha is desirous of an orderly realignment of programming for all three stations. Alpha also urges that, because of its scheduled date for commencing operation, sufficient amount of time to engage in the usual procedure for show cause is not available, that is, substitution of channels, issuing a show cause order, and a formal order that Alpha may change facilities. Alpha states that orders for some of the required equipment had been placed and firm orders for the remainder will be delayed pending completion of the rule making. Alpha states that there is no doubt that it may waive issuance of a show cause order, since modification of the CP would be mandatory once a change is made in the Table of Assignments and all interested parties have had ample opportunity to comment on the proposal. It is asserted that the public not only will not be adversely affected by the waiver of the show cause order, but, indeed, the public interest, convenience and necessity would be served.

5. While we find that the public interest, convenience, and necessity would be served by the substitution of Channel 38 for 66 at Terre Haute, Ind., Alpha errs on a number of grounds. Firstly, there is no reason to assume that our action in the land mobile proceedings is indicative that Channel 66 would ever be affected. Further, we do not accept as correct Alpha's thesis that there is a disparity between higher and lower numbered UHF channels. In the normal circumstances, we would reject such a proposal, but the peculiarities of the situation are

such that Channel 38 may be "dropped into" Terre Haute without depriving any other substantial community of an assignment.³ The situation substantially is that if Channel 38 is not assigned to Terre Haute, it may not be allocated elsewhere in the area. In these circumstances, there is no reason not to make the substitution. We are also unable to agree with Alpha that the appropriate procedure for show cause should be waived, but, since Station WIII-TV already has submitted technical data as to the channel change and waived a show cause order, we shall treat these as tantamount to Alpha assenting to the channel change and a proper submission of technical data. Nonetheless, Alpha must await approval of the technical change and take no step contrary to an authorized construction permit.

6. Authority for the action of the amendment proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the foregoing: *It is ordered*, That effective November 13, 1972, the Television Table of Assignments (§ 73.606(b) of the rules) is amended, with respect to the city listed below, as follows:

City	Channel No.
Terre Haute, Ind.-----	2+, 10, *26, 38

8. *It is further ordered*, That this proceeding is terminated.
(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: September 27, 1972.

Released: October 2, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-17256 Filed 10-6-72; 8:50 am]

[Docket No. 19162; FCC 72-849]

PART 97—AMATEUR RADIO SERVICE

Expansion of Telephony Segments of High Frequency Amateur Bands

Report and order. In the matter of amendment of Part 97 of the Commission's rules to provide for expansion of the telephony segments of the high frequency amateur bands, Docket No. 19162, RM-1306, RM-1349, RM-1477, RM-1479, RM-1544, RM-1550, RM-1593, RM-1603, RM-1614, RM-1616, RM-1644, RM-1665, RM-1695, RM-1723, RM-1729, also RM-1748, RM-1873, RM-1880.

1. The Commission adopted a notice of proposed rule making in the above-entitled matter on February 24, 1971,

² Sizable communities without commercial channels in the area are Olney, Ill. (population 8,976), and Vincennes, Ind. (population 19,867), both with ETV stations (WUSI-TV and WVUT, respectively) and for which other commercial channels are available.

which was published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4511). Interested persons were invited to file comments on or before June 1, 1971, and reply comments on or before June 18, 1971, respectively. The notice proposed to expand the General-Conditional Class subband operator privileges in four amateur radio high frequency bands, to provide additional amateur extra and advanced class subbands in those high frequency bands where they do not exist, and to make other adjustments to the allocations of high frequency bands to facilitate the accomplishment of these proposals and additionally to expand the telephony suballocations in the five amateur radio high frequency bands from 3.5 to 29.7 MHz.

2. Formal comments were received from persons and amateur radio organizations within the United States and foreign countries. Many comments simply urge the adoption, or the rejection, of the proposals. Others endorse certain proposals and request that others not be adopted. Many propose alternate frequency band allocation plans. Since the comments received were so numerous, it is not practicable to discuss each herein. However, every comment filed has been given careful consideration.

3. Reactions to the proposals expressed in the comments, were highly mixed. Some, identifying themselves as telegraphy enthusiasts, opposed the proposal, usually citing the resulting reduction in the effective use of the telegraphy bands as the reason. Others, identifying themselves as telephony enthusiasts, supported the proposal, usually giving the crowded telephony bands as the reason. Proponents of both sides of the issue agreed that telephony expansion would be at the expense of telegraphy operation, with the telegraphers arguing that their preferred mode of radio communication would be impaired and the telephony advocates arguing that telegraphy is outmoded and unnecessary.

4. All of the HF bands from 3-30 MHz have predictable propagation characteristics depending on the period of the sunspot cycle, season, time of day, and the order of the frequency band itself. At times, some bands are primarily useful for short-distance radio communication, even though under those circumstances signals cross national boundaries. At other times, even the two main lower frequency amateur bands (3.5, 7.0 MHz) become international in character through long distance ionospheric propagation of signals. During the low period of the sunspot cycle, congestion in the lower frequency bands becomes more critical as the maximum usable frequency (MUF) decreases. Bands above 14 MHz, are generally considered international in nature by reason of long distance propagation of signals in these bands for a large percentage of the time.

5. A considerable number of comments were received from organizations located in other countries, and a delegation from one country paid an official visit to the Commission to discuss the ramifications

³ See First Report and Order, Docket No. 18261, 23 FCC 2d 325 (1970); and First Report and Order and Second Notice of Inquiry, Docket No. 18262, 19 R.R. 2d 1663 (1970).

of the notice. The comments and information of other countries are worthwhile, and provide an added insight to what is normally considered a domestic matter. It is recognized that there are no formal internationally agreed suballocation plans which reserve certain portions of any of these bands for one type of emission or the other. There are, however, "gentlemen's agreements" among amateurs in various parts of the world (Region 1 in particular) which have worked out well in practice in maintaining order and providing efficient utilization of the various amateur bands. Only a few countries, having large numbers of amateurs, provide suballocations in domestic regulations. The International Radio Regulations, to which the United States is a signatory administration, provides only band allocations to the Amateur Radio Service for the three regions. In reaching a judgment on a matter with implications which could result in a lessening of international good will among amateurs, as well as a reduction of efficiency of utilization of the spectrum, we would be doing amateurs generally a disservice were we to disregard physical phenomena. Certainly we would be shortsighted if we totally disregarded opinions such as that of the International Amateur Radio Union, Region 1 Division, which pointed out,

The downward shift to 14,150 kHz will cause severe interference to operation in Region 1. With the high power and large number of U.S. stations it will not be possible for foreign stations to operate above 14,150 kHz when propagation conditions enable U.S.A. stations to be heard. The consequent move downward in frequency by Region 1 telephony stations will undoubtedly cause breaches of the voluntary IARU Region 1 band plans which have been in satisfactory operation for a number of years.

A similar opinion was expressed by the Radio Society of Great Britain and others.

6. Therefore, we conclude that a significant expansion of the telephony segments within the high frequency amateur bands would be at the expense of the telegraphy segments. Furthermore, we are of the opinion that the traditional amateur telegraphy radio communication mode must not be compromised. The rationale for this conclusion is well summarized in a quotation from a letter to the Chairman of the Commission from the Director of the Office of Telecommunications Policy:

While the use of CW radio telegraph communications has been replaced in most radio communications services with more sophisticated techniques over the years, this is not considered sufficient reason to justify the curtailment of such operations among U.S. amateurs. Knowledgeable communicators agree that when other types of high frequency radio communications fail CW transmissions are likely to get through. Thus, even though other techniques might be relied on first, it still would be wise to retain a pool of U.S. citizens skilled in CW operations as a resource in reserve. Amateur operators, with their past superb record of serving the public interest when needed, are considered the best means for preserving this skill.

7. We find that amateurs have been resourceful in effectively operating in the overcrowded high frequency bands. The vast majority have adopted spectrum conservation receiving and transmitting techniques. The nearly universal incorporation of suppressed or reduced carrier types of SSB emission and other frequency conserving capabilities, such as highly selective receivers and directional antennas, has permitted more operators to conduct reliable radio communication over greater distances. Nevertheless, the question of how the existing high frequency amateur bands can accommodate even a relatively modest increase in the number of stations is now clearly in view. As evidenced by the petitions and comments, even the present number of amateurs authorized for telephony emissions on the high frequency bands at times far exceeds the capacity of the allocated A3 and F3 emission segments. We see no technological developments on the horizon to enable more simultaneous telephony amateur radio communication within the present suballocations, although this is in itself a challenge to amateurs. Any proposed amendments to Article 5 (spectrum allocation) of the International Radio Regulations to allocate additional portions of the high frequency spectrum to the amateur radio service, are at best some years in the future and only speculative. The only practical solution appears to be one of limiting access to the more crowded bands only to higher class licensees. Until such time as this becomes necessary, amateurs are encouraged to utilize other emissions and frequency bands during times of severe overcrowding of the telephony segments. Furthermore, we strongly urge that the VHF and UHF bands be utilized for all local radio communication; that the minimum power rules be strictly observed to minimize interference; that full carrier double sideband emission not be used in the lower four HF bands except in an emergency; and that all amateurs exercise good judgment and restraint when selecting a frequency and emission for their operation.

8. Accordingly, we conclude that the high frequency spectrum available to the amateur radio service does not allow treatment which would significantly alleviate the problem of overcrowding in telephony radio communication through expansion of subband allocations. We are of the opinion that a small increase for telephony operation in the 3.5 and 7.0 MHz bands can be accommodated without causing a serious deterioration in telegraphy operation. We believe any telephony expansion of the 14.0 MHz band would result in a serious degradation to nonvoice radio communication, and no expansion is adopted. Numerous comments from amateurs outside of the United States express opposition to any telephony expansion by the United States, particularly in the 14.0 MHz band. Should U.S. licensees be permitted to operate in the unofficial, but widely observed, non-U.S. telephony subband between 14.1 and

14.2 MHz, they predict a movement by non-U.S. telephony stations into the 14.0 to 14.1 MHz segment, causing a deterioration in telegraphy radio communication and a general breakdown in inter-region cooperation. This must not take place. We also find the 21.0 and 28.0 MHz frequency bands not to be sufficiently crowded to warrant an expansion of the telephony segments.

9. Comments from Canadian amateurs express concern for the resulting impact of expansion of the telephony segments available to U.S. amateurs below 3.8 MHz. In addition to the 3.8 to 4.0 MHz telephony subband authorized for both U.S. and Canadian amateurs, they are also permitted 3725 to 3800 kHz. This concern is expressed in the comments from the Director of the Canadian Division of the American Radio Relay League. Although we do not agree entirely with the implied necessity for Canadian amateurs to operate in different subbands, their comments are taken into account.

Canadian amateur operators have always made extensive use of the 3.5 MHz band. The size of the country and the low density of population have precluded the use of other frequencies, such as 144 MHz, since they did not provide adequate coverage. It is perhaps the most widely used amateur band in Canada for internal communication, in spite of the fact that 25 kHz, (3725-3750 kHz) are shared with American novice operators. While Canadian voice operation could and undoubtedly would be moved to some lower portion of the band such as 3650-3700 kHz, in order to avoid novice interference, there would be less space available for other modes as a result * * *

10. The notice proposed 3750 to 3775 kHz for Amateur Extra Class and 3775 to 3875 kHz for Amateur Extra and Advanced Classes, an expansion of 50 kHz for telephony privileges. The American Radio Relay League, and others, recommend an expansion of only 25 kHz, limited to Amateur Extra Class operators only. This would authorize some 12,000 higher class licensees to operate within the 3775-3800 kHz subband. In recognition of the Canadian operators' comments, we are of the opinion that the American Radio Relay League recommendation is a workable compromise, and we are therefore adopting it.

11. We conclude that the 7.0 MHz telephony subband can be expanded as proposed to the extent of permitting A3 operation between 7150 and 7200 kHz. While the comments heavily favor the adoption of this proposal, objections were also made, although to a lesser extent, by Canadian amateurs, because telephony operation is authorized in Canada by the Department of Communication for the same segment. Since the expanded telephony segment of 7150 to 7200 kHz has been heavily utilized for Novice Class A1 operation, and since only a limited number of higher class licensees will be permitted to operate within the new telephony segment, the expansion is acceptable. As a result of this action, the novice band is relocated to 7100 to 7150 kHz.

12. The proposal to provide a telephony subband below 7100 kHz for contacts

with stations in Regions 1 and 3, is not being adopted. Numerous comments pointed out that the proposal, if adopted, would make interregional radio communication with foreign stations occupying these frequencies more difficult since Region 2 stations would overload the segment. The proposal to permit telephony operation between 7075 and 7100 kHz for American stations located outside of Region 2 is adopted, however.

13. In the interest of encouraging beginning amateur operators to gain experience in telegraphy radio communications, a new novice privilege segment is adopted for 28.100 to 28.200 kHz. Observations indicate that the segments 21.200 to 21.250 MHz and 145-147 MHz are lightly occupied for novice operation and are therefore deleted. In light of these changes, and because of the relocation of the novice 7.0 MHz subband, the requirement that the transmitter be crystal controlled is removed. We are of the opinion that the technical state of the art for calibrated variable frequency generating devices in the amateur service permits this change and recrystallizing of the many thousands of Novice Class transmitters is unwarranted. Additionally, this will enhance the operating effectiveness of novice operation through reduction of interference and increased operating flexibility. Since the distinctive "N" designator in a Novice Class call sign prefix is easily recognized in the service, novice operators are cautioned to observe strictly the authorized frequency suballocations for Novice Class licensees. While amending § 97.7(d), we revise the wording for the 75-watt power limitation to generalize its application to other amplifying devices in addition to vacuum tubes.

14. As pointed out by a number of respondents, the 28 MHz frequency band does not offer itself to providing meaningful exclusive operating segments for upgrading incentives since the frequency availability problem is not of comparable magnitude as that encountered on the other high frequency bands. For this reason, the proposed establishment of exclusive operating frequency privileges for Amateur Extra Class and Advanced Class licensees is not adopted. With thousands of amateur radio operators upgrading to Amateur Extra Class and tens of thousands upgrading to Advanced Class, while the member of General and Conditional Class licensees is decreasing, adjustments to the subband allocations must be made in order to retain the incentive principle. Additional adjustments will be made periodically in the future as the upgrading movement continues. Allocations follow a pattern of apportionment of the telephony segments into three subbands in the case of 3.5 MHz and 21.0 MHz; one restricted to amateur extra exclusively; one restricted to amateur extra and advanced; and one available to general/conditional and extra/advanced. These subband apportionments are determined by considering the

number of individual licensees in each group having privileges to each subband weighted in favor of the higher classes. Proposed telephony subbands restricted to the Amateur Extra Class in the 7.0 MHz and 14.0 MHz bands are not adopted because the application of the apportionment pattern to these small telephony segments would result in Amateur Extra Class subbands so small as to be practically useless.

15. Comments received in response to the proposed reduction in the amateur extra-restricted telegraphy subband were almost entirely opposed. Reasons cited included observations to the effect that the proposed 10 kHz subband was too small to be meaningful, and that the restricted telegraphy subband was their primary incentive for upgrading. We find these comments persuasive and in agreement with our own observations. The proposal is not adopted herein, and the subband remains at 25 kHz.

16. We find the attached amendments to the rules are necessary and desirable and in the public interest. Authority for adoption of these amendments is contained in sections 4(d) and 303 of the Communications Act of 1934 as amended.

17. Accordingly, it is ordered, That effective November 22, 1972, Part 97 of the Commission's rules is amended as set forth below.

18. It is further ordered, That in addition to the 15 petitions set forth in the heading to the proceeding, the pending petition of Mr. Frederick J. Hagen, filed February 1, 1971, RM-1748; and the pending petition of Mr. George W. Flyer, filed November 1, 1971, RM-1873; and the pending petition of Mr. William G. Welsh, filed November 8, 1971, RM-1880, have been fully considered and, to the extent that they are at variance with the rule changes adopted, they are denied.

19. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 27, 1972.

Released: October 2, 1972.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE, Secretary.

Part 97 of the Commission's rules is amended as follows:

1. Section 97.7(a) and table, paragraphs (d) (1) and (d) (2) are revised to read as follows:

§ 97.7 Privileges of operator license.

(a) *Amateur Extra Class and Advanced Class.* All authorized amateur privileges including exclusive frequency operating authority in accordance with the following table:

¹ Commissioner Johnson concurring in the result.

Frequencies	Class of license authorized
3500-3525 kHz-----	Amateur Extra Only.
3775-3800 kHz-----	
7000-7025 kHz-----	
14,000-14,025 kHz-----	
21,000-21,025 kHz-----	
21,250-21,270 kHz-----	
3800-3890 kHz-----	Amateur Extra and Advanced.
7150-7225 kHz-----	
14,200-14,275 kHz-----	
21,270-21,350 kHz-----	
50-50.1 MHz-----	

(d) *Novice class.* Those amateur privileges designated and limited as follows:

(1) The power input to the transmitter final amplifying stage supplying radio frequency energy to the antenna shall not exceed 75 watts, exclusive of power for heating the cathode of a vacuum tube(s).

(2) Radio telegraphy is authorized in the frequency bands 3700-3750 kHz, 7100-7150 kHz (7050-7075 kHz when the terrestrial location of the station is not within Region 2), 21,100-21,200 kHz, and 28,100-28,200 kHz, using only Type A-1 emission.

2. In Section 97.61, the table in paragraph (a) is amended and (b) (10) is added to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
kHz		
1800-2000-----	A1, A3-----	1, 2
3500-4000-----	A1-----	
3500-3775-----	F1-----	
3775-3890-----	A5, F5-----	
3775-4000-----	A3, F3-----	4
7000-7300-----	A1-----	3, 4
7000-7150-----	F1-----	3, 4
7075-7100-----	A3, F3-----	10
7150-7225-----	A5, F5-----	3, 4
7150-7300-----	A3, F3-----	3, 4
14000-14350-----	A1-----	
14000-14200-----	F1-----	
14200-14275-----	A5, F5-----	
14200-14350-----	A3, F3-----	

MHz

21,000-21,450-----	A1-----	
21,000-21,250-----	F1-----	
21,250-21,350-----	A5, F5-----	
21,250-21,450-----	A3, F3-----	
28,000-29,700-----	A1-----	
28,000-28,500-----	F1-----	
28,500-29,700-----	A3, F3, A5, F5-----	

* * * * *

(b) * * *

(10) The use of A3 and F3 in this band is limited to amateur radio stations located outside Region 2.

[FR Doc.72-17257 Filed 10-6-72;8:50 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-21; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to modify the method by which conformity of certain lamps to photometric requirements is determined. A notice of proposed rule making on this subject was published on November 30, 1971 (36 F.R. 22763).

Standard No. 108 requires that tail-lamps, stoplamps, parking lamps, and turn signal lamps meet minimum photometric candlepower requirements at up to 27 individual test points. If a lamp fails to meet the minimum requirement at any test point the lamp does not conform to Standard No. 108 even though it may exceed the specified minimum at all other test points.

As noted in the November 30, 1971, proposal this requirement appeared unnecessarily severe, since deviations at individual test points are generally not great enough to be discernible to the human eye. The method proposed and adopted sets up seven groups of test points as shown in Figure 1, each group containing from three to five test points. The groups include requirements for devices with one, two, or three separately lighted compartments, and multiple lamps used in an array to perform a function at a single design location. The minimum candlepower requirement for any single group is the sum of the minimum candlepower specified in the applicable SAE standards for individual test points within the group. Therefore, there will be no failure to conform to Standard No. 108 as long as the sum of the candlepower measured at all test points within a group equals or exceeds the required minimum figure for that group. The amendment will not have a significant effect on motor vehicle safety and is designed to set up a more realistic and cost effective method of determining compliance with photometric requirements.

Two aspects of the proposal are not adopted in the amendment. The proposal would have set a floor of 60 percent on

the amount by which the measured candlepower at a single-test point could fail to reach the required minimum for that test point. The same rationale governing the overall proposal dictated that the floor not be adopted: as long as the sum of the test points within a group meets the overall minimum for the group, the difference in illumination at any discrete test point is unlikely to be great enough to be discernible.

Secondly, the proposal would have required that clearance, side marker, identification, and parking lamps have minimum candlepower equivalent to taillamps. This proposal has not been adopted. Comments indicated that the increase in candlepower would be so significantly greater as to cause a glare problem. The group test concept has been adopted for parking lamps, but not for clearance, side marker, identification lamps, which retain minimum candlepower for all test points.

In addition, a deferred effective date has been adopted for increased grouped candlepower requirements applicable to tail, stop, and turn signal lamps with two or three lighted compartments, and to lamp arrangements where two or three lamps are used to perform a single function in a single design location. These requirements have been made effective September 1, 1974, in order to provide sufficient leadtime for redesign and retooling. In the interim, beginning January 1, 1973, such lamps or lamp arrangements may meet the grouped requirements applicable to single compartment and single stop and turn signal lamps.

It was also proposed that minimum candlepower requirements be specified for taillamps, stoplamps and turn signal lamps, measured at a 45° angle where any SAE standard incorporated by reference required visibility of the lamps at a 45° angle. Objections were raised that the proposed values were too high and that there was no safety benefit in requiring them. The National Highway Traffic Safety Administration, on the basis of its analysis of cost benefit factors, has not adopted the proposal.

The amendment does not adopt the proposal that both red and yellow rear-turn signal lamps have the same maximum candlepower limitation. The subject of the color of rear-turn signal lamps will be addressed in a forthcoming notice, in Docket No. 69-19.

The SAE standard applicable to parking lamps in Table III has been changed to SAE Standard J222, "Parking Lamps (Position Lamps)," December 1970. Paragraph S4.1.1.11, which specifies photometric values for parking lamps, is

deleted as these values are incorporated in the revised SAE standard.

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, is revised as follows:

1. S4.1.1.11 is deleted, and a new paragraph S4.1.1.11 is added to read:

A parking lamp is not required to meet the minimum photometric values at each test point specified in Table 1 of SAE Standard J222, "Parking Lamps (Position Lamps)," if the sum of the candlepower measured at the test points within the groups listed in Figure 1 is not less than the sum of the candlepower values for such test points specified in J222.

2. The reference in the first sentence of paragraph S4.1.1 to "S4.1.1.15" is changed to "S4.1.1.16".

3. Paragraphs S4.1.1.12, S4.1.1.13, S4.1.1.14, and S4.1.1.15, are redesignated "S4.1.1.13, S4.1.1.14, S4.1.1.15, and S4.1.1.16" respectively.

4. A new paragraph S4.1.1.12 is adopted to read as follows: S4.1.1.12 A taillamp, stoplamp, or turn signal lamp is not required to meet the minimum photometric values at each test point specified in Table 2 of SAE Standard J575d, "Tests for Motor Vehicle Lighting Devices and Components," if the sum of the candlepower measured at the test points within the groups listed in Figure 1 is not less than the sum of the candlepower values for such test points specified in J575d. A lamp with two or three lighted compartments, or a lamp that is part of an array of two or three lamps used in a single design location to perform a single function, manufactured from January 1, 1973, to September 1, 1974, need only meet the group value total specified in Figure 1 for single compartment or single lamps.

5. In Table III, the SAE standard applicable to parking lamps is changed to "SAE J222, December 1970."

Effective date: January 1, 1973. Because the amendment creates no additional burden it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

This notice 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 and 1407), and the delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51.

Issued on October 2, 1972.

DOUGLAS W. TOMS,
Administrator.

GROUP TOTALS, CP

Groups	Test points degrees	Park- ing lamps	Tail lamps			Red stop and turn signal lamps			Yellow turn signal lamps			
			One	Two	Three	One	Two	Three	One	Two	Three	
1.-----	20L-5U 20L-H 20L-5D 10L-10U 10L-10D	}	2.8	1.6	2.7	3.8	55	66	80	135	165	190
2.-----	10U-V 5U-10L 5U-10R		2.4	2.1	3.6	5.5	85	100	115	210	251	290
3.-----	10L-H 5L-5U 5L-5D	}	4.2	3.4	5.3	8.0	140	167	195	350	420	490
4.-----	5U-V H-5L H-V H-5R 5D-V		16.8	9.6	16.5	24.0	380	449	520	950	1,130	1,265
5.-----	5R-5U 5R-5D 10R-H 5D-10L	}	4.2	3.4	5.3	8.0	140	167	195	350	420	490
6.-----	5D-10R 10D-V 10R-10U 10R-10D		2.4	2.1	3.6	5.5	85	100	115	210	251	290
7.-----	20R-5U 20R-H 20R-5D	}	2.8	1.6	2.7	3.8	55	66	80	135	165	190
Maximum rear lamps only.....				15	20	25	300	360	420	900	900	900

FIGURE 1.—Grouped photometric minimum candlepower requirements for devices using one, two, or three separately lighted compartments, or for one, two, or three lamps used in a single design location to perform a single function.

[FR Doc.72-17221 Filed 10-6-72;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

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-7-72).

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel, and rabbits on the Quivira National Wildlife Refuge, Kans., is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres are deline-

ated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel, and rabbits October 14, 1972, through January 14, 1973, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel and rabbits.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1973.

CHARLES R. DARLING,
Refuge Manager, Quivira National Refuge, Stafford, Kans.

SEPTEMBER 29, 1972.

[FR Doc.72-17213 Filed 10-6-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and
Firearms

[26 CFR Parts 170, 250, 251]

CARBON DIOXIDE IN NON-DOMESTIC STILL WINES; IMPORTS FROM VIRGIN ISLANDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Acting Director, Bureau of Alcohol, Tobacco and Firearms, and the Commissioner, Bureau of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Acting Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20224 within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Acting Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

REX D. DAVIS,
*Acting Director, Bureau of
Alcohol, Tobacco and Firearms.*

EDWIN F. RAINS,
*Acting Commissioner,
Bureau of Customs.*

Approved: October 2, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary.

NOTE: The Treasury decision to be issued pursuant to this notice will contain the necessary changes in titles and offices resulting from the establishment of the Bureau of

Alcohol, Tobacco and Firearms as a separate agency under the Department of the Treasury.

In order to (1) provide for a tolerance to the maximum statutory limitation on carbon dioxide in nondomestic still wine, and (2) reduce by one the number of Forms 2609 required to be submitted to the internal revenue officer prior to transfer of imported or Virgin Islands spirits in bulk containers from customs custody to internal revenue bond, the regulations in 26 CFR Parts 170, 250, and 251 are amended as follows:

PARAGRAPH A. The regulations in 26 CFR 170.125 are amended to require the submission of Form 2609 in triplicate rather than in quadruplicate. As amended, § 170.125 reads as follows:

§ 170.125 Application, Form 2609.

The proprietor of a distilled spirits plant desiring to withdraw distilled spirits as authorized in § 170.124, shall for each withdrawal submit an application on Form 2609, in triplicate, to the internal revenue officer in charge. The application shall appropriately identify the distilled spirits to be withdrawn, and shall be modified by the applicant to cover the transfer of distilled spirits from customs custody, by naming the port of entry through which the spirits are to be withdrawn, and inserting in the "Remarks" item the name and address of the assistant regional commissioner for the region in which is located the plant to which the spirits are to be transferred. If the proprietor's bond on Form 2601 is in the maximum penal sum, or, if in less than the maximum penal sum, is sufficient to cover the tax on the spirits to be transferred in addition to all other liabilities chargeable against such bond, the internal revenue officer shall approve all copies of the Form 2609, return the original and one copy to the proprietor and retain the remaining copy. (See § 170.130 with respect to need for consent of surety on bond, Form 2601.) The proprietor shall forward the original of Form 2609 to the importer or other person responsible for the release of the spirits from custody, who shall submit the form, with the related entry for consumption or withdrawal for consumption forms, to the district director of customs from whose custody it is proposed to withdraw the distilled spirits. The proprietor shall retain the remaining copy of Form 2609.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

PAR. B. The regulations in 26 CFR Part 250 are amended as follows:

1. A new sentence is added at the end of § 250.53 and clarifying changes are made. As amended, § 250.53 reads as follows:

§ 250.53 Description of process.

The statement of process must set out in sequence each step used in the manufacture of the finished product. A statement of process covering distilled spirits must also show whether there are to be blended together in the manufacture of the finished product, liquors of less than 190 degrees of proof (a) distilled (1) from different materials, (2) by different distillers, (3) at different distilleries, or (4) from different combinations of the same materials; or (b) of different ages; or (c) which differ in kind according to the standards of identity prescribed in 27 CFR Part 5. Likewise, the statement of process must show whether spirits stored in charred new oak containers are to be mingled with spirits stored in plain, reused, or metal cooperage, or whether spirits which have been quick-aged or treated with wood chips are to be mingled with spirits not so processed, or whether spirits that have been subjected to any treatment which changes their character are to be mixed with spirits not so treated. If the statement of process covers still wine and carbon dioxide is to be added to, or retained in, the wine, it must identify the method or process and the type of equipment to be used.

2. A new § 250.53a is added immediately following § 250.53. As added, new § 250.53a reads as follows:

§ 250.53a Still wines containing carbon dioxide.

Still wines may contain not more than 0.277 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.277 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.277 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded, or where the variation results from the use of methods or equipment not in accord with good commercial practices. Where carbon dioxide is added to, or retained in, still wine, the proprietor shall so indicate on his Form 27-B Supplemental, identifying the method or process and the type of equipment to be used.

(72 Stat. 1331, as amended; 26 U.S.C. 5041)

3. A new sentence is added at the end of § 250.223 and clarifying changes are made. As amended, § 250.223 reads as follows:

§ 250.223 Description of process.

The statement of process must set out in sequence each step used in the manufacture of the finished product. A statement of process covering distilled spirits must also show whether there are to be blended together in the manufacture of the finished product, liquors of less than 190 degrees of proof (a) distilled (1) from different materials, (2) by different distillers, (3) at different distilleries, or (4) from different combinations of the same materials; or (b) of different ages; or (c) which differ in kind according to the standards of identity prescribed in 27 CFR Part 5. Likewise, the statement of process must show whether spirits stored in charred new oak containers are to be mingled with spirits stored in plain, reused, or metal cooperage, or whether spirits which have been quick-aged or treated with wood chips are to be mingled with spirits not so processed, or whether spirits that have been subjected to any treatment which changes their character are to be mixed with spirits not so treated. If the statement of process covers still wine and carbon dioxide is to be added to, or retained in, the wine, it must identify the method or process and the type of equipment to be used.

4. A new § 250.223a is added immediately following § 250.223. As added, new § 250.223a reads as follows:

§ 250.223a Still wines containing carbon dioxide.

Still wines may contain not more than 0.277 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.277 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.277 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded, or where the variation results from the use of methods or equipment not in accord with good commercial practice. Where carbon dioxide is added to, or retained in, still wine, the proprietor shall so indicate on his Form 27-B Supplemental, identifying the method or process and the type of equipment to be used.

(72 Stat. 1331, as amended; 26 U.S.C. 5041)

PAR. C. The regulations in 26 CFR Part 251 are amended as follows:

1. A new § 251.42a is added immediately following § 251.42. As added, new § 251.42a reads as follows:

§ 251.42a Still wines containing carbon dioxide.

Still wines may contain not more than 0.277 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in

excess of 0.277 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.277 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded.

(72 Stat. 1331, as amended; 26 U.S.C. 5041)

2. Section 251.172 is amended to require the submission of Form 2609 in triplicate rather than quadruplicate. As amended, § 251.172 reads as follows:

§ 251.172 Application, Form 2609.

The proprietor of a distilled spirits plant desiring to withdraw distilled spirits as authorized in § 251.171, shall for each withdrawal submit an application on Form 2609, in triplicate, to the internal revenue officer in charge. The application shall appropriately identify the distilled spirits to be withdrawn, and shall be modified by the applicant to cover the transfer of distilled spirits from customs custody, by naming the port of entry through which the spirits are to be withdrawn, and inserting in the "Remarks" item the name and address of the assistant regional commissioner for the region in which is located the plant to which the spirits are to be transferred. If the proprietor's bond on Form 2601 is in the maximum penal sum, or, if in less than the maximum penal sum, is sufficient to cover the tax on the spirits to be transferred in addition to all other liabilities chargeable against such bond, the internal revenue officer shall approve all copies of the Form 2609, return the original and one copy to the proprietor and retain the remaining copy. (See § 201.312 of this chapter with respect to need for consent of surety on bond, Form 2601.) The proprietor shall forward the original of Form 2609 to the importer or other person responsible for the release of the spirits from customs custody, who shall submit the form, with the related entry for consumption or withdrawal for consumption forms, to the district director of customs from whose custody it is proposed to withdraw the distilled spirits. The proprietor shall retain the remaining copy of Form 2609.

(72 Stat. 1314, 1322, 82 Stat. 1328, as amended; 26 U.S.C. 5001, 5007, 5232)

[FR Doc. 72-17237 Filed 10-6-72; 8:50 am]

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****[7 CFR Part 58]****BUTTER****Standards for Grades**

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance, as hereinafter provided, of amendments to the U.S. Standards for Grades of Butter. These grade standards are issued under authority of the Agri-

cultural Marketing Act of 1946 (secs. 202-208 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627) which provides for the issuance of U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading service is also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of service.

The proposed amendments provide, under Subpart P, § 58.2627(b) U.S. Grade A or U.S. 92 Score, the inclusion of the term "whey flavor to a very slight degree" and in § 58.2635(a) inclusion of a definition for "very slight" with respect to flavor intensity.

Statement of Consideration. The changes in technology and production practices in cheese factories during the past few years have resulted in greatly improved conditions of handling whey cream. Larger volumes support better cooling and storage facilities and more frequent shipment of the whey cream to the butter manufacturing plant. Also the improved quality of manufacturing milk, cultures, and make procedures has resulted in improved flavor of the cheese whey and the cream separated from it.

As a result of these improved conditions certain factories have demonstrated that a quality of whey cream can be produced in which, when blended with a sufficient quantity of high quality sweet cream, the characteristic whey flavor is negligible or only very slight. The result is a quality stable butter comparable to the flavor of U.S. Grade A butter made entirely from cream containing certain other acceptable flavors, separated from sweet milk.

The recognition of this quality of whey cream in butter will not result in lowering the general quality level of U.S. Grade A butter. Any butter containing whey flavor to a slight degree will remain in the U.S. Grade B grade as at present. Butter having a whey flavor to a definite degree is sufficiently objectionable as to continue to be placed in U.S. Grade C without change from the present standard.

It is opinion of the Department that the recognition of the very slight whey flavor in the U.S. Grade A will give proper recognition to the extra care necessary to produce this quality over the ordinary methods of handling whey cream that has resulted in a lower quality butter. This should also be an incentive to others to improve quality, where possible, resulting in greater returns to both the cheese and butter industries and producers, as well as an improved quality of butter to the consumer.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall file the same in duplicate with the Hearing Clerk, Room 112, Administration Building, Washington, D.C. 20250, not later than 30 days from the date of publication in the FEDERAL REGISTER. All written submissions pursuant to this notice will be made available for public information at the Office of the Hearing

Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

§ 58.2627 [Amended]

1. Change Subpart P, § 58.2627 *Specifications for U.S. grades of butter*, paragraph (b) to read as follows:

"(b) *U.S. Grade A or U.S. 92 Score*. U.S. Grade A or U.S. 92 Score butter conforms to the following: Possesses a pleasing and desirable butter flavor. May possess the following flavor to a very slight degree; whey. May possess any of the following flavors to a slight degree: aged, bitter, coarse acid, flat, smothered and storage. May possess feed and cooked (coarse) flavors to a definite degree. The permitted total disratings for body, color and salt characteristics are limited to one-half (1/2), except when the flavor classification is AA a disrating total of one (1) is permitted. For detailed specifications and classification of flavor characteristics see Table I and for body, color and salt characteristics and disratings see Table II."

2. Change Table I to include "VS" in the "A" column under "Flavor Classification" for the identified flavor "whey" as follows:

Identified flavors	Flavor classification			
	AA	A	B	C
Whey.....		VS	S	D

and add "VS—Very slight" to the explanation under the table.

§ 58.2635 [Amended]

3. Change § 58.2635 *Explanation of Terms* to include a new definition for "very slight" under subparagraph (a) to read as follows:

(a) With respect to flavor intensity and characteristics.

(1) Very slight—Detected only upon very critical examination.

4. Change the present (1) Slight to "(2) Slight * * *" and renumber each of the definitions in successive order accordingly.

Done at Washington, D.C., this 3d day of October 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-17220 Filed 10-6-72;8:48 am]

[7 CFR Part 1099]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Proposed Suspension of a Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in

the Paducah, Ky., marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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 provision proposed to be suspended is as follows:

In § 1099.15, "cream, sweet and sour;".

STATEMENT OF CONSIDERATION

The proposed suspension, by revising the fluid milk definition, would result in fluid cream being classified as a Class II product rather than as a Class I product.

The proposed suspension was requested by Dairymen, Inc., a cooperative association representing a substantial majority of the producers on the market, and by Ryan Milk Co., Inc., a fully regulated handler under the order. The proponents maintain that Ryan Milk Co. is currently at a competitive disadvantage with respect to sales of fluid cream in markets where handlers pay a minimum price for milk in such use that is substantially less than the Paducah Class I price. Proponents contend that the proposed suspension would promote orderly marketing by permitting Ryan Milk Co. to compete on an equal basis not only with handlers regulated under other Federal orders, but also with unregulated handlers.

Proponents have requested this action pending the results of a hearing held in Clayton, Mo., on July 14-22, 1970.

Signed at Washington, D.C., on October 3, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-17222 Filed 10-6-72;8:48 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 775]

1973 FEED GRAIN SET-ASIDE PROGRAM—1973 CROP FEED GRAIN LOAN AND PURCHASE PROGRAM—RESEAL PROGRAM FOR 1973-74 STORAGE PERIOD

Notice of Proposed Determinations Relative to Set-Aside and Diversion Requirements, Payment and Loan Rates, Commodities Eligible for Reseal and Program Operating Provisions

Notice is hereby given that the Secretary of Agriculture under the authority

of the Agricultural Act of 1949, as amended, proposes to make determinations and issue regulations relative to (a) the set-aside requirement for feed grains; (b) the payment rate for corn, grain sorghums, and barley; (c) whether there should be provisions for additional diversion and if so the extent of such diversion and payment rates therefor; (d) the loan level for the 1973 crop of corn, grain sorghums, barley, oats, and rye, including commodity eligibility and storage requirements; (e) the crops of feed grains and wheat eligible for reseal loan for the 1973-74 storage period; and (f) detailed operating provisions to carry out the programs.

The determinations listed above are to be made based on the following considerations:

(a) *Set-aside requirement for feed grains*. The Act requires that the Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set-aside of cropland is in effect, then as a condition of eligibility for loans, purchases, and payments, on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (1) such percentage of the feed grain base for the farm as may be specified by the Secretary, plus (2) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses as determined by the Secretary. It was previously announced by this Department that barley has been designated for inclusion in the set-aside program for 1973.

(b) *Payment rate for corn, grain sorghum, and barley*. The Act states that the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and, if designated by the Secretary, barley. The payment rate for corn shall be at such rate as, together with the national average market price received by farmers for corn during the first 5 months of the marketing year for the crop, the Secretary determines will not be less than (1) \$1.35 per bushel, or (2) 70 percent of the parity price of corn as of the beginning of the marketing year, whichever is the greater. The payment rate for grain sorghums, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. Notwithstanding the foregoing, the rate of payment for the 1973 crop shall not be such as will result in a total amount of payments which the Secretary estimates will be made pursuant to this subsection with respect to the 1973 crop of feed grains above the total amount of payments made pursuant to this subsection with respect to the 1972 crop of feed grains by reason of the level specified in clause (B).

being fixed above 68 percent of the parity price for corn.

(c) *Whether there should be provision for additional diversion and, if so, the extent of such diversion and the payment rates therefor.* The Act provides that to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the set-aside payments to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under the regular set-aside program. The land diversion payments for a farm are required to be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

(d) *Loan and purchase rates.* The Act provides for making loans and purchases on the 1973 crop of corn available to producers at a level not less than \$1 per bushel nor in excess of 90 percent of the parity price. The loan and purchase rate so determined must encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States. Loans and purchases on the 1973 crops of barley, oats, and rye, respectively, are required to be made available at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn. In setting such level, consideration is required to be given to the feeding value of such respective commodity in relation to corn, the supply of the commodity in relation to demand therefor, price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price-support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. Loans and purchases on the 1973 crop of grain sorghums are required to be at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn. In setting such level, consideration is required to be given to the feeding value, and the average transportation costs to market, of grain sorghums in relation to corn.

(e) *Farm stored resale loan program.* Consideration is also being given to extending the maturity dates of outstanding loans secured by various crops of feed grains such as corn, grain sorghums, barley, and oats, and of wheat under farm storage resale program. Determinations relating to the need for such a program are based on such factors as, but not

limited to, the need to isolate stocks of these commodities from the market, to stabilize, support, and protect farm incomes and prices, assist farmers to get a fair share of the market for their commodities and to maintain a commodity reserve to meet changing world conditions.

(f) *Detailed operating provisions to carry out the program.* Detailed regulations for the set-aside program for feed grains, commodity eligibility requirements, storage requirements and related requirements necessary to carry out these programs are also being reviewed for 1973. Provisions of this kind under current programs may be found in the feed grain set-aside program regulations which appear in Title 7, Part 775 of the Code of Federal Regulations and in the regulations governing loans, purchases and other operations for grains and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Statutory authority for the foregoing determinations are contained in sections 105 and 401, 63 Stat. 1501, as amended, and sections 4 and 5, 62 Stat. 1070; 7 U.S.C. 1441 note and 1421, 15 U.S.C. 714b and 714c.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on October 2, 1972.

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

[FR Doc.72-17217 Filed 10-6-72; 8:51 am]

[7 CFR Part 811]

CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Notice of Proposed Determination for Calendar Year 1973

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922), is considering the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States in 1973 and the establishment of sugar quotas for the calendar year 1973.

In accordance with the rule making requirements of 5 U.S.C. 553 (80 Stat. 378), all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, no later than October 19, 1972. The period in which comments can be submitted is considered reasonable in view of the statutory requirement to issue the regulation during October and the fact that the interested persons are familiar with the issues involved.

The proposed determination of 1973 sugar requirements for the continental United States and the quotas for calendar year 1973 are set forth essentially in form and language appropriate for issuance, if adopted by the Secretary as follows:

Basis and purpose and bases and considerations. The distribution of quota sugar in the United States during the 12 months ended August 31, 1972, amounted to 11,525,000 short tons, raw value. That quantity was about 300,000 tons more than the quantity distributed in the preceding 12-month period.

Population is growing at an annual rate of about 1 percent. Accordingly, population during calendar year 1973 should be about 1.35 percent greater than in the 12-month period ended August 31, 1972. At recent per capita rates, distribution in 1973 might be expected to approximate 11,590,000 tons.

The cane sugar refining industry customarily has refining losses of about 65,000 tons annually. Therefore, it would appear that new quota supplies of 11,650,000 could have the effect of maintaining refiners' inventories of quota sugar at yearend 1973 at the same level as at the beginning of the year.

It now appears that refiners quota stocks at yearend 1972 may be considerably higher than at the beginning of the year, mostly as a result of the larger marketings of new crop mainland cane sugar at yearend to fill that area's quota. Some of these quota stocks shown as held by refiners may be in the form of constructive deliveries and actually be held by mainland cane mills. It is expected that the same marketing pattern by the mainland cane area will prevail in 1973. Physical stocks held by refiners at yearend are expected to be near normal.

During the first 8 months of 1972, the domestic price of raw sugar fluctuated from a low 8.76 cents per pound as an average for May to a high of 9.33 cents per pound as an average for August. The average for the 8-month period was 9.02 cents per pound or 6.6 percent more than the 8.46 cents per pound average for the first 8 months of 1971. The price on September 21 was 9.40 cents per pound, or 102.8 percent of the price referred to in section 201 of the Act. In developing this determination, consideration has been given to maintaining prices in 1973

that will carry out the price objective set forth in section 201(b) of the Act.

The price objective is a price for raw sugar which will maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (1) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under section 201 of the Act as in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971 (8.55 cents per pound), and (2) the simple average of such two indexes for the same period (115.4). Adjustments shall be made in the determination of requirements during the period November through February whenever the simple average price for raw sugar over 7 consecutive market days is 3 percent or more above or below the average price objective for the previous 2 calendar months. The percentage is increased to 4 percent for the March through October period.

In consideration of these matters, it is determined that 11.8 million short tons, raw value, is the quantity of sugar needed to meet the requirements of consumers in the continental United States and to attain the price objective of the Act.

A quota of 1,175,000 short tons, raw value, is established herein for Hawaii pursuant to section 202(a)(3) of the Act. Such quota is subject to adjustment pending final data on the production and marketing of sugar by Hawaii in 1972.

The quota for Southern Rhodesia has been withheld pursuant to Executive Order 11322 issued on January 5, 1967, and is prorated herein to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

On the basis of information currently available to the Department, it is herein determined, pursuant to section 202(d)(3) of the Act, that total quotas be withheld and not established for Bolivia and Uganda for calendar year 1973. The total quantity of quotas withheld from Bolivia and Uganda are prorated herein to other foreign countries in the same manner as deficits under section 204 of the Act.

It is also determined on the basis of information currently available to the Department that no reduction is required at this time, pursuant to section 202(d)(3) and (4) of the Act, in the quotas established herein for other foreign countries. This action is based on the tentative assumption that each such country will fill its 1972 quota within a reasonable tolerance and that facts will be submitted which will support a finding that any deficit and/or shortfall in a country's 1972 quota was due to force majeure.

Production of sugar in Puerto Rico is not expected to exceed 335,000 short tons, raw value, while requirements for consumption in Puerto Rico are expected to be of the order of 130,000 tons. It appears that the quantity of sugar from

Puerto Rico available for shipment to the continental United States would not be more than 205,000 tons. It is now estimated that the domestic beet sugar area may have a slightly lower effective inventory of sugar as of January 1, 1973, than at the beginning of 1972. The size of the effective inventory limits marketings of domestic beet sugar until new crop becomes available. Therefore, it appears that the domestic beet sugar area will be unable to market sugar in excess of 3,500,000 short tons, raw value. Accordingly, deficits are herein determined in the quotas for Puerto Rico and the domestic beet sugar area of 650,000 and 192,000 short tons, raw value, respectively, and such total quantity of 842,000 short tons, raw value, is herein allocated, pursuant to section 204 of the Act, to the Republic of the Philippines and Western Hemisphere countries with 1973 quotas in effect.

Sec.

811.20 Sugar requirements 1973.

811.21 Quotas for domestic areas.

811.22 Proration and allocation of deficits in quotas.

811.23 Quotas for foreign countries.

811.24 Applicability of quotas.

811.25 Restrictions on importations and marketings within quotas.

AUTHORITY: The provisions of §§ 811.20 to 811.25 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153; secs. 201, 202, 204, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1114, 1117, 1118, 1119, 1120 and Public Law 92-138 approved October 14, 1971.

§ 811.20 Sugar requirements 1973.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1973 is hereby determined to be 11,800,000 short tons, raw value.

§ 811.21 Quotas for domestic areas.

(a) (1) For the calendar year 1973, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act in column (1), and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2), as follows:

Area	Quotas	
	(1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar.....	3,692,000	No limit
Mainland cane sugar.....	1,643,000	No limit
Hawaii.....	1,175,000	40,356
Puerto Rico.....	855,000	160,000

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1973 Puerto Rico and the domestic beet area will be unable by 650,000 and 192,000 short tons, raw value, respectively, to fill their quotas established in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the

Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.22 Proration and allocation of deficits in quotas.

(a) The deficit in the Puerto Rican and the domestic beet area quotas determined in paragraph (a)(2) of § 811.21 of 842,000 short tons, raw value, is hereby prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 253,274 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 588,726 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202.

(b) In establishing deficit proration herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit proration imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

§ 811.23 Quotas for foreign countries.

(a) The quotas or proration for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1973 for consumption therein and the amounts of such quotas and proration that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e), and (f) of this section.

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,385,619 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 253,274 short tons established pursuant to section 204 of the Act and 6,325 short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, maybe filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the proration to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. In column (3) a portion of the deficit proration in the quotas of Puerto Rico and the domestic beet area amounting to 588,726 short tons,

raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, on the basis

of quotas determined herein pursuant to section 202. Total quotas and prorations are shown in column (4).

Production area	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) ¹	Deficits and deficits prorations	Total quotas and prorations
(Short tons, raw value)				
Dominican Republic	422,864	141,816	123,253	687,933
Mexico	373,971	125,419	105,002	604,392
Brazil	364,721	122,317	106,306	593,344
Peru	260,987	87,527	76,070	424,584
West Indies	136,109	45,647	39,672	221,428
Ecuador	53,849	18,060	15,696	87,605
Argentina	50,545	16,951	14,733	82,229
Costa Rica	45,590	15,291	13,288	74,169
Colombia	44,929	15,068	13,096	73,093
Panama	42,617	14,292	12,421	69,330
Nicaragua	42,617	14,292	12,421	69,330
Venezuela	40,635	13,628	11,844	66,107
Guatemala	38,983	13,073	11,362	63,418
El Salvador	28,411	9,528	8,281	46,226
British Honduras	22,465	7,535	6,548	36,548
Haiti	20,482	6,869	5,970	33,321
Bahamas	17,839	5,982	5,200	29,021
Honduras	7,929	2,660	2,311	12,900
Paraguay	4,295	1,440	1,262	6,987
Australia	165,842	45,552	-----	211,394
Republic of China	69,046	18,964	-----	88,010
India	66,403	18,238	-----	84,641
South Africa	46,912	12,885	-----	59,797
Fiji Islands	36,340	9,981	-----	46,321
Mauritius	24,447	6,715	-----	31,162
Swaziland	24,447	6,715	-----	31,162
Thailand	15,197	4,173	-----	19,370
Malawi	12,223	3,358	-----	15,581
Malagasy Republic	9,811	2,722	-----	12,533
Ireland	5,351	-----	-----	5,351
Total	2,495,957	806,698	588,726	3,891,381

¹ Proration of the quotas withheld from Cuba, Southern Rhodesia, Bolivia, and Uganda.

(d) The importation of raw sugar within the annual quotas from foreign countries will be authorized on the basis of applications on Form SU-3 in accordance with the provisions of Part 817 of this chapter. Applications to import raw sugar from the Republic of the Philippines, before final approval, must be supplemented by certification from the Sugar Quota Administrator for the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(e) For the calendar year 1973, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	Short tons, raw value
Ireland	5,351
Panama	3,817

(f) For the calendar year 1973, the quota for liquid sugar for foreign countries as a group is 2 million gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substances that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.24 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental

United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.21 to 811.23, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to section 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.25 Restrictions on importation and marketings within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States, (a) any sugar or liquid sugar from any country for which no quota is established or in excess of or after the applicable quota or quantity set forth in §§ 811.21 to 811.23 inclusive has been filled, or (b) any sugar or liquid sugar as direct-consumption sugar from any country for which no direct-consumption sugar limitation is established or after the direct-consumption portion of the applicable quota has been filled.

Signed at Washington, D.C., on October 3, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-17126 Filed 10-3-72; 1:01 pm]

Commodity Credit Corporation
[7 CFR Part 1421]

1973 FEED GRAIN SET-ASIDE PROGRAM—1973 CROP FEED GRAIN LOAN AND PURCHASE PROGRAM—RESEAL PROGRAM FOR 1973-74 STORAGE PERIOD

Notice of Proposed Determinations Relative to Set-Aside and Diversion Requirements, Payment and Loan Rates, Commodities Eligible for Reseal and Program Operating Provisions

CROSS REFERENCE: For a document regarding the above matters, see (F.R. Doc. 72-17217), Agricultural Stabilization and Conservation Service, *supra*.

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 390]

CAPITAL CONSTRUCTION FUND

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth below are proposed by the Secretary of Commerce for governing capital construction funds authorized by section 607 of the Merchant Marine Act, 1936, as amended, for the U.S. merchant marine. Although the capital construction fund program is exempt from the requirements of title 5, United States Code, section 553, the Secretary will give consideration to written comments prior to the final adoption of the regulations. Comments should be submitted, preferably in five copies, to the Secretary, Maritime Administration, Washington, D.C. 20235 (attention: CCF regulations), by November 6, 1972.

A sample of the proposed permanent capital construction fund agreement on which the Secretary also invites comments has been made an appendix to these proposed regulations.

Certain portions of the proposed regulations published on December 9, 1971 (36 F.R. 23395), are included in these proposed regulations and § 390.5(b) of the proposed regulations when finally adopted will supersede the provisions of § 390.3 (relating to reporting requirements) which were prescribed in General Order 109, Rev., Amendment 4 (March 24, 1972).

The proposed regulations are issued under the authority contained in sections 204 and 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 114, 1177).

Dated: October 2, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

PART 390—CAPITAL CONSTRUCTION FUND

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Appendix—Sample capital construction fund agreement.

AUTHORITY: The provisions of this Part 390 issued under sections 204 and 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114, 1177).

§ 390.1 Scope of the regulations.

(a) *In general*—(1) *Scope.* The regulations prescribed in this part govern the capital construction fund program authorized by section 607, Merchant Marine Act, 1936, as amended (46 U.S.C. 1177), except Federal income taxation aspects which are governed by joint regulations.

(2) *Purpose of the fund.* Section 607 of the Act provides that any capital construction fund agreement entered into with the Secretary of Commerce must be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels to be built and documented in the United States and operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade.

(3) *Benefits of a fund.* The Act provides for the nontaxability of certain deposits of money or other property made into a capital construction fund (fund) established by a capital construction fund agreement (agreement) with respect to ceilings generated in amounts equal to earnings or gains realized from the operation of agreement vessels, gains realized from the sale or other disposition of agreement vessels or proceeds from insurance for indemnification for loss of agreement vessels, earnings from the investment or reinvestment of amounts held in a fund and gains with respect to amounts on deposit in the fund.

(4) *Delegation.* The Secretary of Commerce has delegated the authority to enter into agreements relating to the U.S. merchant marine to the Assistant Secretary of Commerce for Maritime Affairs (Assistant Secretary).

(b) *Act.* For purposes of this part, the term "Act" shall mean the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1249).

(c) *Joint regulations.* For purposes of this part, the term "joint regulations" shall mean the regulations prescribed by the Secretary of Commerce and the Secretary of the Treasury under section 607 of the Act and published in Title 26, Part

3 of the Code of Federal Regulations (reprinted in Part 391 of this chapter).

(d) *Cross references.* For rules relating to the Federal income tax aspects of a fund, see the joint regulations. For rules governing agreements relating to the fisheries of the United States, see the separate Secretary of Commerce regulations prescribed in Title 50 of the Code of Federal Regulations.

§ 390.2 Application for an agreement.

(a) *In general*—(1) *Application form.* The Assistant Secretary has adopted a form for making application for an agreement. Forms may be obtained by writing to the Secretary, Maritime Administration, Washington, D.C. 20235.

(2) *General eligibility requirements.* Section 607 of the Act specifies who may be eligible for a fund and the application form specifies what information is required to establish such eligibility. The following are the general eligibility requirements. An applicant must:

(i) Be a citizen of the United States within the meaning of section 905(c) of the Act;

(ii) Own or be the lessee of one or more eligible U.S.-flag vessels, as defined in section 607(k)(1) of the Act and § 390.6(b), or share thereof, as defined in § 390.6(b);

(iii) Have a program (program) for the acquisition, construction or reconstruction of a qualified U.S.-flag vessel, as defined in section 607(k)(2) of the Act and § 390.8(c), which sections provide that the applicant must agree that the vessels will be operated in the U.S. foreign, Great Lakes or noncontiguous domestic trades as defined in sections 607(k) and 905(a) of the Act and § 390.11; and

(iv) Demonstrate the financial capabilities to accomplish the program.

(b) *Information which may be required in conjunction with the application*—(1) *In general.* The fund is established by an agreement which agreement is a contract between the party (party) and the Assistant Secretary acting on behalf of the United States. Because certain aspects of the agreement are subject to negotiation, an applicant should have readily available such facts, documents, and materials as the Assistant Secretary may require in considering whether to enter into an agreement.

(2) *General items.* An applicant should be ready to make available such applicable materials, including, but not limited to: Construction plans, construction contracts, financial statements, certificates of incorporation, bylaws, articles of partnership, stock ownership data, and other information including outstanding judgments and pending litigation which could affect the proposed program. The specific information required is set forth in the application form.

§ 390.3 Policy considerations.

(a) *In general.* It is the policy of the United States, as set forth in section 101 of the Act, that for the national defense and the development of its foreign and domestic commerce, the United States shall have a merchant marine sufficient

to carry its waterborne domestic commerce and a substantial portion of its waterborne export and import foreign commerce; to provide shipping service essential for maintaining the flow of such commerce at all times; capable of serving as auxiliaries in time of war or national emergency; owned and operated by U.S. citizens insofar as practicable; composed of the best equipped, safest, and most suitable vessels, constructed in the United States and manned with U.S. citizens; and supplemented by efficient facilities for shipbuilding and repair.

(b) *Unacceptable programs*—(1) *In general.* The Assistant Secretary will not enter into an agreement where the proposed program is not, in his opinion, in consonance with the policies of the Act.

(2) *Specific programs.* The Assistant Secretary will not enter into an agreement where the proposed program of the applicant is merely to accomplish any or all of the following:

(i) Reconstruction of existing vessels unless such reconstruction will exceed \$1 million in cost, will be capitalized under the Internal Revenue Code of 1954, as amended, and the regulations thereunder, and will result in a vessel which is significantly more competitive and will have an extended economic life;

(ii) Acquisition, construction, or reconstruction of cargo handling equipment (as defined in § 390.8(e));

(iii) Acquisition of existing vessels; or

(iv) Payment of the principal on existing indebtedness.

(3) *Waiver of the provisions in this paragraph.* The Assistant Secretary may, for good cause shown, waive the provisions of this paragraph. Thus, for example, the Assistant Secretary may waive the monetary limit in subparagraph (2)(i) of this paragraph where the applicant proposes to reconstruct a small vessel.

§ 390.4 Description of the agreement.

(a) *In general.* The agreement consists of a standard part and appended schedules. The standard part of the agreement contains covenants, warranties, and recitals which apply to all parties. The schedules set forth the particular program of the party and contain other information unique to each agreement. This section describes the schedules. See § 390.5 (relating to administration of the agreement) for procedures and criteria for the modification of schedules.

(b) *Schedule A—Eligible agreement vessels.* Schedule A is composed of the names of eligible agreement vessels, whether owned or leased, and the allowable percentage of the depreciation ceiling, if any, available to the party. See § 390.6 (relating to deposits) for definitions of eligible agreement vessels and allowable depreciation in the case of leased vessels.

(c) *Schedule B—Program*—(1) *In general.* Schedule B sets forth the program of the party including the cost of the program and the time in which the program must be accomplished.

(2) *Specific items in Schedule B.* Schedule B shall contain:

(1) A comprehensive statement of the work to be performed with respect to each qualified agreement vessel (as defined in § 390.8) to be acquired, constructed, or reconstructed;

(ii) The date on which the acquisition, construction, or reconstruction of each qualified agreement vessel will commence;

(iii) The actual or anticipated total cost of such acquisition, construction or reconstruction including costs which will not be paid from the fund; and

(iv) The amount to be withdrawn from the fund with respect to such acquisition, construction, or reconstruction.

(3) *Vague programs.* A party will not be granted an agreement if the proposed program is vague. A program is vague if, for example, it calls for unspecified new construction at an uncertain date. A party may, however, have a program which provides for reasonable estimates for acquisition, construction, or reconstruction, if estimated dates and costs can be agreed upon. See § 390.2 (relating to information in the application for an agreement) for examples of required information concerning the program.

(4) *Submission of contracts.* When a contract is executed in conjunction with any acquisition, construction, or reconstruction set forth in Schedule B, such contract shall be submitted promptly to the Assistant Secretary who shall then determine whether Schedule B should be amended to conform the program to the executed contracts.

(d) *Schedule C—Depositories.* Schedule C lists, by name and address, the depositories of the fund. See § 390.6 for requirements for depositories.

(e) *Schedule D—Minimum deposits.* Schedule D sets forth the minimum deposits which must be made into the fund. See § 390.6 (relating to deposits) for procedure in setting minimum deposits.

§ 390.5 Administration of the agreement.

(a) *In general.* The Assistant Secretary will administer and enforce the agreement in a manner which will insure that the fund is properly established, that the assets in the fund are used to accomplish the program and that the party fully complies with all obligations and responsibilities. This section specifies the reports which must be submitted to the Assistant Secretary and sets forth the procedures by which the agreement will be administered.

(b) *Reporting requirements—(1) In general.* This paragraph describes the reports required to be submitted to the Assistant Secretary by all parties.

(2) *Submission dates.* Reports must be submitted semiannually and annually for each taxable year and must reach the Assistant Secretary not later than 90 days after the close of each reporting period.

(3) *Cumulation.* The annual report submitted following the close of the taxable year shall be cumulative for the entire taxable year.

(4) *Certification.* The semiannual report shall be accompanied by an affidavit of the official responsible for the maintenance and accuracy of the financial records of the party and the annual report shall be accompanied by an affidavit of an independent certified public accountant to the effect that the exhibits and schedules composing the accounting have been prepared in accordance with this section, are true and complete statements and are in accordance with all applicable orders, rules, regulations, and instructions issued or adopted by the Assistant Secretary pertaining thereto.

(5) *Variance.* The party may vary the format of these reports provided that the reports submitted conform as closely as possible to this section and include all of the required information.

(6) *Format.* The reports shall consist of the following exhibits and schedules:

(i) "Exhibit A" shall contain a summation of cash on deposit, securities on deposit (adjusted basis and fair market value), a subtotal of cash and securities on deposit, net amount of accrued deposits and withdrawals and the fund total (adjusted basis and fair market value);

(ii) "Schedule A-1" shall contain a listing of balances in all cash accounts at the end of the period;

(iii) "Schedule A-2" shall contain a listing of the securities in the fund at the end of the period (adjusted basis and fair market value);

(iv) "Schedule A-3" shall list the accrued deposits and withdrawals at the end of the period;

(v) "Exhibit B" shall contain a summary of all transactions occurring in the period by date; and

(vi) "Exhibit C" shall contain total transactions within the fund by three separate accounts: Ordinary income account, capital gains account, and capital account.

(7) *Sample reports.* Sample reports will be provided upon request to the Secretary, Maritime Administration.

(c) *Review in the event of changed circumstances.* Each agreement provides that the party will inform the Assistant Secretary promptly of any change in circumstances which affects the agreement. Such changes may be mere form, such as a change of the party's name, or a substantive change, such as the sale of an eligible agreement vessel. The Assistant Secretary may require a full review of the agreement if the changed circumstance materially affects the agreement.

(d) *Modification of agreement—(1) In general.* The agreement is subject to modification and amendment by mutual consent. However, except in special circumstances, the Assistant Secretary will not consent to modification or amendment of the standard part of the agreement unless such modification or amendment is of uniform application to similarly situated parties. The Assistant Secretary will normally agree to the modification or amendment of the schedules subject to the restriction in subparagraph (2) of this paragraph.

(2) *Limitations on modifications of schedules.* The Assistant Secretary will

not agree to the modification or amendment of the schedules when, in his opinion, the modification or amendment delays imposition of Federal income tax in a manner not contemplated or authorized by the Act, or the proposed modification would be violative of the Act or the rules and regulations.

(e) *Fund adjustment upon modification.* Upon application by the party for a modification to the program, the Assistant Secretary will determine whether such modification would result in an amount held in the fund in excess of that necessary or appropriate to carry out the program as modified. If there would be an excess in the fund, the Assistant Secretary will require a nonqualified withdrawal (as defined in § 390.9) of such excess as a condition to the modification.

§ 390.6 Deposits.

(a) *In general—(1) Source of deposits.* Section 607(b) of the Act provides ceilings against which deposits may be made into a fund. Such ceilings are further defined in the joint regulations. This section defines which eligible vessels may be used for generating such ceilings and provides rules for the qualification of depositories, constructive deposits, certain timing of deposits, the type of property which may be deposited and the volume of deposits.

(2) *Tax aspects of deposits.* For the tax aspects of deposits into a fund, see section 607(d) of the Act and § 3.3 of the joint regulations (§ 391.3 of this chapter).

(b) *Eligible agreement vessels—(1) Definition.* An eligible vessel which may be used to generate ceilings for deposit purposes means any vessel:

(i) Constructed in the United States, and if reconstructed, reconstructed in the United States;

(ii) Operated in the foreign or domestic commerce of the United States;

(iii) Documented under the laws of the United States;

(iv) Engaged in the waterborne carriage of men, materials, goods or wares; and

(v) Provided for in the agreement as an "eligible agreement vessel."

(2) *Inclusions in term "vessel."* For purposes of generating ceilings on deposits under section 607(b) of the Act and the joint regulations, and for this paragraph the term "vessel" includes barges or containers which are part of the complement of an eligible agreement vessel, vessels which have been contracted for or are in the process of construction, or any shares in an eligible agreement vessel.

(3) *Complement of an eligible vessel.* The complement of an eligible vessel shall be three times the maximum barge and container capacity of the vessel.

(4) *Shares in eligible vessels.* A party is considered to have a share in an eligible agreement vessel if he has the right to use the vessel to generate income or a right to the proceeds or a portion of the proceeds from its use whether or not the party would be considered as having a proprietary interest in the vessel for purposes of State or Federal law.

PROPOSED RULE MAKING

(5) *Certain foreign construction and reconstruction.* For purposes of this part, the term "constructed or reconstructed in the United States" means any vessel which was constructed or reconstructed outside of the United States but documented under the laws of the United States on April 15, 1970, or constructed or reconstructed outside of the United States for use in the U.S. foreign commerce pursuant to a contract entered into before April 15, 1970.

(6) *Tugs and barges included.* For purposes of this section the term eligible agreement vessel includes tugs and barges.

(c) *Foreign or domestic commerce.* Solely for the purpose of this section, the term "foreign or domestic commerce" shall mean the waterborne carriage of men, materials, goods, or wares between any two points, whether or not the two points are in the same or different countries.

(d) *Depositories—(1) In general.* Section 607(c) of the Act requires that amounts in a fund shall be kept in the depository or depositories specified in the agreement and be subject to such trustee or other fiduciary requirements as the Assistant Secretary may specify.

(2) *Qualifications.* The Assistant Secretary has established general qualifications for depositories for all programs authorized under the Act, including the capital construction fund program. The general qualifications are set forth in Part 351 of this chapter.

(3) *Fiduciary requirements.* Except in unusual circumstances, the Assistant Secretary will not impose special trustee or other fiduciary requirements upon depositories of a fund. For rules relating to a fund held in trust, see paragraph (k) of this section.

(4) *Type and name of accounts.* Unless otherwise specified in the agreement, the party may select the type or types of accounts in which assets of the fund may be deposited. Thus, for example, the party may select a checking or savings account for cash which is held in the fund. Each account shall be in the name of the party and identified as a capital construction fund account.

(5) *Countervailing balances.* The use of the assets of the fund as a countervailing balance shall constitute a material breach of the agreement.

(e) *Constructive deposits—(1) In general.* Constructive deposits into a fund may be made for those portions of taxable years 1970 and 1971 which occur prior to the first date on which the Assistant Secretary executes an interim or permanent capital construction fund agreement for the party. For rules relating to constructive withdrawals from a fund, see § 390.8(i).

(2) *Permission of the Assistant Secretary to make constructive deposits.* Written permission of the Assistant Secretary shall be required prior to making the constructive deposits provided for in this section. Constructive deposits shall be permitted only in the same amount and in conjunction with the constructive

withdrawals provided for in § 390.8 (relating to withdrawals).

(f) *Certain timing of deposits—(1) In general.* Section 607(d) (2) of the Act provides that nontaxability for deposits shall occur only when deposits are made in accordance with the agreement and not later than the time provided in the joint regulations. For the time provided in the joint regulations, see § 3.3(b) (3) thereof (§ 391.3(b) (3) of this chapter).

(2) *Deposits prior to the time provided in joint regulations.* A party may make deposits for any taxable year prior to the time provided in joint regulations in accordance with the following rules:

(i) Amounts representing taxable income attributable to the operation of agreement vessels (as defined in section 607(b) (1) (A) of the Act and § 3.2(b) of the joint regulations (§ 391.2(b) of this chapter)) may be deposited at any time during such taxable year, based upon the party's estimated Federal taxable income;

(ii) Amounts representing net proceeds from transactions with respect to agreement vessels (as defined in section 607(b) (1) (C) of the Act and § 3.2(c) of the joint regulations (§ 391.2(c) of this chapter)) may be deposited when accrued;

(iii) Amounts representing receipts from the investment or reinvestment of amounts held in a fund (as defined in section 607(b) (1) (D) of the Act and § 3.2(d) of the joint regulations (§ 391.2(d) of this chapter)) may be deposited when accrued; and

(iv) Amounts representing depreciation (as defined in section 607(b) (1) (B) and § 3.2(a) (1) (ii) of the joint regulations (§ 391.2(a) (1) (ii) of this chapter)) may be deposited when accrued.

(3) *Deposits required prior to the time provided in joint regulations.* The Assistant Secretary may require, in the agreement, certain deposits to be made by a specified time which may be earlier than provided for in the joint regulations. Generally, the Assistant Secretary will require early deposits only when necessary for the party to meet its agreed upon obligations.

(g) *Types of property which may be deposited into a fund.* Deposits may be made into a fund in the form of money or intangible property in which the assets of the fund may be invested under the Act, the agreement and these regulations. In the case of deposits of amounts representing net proceeds from transactions with respect to agreement vessels (as defined in section 607(b) (1) (C) of the Act and § 3.2(c) of the joint regulations (§ 391.2(c) of this chapter)) or amounts representing receipts from the investment or reinvestment of amounts held in a fund (as defined in section 607(b) (1) (D) of the Act and § 3.2(d) of the joint regulations (§ 391.2(d) of this chapter)), any intangible property received may be deposited.

(h) *Level of deposits—(1) In general.* Section 607(a) of the Act states that the agreement may provide for the deposit in the fund of amounts agreed upon but

only to the extent necessary or appropriate to provide for qualified withdrawals to accomplish the program.

(2) *Maximum level of deposits.* The maximum level of deposits the Assistant Secretary shall permit is the amount in the agreement for qualified withdrawals as contemplated by the program. See § 390.4 (relating to a description of the agreement).

(3) *Minimum level of deposits.* Each agreement shall contain an agreed upon minimum deposit schedule. The minimum deposits are not an annual requirement, but shall apply to each 3-year period under the agreement unless different periods are agreed upon. Minimum deposits will be calculated taking into consideration the time frame for the anticipated qualified withdrawals. The purpose of the minimum deposit is to insure that the party has made a sufficient commitment to continue the agreement. See § 390.13 for options of the Assistant Secretary when there has been a failure to carry out a substantial obligation under the agreement.

(4) *Determination of minimum deposits.* The minimum deposit shall be set by the Assistant Secretary. In determining these minimum deposits, the Assistant Secretary shall give consideration to the anticipated ceilings of the party, financial history of the party and future business expectations.

(5) *Waiver of minimum deposit requirement.* The Assistant Secretary will waive a failure to meet the minimum deposit requirement when the party has deposited all allowable taxable income attributable to the operation of agreement vessels, net proceeds from the sale or other disposition of agreement vessels, receipts from the investment or reinvestment of amounts held in the fund and earned depreciation on agreement vessels. In such event, the Assistant Secretary may require modification of the schedules. See § 390.5 (relating to the administration of the agreement).

(6) *Selection of ceilings.* Except as may be otherwise provided in the agreement or these rules and regulations, the party may choose the ceilings with respect to which deposits are made.

(i) *Allocation of depreciation deposits—(1) In general.* Section 607(b) (2) of the Act requires that in the case of a lessee of an eligible agreement vessel, the maximum amount which may be deposited with respect to such vessel, under the depreciation ceiling, shall be reduced by any amount which the owner is required or permitted to deposit with respect to such vessel under the depreciation ceiling.

(2) *Method of allocation.* When a vessel is subject to an agreement by both the lessor and lessee, and the lessor is not required by the Assistant Secretary to make deposits with respect to the depreciation ceiling; the agreements shall fix a percentage of the annual depreciation which each party may deposit. The percentage shall be that agreed upon between the lessor and the lessee unless the Assistant Secretary determines that

the agreed upon percentage will result in an accumulation of assets in the fund or funds which is greater than or less than that necessary or appropriate to carry out the objectives of the fund (see paragraph (h) of this section).

(j) *Sale or other disposition of agreement vessels to related persons*—(1) *In general.* Section 3.2(c) (1) (ii) of the joint regulations (§ 391.2(c) (1) (ii) of this chapter) requires that the net proceeds from the sale or other disposition of agreement vessels shall be the fair market value of the vessel, when the party and the purchaser are owned or controlled directly or indirectly by the same interests within the meaning of section 482 of the Internal Revenue Code of 1954, as amended, and the regulations thereunder. In such case, the party shall furnish evidence, sufficient in the opinion of the Assistant Secretary, to establish such fair market value. The Assistant Secretary will not hypothesize the fair market value of vessels.

(2) *Data to be submitted.* Sufficient data must be submitted to support a determination by the Assistant Secretary of the fair market value including the original cost of the vessel, cost of improvements, the sales price, costs of sale and any other information which would assist in making such determination.

(k) *Funds held in trust.* A fund may be transferred in whole or in part to the control of a trustee with the prior written permission of the Assistant Secretary. The Assistant Secretary will approve such transfer when:

(i) The trustee meets the requirements for a depository under paragraph (d) of this section;

(ii) The trust instrument provides that all investment restrictions will be observed;

(iii) The trust instrument provides that the trustee will give consideration to the party's withdrawal requirements under the agreement when investing the fund; and

(iv) The trustee agrees to be bound by all rules and regulations which have been or will be promulgated which govern the investment or management of the fund.

(1) *Federal ship mortgage insurance.* A fund may serve in lieu of a Restricted Fund required in connection with Federal Ship Mortgage Insurance under title XI of the Act and the regulations thereunder upon approval by the Assistant Secretary. Approval by the Assistant Secretary shall be conditioned upon the execution by the party of an agreement, satisfactory in form and substance to the Assistant Secretary, governing the dual use of the fund. Applications for permission to use the fund in this dual capacity should be made in writing to the Secretary, Maritime Administration.

§ 390.7 Investment of the fund.

(a) *In general.* Section 607(c) of the Act provides that assets in the fund shall be invested in accordance with certain restrictions. The rules in this section provide for restrictions on the type of stock in which a fund may invest, the

quality of securities, related company investments, and miscellaneous prohibited activities.

(b) *Permissible investments*—(1) *In general.* The party may, at his discretion, invest in the types of securities specified in this paragraph.

(2) *Interest bearing securities.* Permissible interest bearing securities are:

(i) Obligations of the U.S. Government or State or local governments, including any agency or instrumentality thereof, or of any domestic corporation, which, except for U.S. Government obligations, are rated by Moody's Investors Service, Inc., as "Baa" or better and by Standard & Poor's Corp. as "BBB" or better.

(ii) Bankers acceptances, negotiable certificates of deposit and short-term commercial notes which are readily marketable, and rated in the highest grade by the National Credit Office of Dun & Bradstreet, Inc., and in one of the two highest grades by Standard & Poor's Corp.

(3) *Common and preferred stocks.* Permissible common and preferred stocks are:

(i) Stock of domestic corporations which is fully listed and registered at the time of purchase on an exchange registered with Securities and Exchange Commission as a national securities exchange and which would be acquired by prudent men of discretion and intelligence in such matters who are seeking reasonable income and preservation of their capital.

(ii) Preferred stock of a corporation if the common stock of that corporation meets the requirements of this paragraph but for the fact that it cannot be listed and registered as required because it is nonvoting stock.

(c) *Limitations on investments*—(1) *Securities.* Unless held in trust pursuant to § 390.6(k), a fund shall not have more than 5 percent of its assets invested in the securities of any one issuer.

(2) *Margin or short sale.* No securities shall be purchased on margin or be sold short for the account of a fund.

(3) *Related company investments.* Whether or not held in trust, funds shall not be invested in the securities of a related company within the meaning of section 482 of the Internal Revenue Code of 1954, as amended, and the regulations thereunder.

(4) The value of stock of any one issuer held in the fund shall not exceed 10 percent of the value of the total assets of the fund unless such stock is held in trust pursuant to § 390.6(k). Such values shall be the fair market values as determined by the party on the last day of each semiannual and annual reporting period.

§ 390.8 Qualified withdrawals.

(a) *In general.* In accordance with section 607(f) of the Act, qualified withdrawals are those made from a fund in accordance with the agreement, but only if they are for:

(1) The acquisition, construction, or reconstruction of a qualified agreement

vessel (as defined in section 607(k) of the Act and this section);

(ii) The acquisition, construction, or reconstruction of barges or containers which are the complement (as defined in this section) of a qualified agreement vessel; or

(iii) The payment of the principal on indebtedness incurred in connection with the acquisition, construction, or reconstruction of a qualified agreement vessel or a barge or container which is part of the complement of a qualified vessel.

(b) *Limitation on qualified withdrawals.* All qualified withdrawals must be for costs which are capitalized under the Internal Revenue Code of 1954, as amended, and the regulations thereunder and so reported on the party's Federal income tax return.

(c) *Qualified agreement vessels*—(1) *Defined.* For purposes of this part, a qualified vessel means any vessel:

(i) Constructed in the United States, and if reconstructed, reconstructed in the United States;

(ii) Documented under the laws of the United States;

(iii) Operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade (as defined in § 390.11);

(iv) Engaged in the waterborne carriage of men, materials, goods, or wares; and

(v) Listed in the agreement as a qualified agreement vessel.

(2) *Vessels constructed outside of the United States.* The requirements of subparagraph (1) (i) of this paragraph shall be deemed to have been met if a vessel constructed outside of the United States was documented under the laws of the United States on April 15, 1970, or was constructed for use in the U.S. foreign trade (as defined in § 390.11) pursuant to a construction contract entered into prior to April 15, 1970.

(3) *Construction of qualified agreement vessels.* (1) For purposes of this part, the term "construction of a qualified agreement vessel" shall mean the construction of a vessel, with the aid of qualified withdrawals, which vessel is eligible for documentation under the laws of the United States when constructed.

(ii) Qualified withdrawals shall not be made for construction costs until a construction contract is entered into with the constructing facility. For qualified withdrawals for costs incurred before such date, see paragraph (k) of this section (relating to reimbursement of general funds).

(4) *Reconstruction of qualified agreement vessels.* (1) For purposes of this part, once an agreement has been entered into, the term "reconstruction of a qualified agreement vessel" shall mean any improvement to an existing vessel which:

(a) Increases, or tends to increase the vessel's physical or economic life;

(b) Is capitalized under the Internal Revenue Code of 1954, as amended, and the regulations thereunder, and

(c) Involves an aggregate sum in excess of \$100,000.

(ii) Qualified withdrawals shall not be made for reconstruction costs until a reconstruction contract is executed with the reconstructing facility. For withdrawals for costs incurred prior to this date, see paragraph (k) of this section (relating to reimbursement of general funds).

(iii) The Assistant Secretary may waive the monetary limit in this subparagraph in the case of small vessels.

(5) *Acquisition of qualified agreement vessels.* (i) For purposes of this part, the term "acquisition of a qualified agreement vessel" shall mean any transaction in which the tax basis of the vessel in the hands of the transferee is the capitalized cost of the vessel. See § 3.5(a) of the joint regulations (§ 391.5(a) of this chapter).

(ii) Qualified withdrawals for acquisition shall not be made prior to the date on which a contract for the acquisition is executed. For withdrawals for costs incurred prior to this date, see, paragraph (k) of this section (relating to reimbursement of general funds).

(6) *Share in a qualified agreement vessel.* For purposes of this part, a share in a qualified agreement vessel shall mean a proprietary interest in such qualified vessel as, for example, that which may result from a joint venture or partnership. See § 3.5(a)(2) of the joint regulations (§ 391.5(a)(2) of this chapter).

(d) *Barges or containers which are the complement of a qualified vessel—*
(1) *In general.* Qualified withdrawals may be made with respect to barges or containers which are the complement of a qualified vessel.

(2) *Complement defined.* The complement of a qualified vessel shall be three times the maximum barge and container capacity of the vessel.

(e) *Cargo handling equipment—*
(1) *In general.* In accordance with section 607(k)(7) of the Act, qualified withdrawals may be made to purchase cargo handling equipment which the Assistant Secretary determines will be used primarily on the qualified agreement vessel.

(2) *Acceptable cargo handling equipment.* Any auxiliary equipment which is normally carried from port-to-port on the qualified agreement vessel and used solely in conjunction with the loading or unloading of the vessel shall be deemed to be cargo handling equipment for the purpose of making qualified withdrawals.

(f) *Tugs and barges.* For purposes of this section the term vessel includes an oceangoing towing vessel or an oceangoing barge or comparable towing vessel or barge operated on the Great Lakes.

(g) *Permission to make qualified withdrawals.* Prior approval of the Assistant Secretary is not required for qualified withdrawals except as provided in paragraphs (h) and (i) of this section. However, the Assistant Secretary will give prior approval to qualified withdrawals upon request.

(h) *Qualified withdrawals paid to related persons—*
(1) *In general.* Section 3.5(c) of the joint regulations (§ 391.5(c)

of this chapter) provides that a withdrawal paid to a related person, within the meaning of section 482 of the Internal Revenue Code of 1954 as amended, and the regulations thereunder, shall not constitute a qualified withdrawal unless the Assistant Secretary is satisfied that no portion of such payment constitutes a dividend, a return of capital, or a contribution to capital under the Internal Revenue Code.

(2) *Basis for the Assistant Secretary's determination.* Payment to a related person will be approved if the cost of the item sought to be acquired through qualified withdrawals is its fair market value.

(3) *Procedure.* The party must obtain the prior written permission of the Assistant Secretary before a qualified withdrawal may be paid to a related person. Any withdrawal prior to approval shall be a nonqualified withdrawal.

(i) *Constructive qualified withdrawals—*
(a) *In general.* Constructive qualified withdrawals from a fund may be made for those portions of taxable years 1970 and 1971 which occur prior to the first date on which the Secretary executes an interim or permanent capital construction fund agreement for the party. For rules relating to constructive deposits into a fund, see § 390.6(e).

(2) *Permission of the Assistant Secretary to make constructive qualified withdrawals.* Written permission of the Assistant Secretary shall be required prior to making the constructive withdrawals provided for in this section. Constructive withdrawals shall be permitted only in the same amount and in conjunction with the constructive deposits provided for in § 390.6 (relating to deposits).

(j) *Payment of principal on indebtedness—*
(1) *In general.* Section 607(f)(1)(C) of the Act and section 3.5(b) of the joint regulations (§ 391.5(b) of this chapter) require that any indebtedness which the party proposes to pay through qualified withdrawals must be shown to the satisfaction of the Assistant Secretary to have been incurred in connection with the acquisition, construction, or reconstruction (as defined in paragraph (c) of this section) of a qualified agreement vessel.

(2) *Evidence of direct connection.* The fact that an indebtedness is secured by an interest in a qualified vessel, barge, or container is insufficient by itself to demonstrate the necessary direct connection. Evidence of the direct connection exists when the indebtedness is incurred to finance the acquisition, construction, or reconstruction of a qualified agreement vessel. Payments of principal on the securing the indebtedness be on the vessel, nor is it necessary that the incurring of the indebtedness be prior to or simultaneous with the acquisition, construction, or reconstruction. For example, a party may mortgage an office building in order to finance the construction of a vessel. Payments of principal on the mortgage may be made with qualified withdrawals.

(3) *Prepayment of indebtedness.* The party shall not prepay principal on indebtedness without the prior written consent of the Assistant Secretary.

(k) *Reimbursement of general funds.* Qualified withdrawals may not be made until construction, reconstruction, or acquisition contracts are executed. A party may, however, reimburse general funds with qualified withdrawals for expenditures which occur prior to the date on which qualified withdrawals may be made. All reimbursements must be made within 30 days from the date qualified withdrawals may be made.

§ 390.9 Nonqualified withdrawals.

(a) *In general—*
(1) *Defined.* Any withdrawal from a fund which is not a qualified withdrawal is a nonqualified withdrawal.

(2) *Tax aspects of a nonqualified withdrawal.* For the tax aspects of a nonqualified withdrawal, see section 607(h) of the Act and § 3.7 of the joint regulations (§ 391.7 of this chapter).

(b) *Permission required—*
(1) *In general.* The prior written permission of the Assistant Secretary is required before a nonqualified withdrawal may be made.

(2) *Failure to secure permission.* A nonqualified withdrawal made without the prior written permission of the Assistant Secretary shall constitute a material breach of the agreement unless the Assistant Secretary shall determine that failure to obtain prior written consent was excusable. See § 390.13 (relating to failure to fulfill a substantial obligation under the agreement).

(3) *Types of nonqualified withdrawals permitted.* The Assistant Secretary will normally give permission to make nonqualified withdrawals when:

(i) The party has incurred operating losses from the operations of agreement vessels which have impaired his working capital and it becomes necessary to reimburse his general funds to the extent of such losses; and

(ii) The party desires to make an expenditure for research, development, and design and such expenditure is incident to new and advanced ship design, machinery, and equipment.

§ 390.10 Sale or other disposition of agreement vessels.

(a) *Sale or other disposition of eligible agreement vessels.* The sale or other disposition (including mortgages) of eligible vessels shall not require prior permission of the Assistant Secretary, but shall require prior notification. Such notification shall include a description of the transaction, the identity of the transferee, the proceeds to be realized, the expected date of the transaction and whether the proceeds will be deposited into the fund.

(b) *Sale or other disposition of qualified vessels—*
(1) *In general.* Section 3.6(e) of the joint regulations (§ 391.6(e) of this chapter) provides that if a qualified vessel whose basis has been reduced through the application of qualified withdrawals is disposed of within 1 year, interest on the amount of gain attributable to the basis reduction shall not

attach unless the Assistant Secretary determines that the disposition was contrary to the purposes of the Act, the joint regulations, and these regulations.

(2) *Period of 1 year defined.* The 1-year period provided in § 3.6(e) of the joint regulations (§ 391.6(e) of this chapter) shall mean 365 days from:

(i) In the case of construction or reconstruction, the date the vessel is finally delivered from the shipyard, or

(ii) In all other cases, the date title vests in the party.

(3) *Prior approval.* The party shall obtain the written approval of the Assistant Secretary prior to the sale or other disposition of a qualified agreement vessel.

§ 390.11 Geographical trading restrictions on qualified agreement vessels.

(a) *In general.* Section 607 of the Act requires that any vessel constructed, reconstructed, or acquired with the use of qualified withdrawals be restricted to certain geographic trades. The rules in this section define those trades, provide for the duration of the restrictions, and specify the consequences of operating in the prohibited trades.

(b) *Permissible trades.* The following are the permissible geographical trades:

(1) *Foreign trade.* For purposes of this part, foreign trade shall mean the carriage of men, materials, goods, or wares between:

(i) A port in the United States and a port in a foreign country;

(ii) Trade permitted by section 506 of the Act (relating to certain domestic activity in conjunction with voyages in the foreign trade);

(iii) Incidental trade between ports in foreign countries; and

(iv) In case of bulk cargo vessels, trade between foreign ports as allowed under section 905(a) of the Act.

(2) *Great Lakes trade.* Great Lakes trade shall mean the carriage of men, materials, goods, or wares on the Great Lakes and their connecting and tributary waterways in the immediate environs of the Great Lakes.

(3) *Noncontiguous domestic trade.* Noncontiguous domestic trade shall mean the carriage of men, materials, goods, or wares between:

(i) The contiguous 48 States and Alaska, Hawaii, Puerto Rico, and the insular territories and possessions of the United States;

(ii) Alaska, Hawaii, and Puerto Rico and the insular territories and possessions; and

(iii) Trade between the islands of Hawaii.

(c) *Liquidated damages.*—(1) *In general.* Each agreement entered into under section 607 of the Act shall contain a liquidated damages provision which will attempt to restore the party to its pre-fund position for each day in which a qualified agreement vessel is operated in prohibited trades. The liquidated damages provision requires that the party repay the time value of the deferral of Federal income tax which the party has received.

(2) *Calculation of liquidated damages.* The liquidated damages specified in this paragraph shall be calculated as follows:

(i) Add the sum of qualified withdrawals in the vessel to the date of breach and any unpaid principal which the agreement provides may be paid from the fund;

(ii) Multiply the total derived in subdivision (i) of this subparagraph by an assumed effective Federal income tax rate of 30 percent;

(iii) Compound the product derived in subdivision (ii) of this subparagraph at 8 percent annually for 20 years in the case where the vessel which breached the trading restrictions was constructed with qualified withdrawals, or for 10 years in all other cases;

(iv) Subtract the amount calculated in subdivision (iii) of this subparagraph from the product derived in subdivision (ii) of this subparagraph;

(v) Divide the result derived in subdivision (iv) of this subparagraph by 2; and

(vi) Divide the result derived in subdivision (v) of this subparagraph by 7,300 (days) if the vessel breaching the trading restrictions was constructed with qualified withdrawals or 3,650 (days) in all other cases.

(3) *Formula.* The calculation of the daily rate of liquidated damages may be reduced to the following formulae:

$$X = \frac{I(QT) - S}{2D}$$

Where:

X = Daily rate in dollars.

Q = Total qualified withdrawals permitted from fund.

T = Assumed effective tax rate of 30 percent.

S = Tax savings = (Q)(T).

I = Interest rate for construction = 4.660957 or for acquisition or reconstruction = 2.158925 (value of \$1 compounded at 8 percent for 20 or 10 years respectively).

D = 7,300 days for construction, 3,650 days for acquisition or reconstruction.

The formula may be further reduced to:

$$X = \frac{0.5491436Q}{7300} \text{ for construction.}$$

$$X = \frac{0.1738388Q}{36500} \text{ for acquisition or reconstruction.}$$

(4) *Example.* The provisions of subparagraphs (2) and (3) of this paragraph may be illustrated by the following example:

Assume that a vessel has been constructed with qualified withdrawals from a fund. The total cost was \$20 million of which \$6 million was withdrawn from the fund for a downpayment. Pursuant to the agreement, an additional \$4 million may be withdrawn from the fund to pay principal on indebtedness. Thus, \$10 million has been or may be withdrawn from the fund with respect to this vessel. The daily rate of liquidated damages would be:

$$X = \frac{0.5491436 (10,000,000)}{7300} \text{ or } X = \$752.25$$

(5) *Payment of liquidated damages.* The amount derived in subparagraph (2) of this paragraph shall be the daily rate of liquidated damages and shall be paid to the Assistant Secretary, for deposit in the Treasury of the United States, within 30 days from each event of breach.

(6) *Other remedies.* Nothing in this paragraph shall diminish the Assistant Secretary's other remedies for breach under the Act, the rules and regulations or the agreement.

(d) *Duration of restrictions.*—(1) *In general.* The geographical trading restrictions in the Act and this section and the liquidated damages provision shall apply for:

(i) Twenty years from the date of final delivery on vessels constructed with the aid of qualified withdrawals;

(ii) Ten years from the date of delivery of vessels reconstructed with the aid of qualified withdrawals; and

(iii) Ten years from the date of acquisition of vessels acquired with the aid of qualified withdrawals.

(2) *Transfer of vessel.* In the event a qualified agreement vessel is sold or transferred to another person, the transferee and the transferee shall agree with the Assistant Secretary to comply with the geographical trading restrictions and to pay liquidated damages for any breach of such agreement.

§ 390.12 Transfer of funds.

(a) *In general.* Section 3.8 of the joint regulations (§ 391.8 of this chapter) provides that upon approval by the Assistant Secretary, certain transfers of funds will not be treated as a nonqualified withdrawal. This section provides the rules for the Assistant Secretary's approval.

(b) *Certain transfers to corporations and partnerships.* Transfers to corporations or partnerships of the types described in § 3.8(b) of the joint regulations (§ 391.8(b) of this chapter) will be approved by the Assistant Secretary provided the transferee meets all requirements for the establishment of a fund, the transferee agrees to be liable for any breaches of the agreement which occurred prior to the transfer, and the fund, the agreement and all vessels included in the agreement are transferred in one transaction.

(c) *Transfers upon death.* Section 3.8 (c) of the joint regulations (§ 391.8(c) of this chapter) provides that if a party who is an individual dies, the transfer of property held in a fund to an executor, administrator, or to any other person by reason of his death will be treated as if it did not constitute a nonqualified withdrawal. *Provided,* That such executor, administrator, or other person receives written approval for his maintenance of the fund from the Assistant Secretary. If, upon termination of an estate which maintained a fund provided for in the preceding sentence, the property held in a fund passes to another person, such transfer will be treated as

if it did not constitute a nonqualified withdrawal provided such person receives written approval for his maintenance of the fund from the Assistant Secretary.

§ 390.13 Nonqualified withdrawals where there has been a failure to fulfill a substantial obligation under the agreement. [Reserved]

APPENDIX—SAMPLE CAPITAL CONSTRUCTION FUND AGREEMENT

Capital Construction Fund Agreement (this Agreement), made on the date hereinafter set forth, by and between the United States of America, represented by the Assistant Secretary of Commerce for Maritime Affairs (the Assistant Secretary) and XYZ Corp. (the Party), a citizen of the United States of America;

Whereas the Assistant Secretary and the Party wish to enter into this Agreement to establish a Capital Construction Fund (the Fund);

The Party is the owner or lessee of one or more eligible vessels as defined in section 607(k) of the Merchant Marine Act, 1936, as amended (the Act), and which are listed in Schedule A to this Agreement;

The Party has a program to provide replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the U.S. foreign, Great Lakes, or noncontiguous domestic trade which program is further described in Schedule B to this Agreement;

The Assistant Secretary desires to extend certain Federal income tax benefits to the Party to assist in achieving his program; The Assistant Secretary has determined that the Party qualifies for this Agreement under the Act;

The Assistant Secretary authorizes the award of this Agreement, subject to the Act, as amended from time to time, and such rules and regulations, as amended from time to time, as the Secretary of Commerce or his delegate shall prescribe whether alone or jointly with the Secretary of the Treasury as necessary to carry out the powers, duties, and functions vested in them by the Act (rules and regulations);

Now, therefore, in consideration of the premises and covenants hereinafter contained, the Assistant Secretary and the Party agree as follows:

1. *Purpose of this Agreement.* The purpose of this Agreement is to establish a Fund to provide for qualified withdrawals, as defined in the Act and the rules and regulations, for achieving the program set forth in Schedule B to this Agreement.

2. *Establishment of the Fund.* The Fund is established in the depositories listed in Schedule C to this Agreement.

3. *Term of Agreement.* This Agreement shall be effective on the date of execution by the Assistant Secretary and shall continue until terminated under Article 4.

4. *Termination of Agreement.* (A) This Agreement may be terminated at any time under any of the following circumstances:

(1) Upon written mutual consent of the parties.

(2) Upon written notice to the Assistant Secretary by the Party, if, after this Agreement takes effect, a change is made in the rules and regulations which would have a substantial effect on the rights or obligations of the Party.

(B) This Agreement shall automatically terminate upon completion of the program set forth in Schedule B to this Agreement.

5. *Deposits to be made into the Fund.* (A) Subject to the restrictions in the Act, the rules and regulations, and this Agreement and as defined in the Act and the rules and

regulations, the Party may deposit for each taxable year to which this Agreement applies amounts representing:

(1) Taxable income attributable to the operation of the vessels listed in Schedule A to this Agreement;

(2) The depreciation allowable under the Internal Revenue Code of 1954, as amended, on the vessels listed in Schedule A to this Agreement;

(3) The net proceeds from the sale or other disposition of the vessels listed in Schedule A to this Agreement;

(4) The net proceeds from insurance or indemnity attributable to the vessels listed in Schedule A to this Agreement; and

(5) The receipts from the investment or reinvestment of amounts held in the Fund.

(B) The Party agrees to deposit for each taxable year to which this Agreement applies:

(1) All receipts from the investment or reinvestment of amounts held in the Fund; and

(2) The net proceeds from the mortgage of any vessel listed in Schedule B to this Agreement.

(C) The Party agrees to make minimum deposits at the time and in the amount set forth in Schedule D to this agreement. If necessary to fulfill this obligation, the Party further agrees to deposit 100 percent of allowable taxable income attributable to the operation of agreement vessels.

(D) In the event that any vessel listed in Schedule A to this Agreement is included in another Capital Construction Fund Agreement, the maximum amount of depreciation which the Party may deposit in respect to that vessel under section (A)(2) this Article shall be the amount calculated by using the allowable percentage of the depreciation ceiling listed for that vessel in Schedule A to this Agreement.

6. *Withdrawals from the Fund.* The Party agrees to make all withdrawals from the Fund in accordance with the Act and the rules and regulations.

7. *Investment of the Fund.* (A) The Party agrees to invest assets held in the Fund in accordance with the Act and the rules and regulations.

(B) The Party agrees that when investing assets held in the Fund to make such investments so as to insure that sufficient cash is available at the time qualified withdrawals are required in accordance with the program described in Schedule B to this Agreement.

(C) The Party agrees to invest not more than 60 percent of the fair market value of the Fund in the stock permitted by the rules and regulations. The Party further agrees that if at any time the fair market value of the stock in the Fund is more than 60 percent of the fair market value of the Fund, the Party will make subsequent investments and withdrawals in a manner which tends to restore the Fund to a situation in which the fair market value of the stock does not exceed such agreed percentage.

8. *Pledges, assignments and transfers.* (A) The Party agrees not to assign, pledge, or otherwise encumber, either directly or indirectly or through any reorganization, merger, consolidation, or compensating balance, all or any part of this Agreement, the Fund or any assets in the Fund without the prior written consent of the Assistant Secretary. The Party further agrees not to sell, transfer or otherwise dispose of the vessels described in Schedule B to this Agreement without the prior written consent of the Assistant Secretary.

(B) The Party may transfer the assets of the Fund, in whole or in part, to a trustee as provided in the rules and regulations.

9. *Records and reports.* (A) The Party agrees that it and every affiliate, domestic

agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by the Party shall keep its books, records, and accounts relating to the property and to the maintenance, operations, servicing of the vessel(s) and service(s) covered by this Agreement in such form as may be prescribed by the Assistant Secretary under the rules and regulations.

(B) The Assistant Secretary agrees not to require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission or the Secretary of the Treasury.

(C) The Party agrees to file, upon notice from the Assistant Secretary, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of facts and transactions, as in the opinion of the Assistant Secretary affect the financial results in the performance of, or transactions or operations under, this Agreement.

(D) The Assistant Secretary reserves the right to require by regulation that all or any of such statements, reports, and memoranda shall be certified by independent certified public accountants acceptable to the Assistant Secretary.

(E) The Party agrees from time to time to establish and maintain such checks upon or systems of control of expenditures or revenues in connection with the operation of the agreement vessel(s) as the Assistant Secretary may require.

(F) The Party agrees to submit promptly to the Assistant Secretary any contract executed in conjunction with the program described in Schedule B to this Agreement.

(G) The Assistant Secretary is hereby authorized to examine and audit the books, records, and accounts of all persons referred to in this article whenever he may deem it necessary or desirable.

10. *Modification and amendment.* This Agreement may be modified or amended by mutual written consent.

11. *Incorporation of schedules.* The schedules which are appended to this Agreement form an integral part of this Agreement.

12. *Liquidated Damages.* (A) In the event that the Party operates the qualified agreement vessels, which are described in Schedule B to this Agreement, and which were constructed, reconstructed, or acquired in whole or in part with the aid of qualified withdrawals, in geographical trades other than those permitted by section 607 of the Act, this Agreement and the rules and regulations, the United States will suffer damage due to the improper deferral of Federal income tax. At the time this Agreement is made, actual damages arising from any such breach of geographical trading restrictions are, by their nature, uncertain and so depend on extrinsic considerations and circumstances as to be incapable of ascertainment with any reasonable degree of exactness. The Party, therefore, agrees to pay to the United States liquidated damages for each day of such impermissible geographic trading:

(1) For each vessel constructed with the aid of qualified withdrawals the daily rate shall be \$0.07523 for each \$1,000 which has been or may be withdrawn from the Fund pursuant to Schedule B to this Agreement;

(2) For each vessel reconstructed or acquired with the aid of qualified withdrawals the daily rate shall be \$0.04763 for each \$1,000 which has been or may be withdrawn from the Fund pursuant to Schedule B to this Agreement.

(B) The Party agrees to pay the daily rate of liquidated damages to the Assistant Secretary, for deposit in the Treasury of the United States, within 30 days from each event of breach.

(C) Nothing in this Article shall in any way be construed to diminish or waive any of the Assistant Secretary's other remedies for breach under the Act, this Agreement or the rules and regulations.

(D) Notwithstanding Article 4 of this Agreement, the provisions of this Article shall continue for 20 years in the case of vessels constructed with the aid of qualified withdrawals and 10 years in all other cases.

13. *Default in obligations.* (A) If the Assistant Secretary determines that any substantial obligation under this Agreement is not being fulfilled by the Party, he may under the rules and regulations and after the Party has been given notice and an opportunity to be heard, declare a breach and treat the entire Fund, or any portion thereof, as an amount withdrawn in a nonqualified withdrawal.

(B) The Assistant Secretary may provide an opportunity for the Party to cure a breach declared under section A of this article.

(C) Events of breach by the Party shall include, but shall not be limited to:

(1) Failure in any respect to use due diligence in performing the program set forth in Schedule B to this Agreement;

(2) Failure to make the deposits required in Schedule D to this Agreement;

(3) Any material misrepresentation made by the Party or any failure by the Party to disclose material information, in connection with this Agreement whether before or after execution hereof and whether made in an application, report, affidavit, or otherwise; or

(4) Failure by the Party to comply with any provisions of section 607 of the Act, the rules and regulations or this Agreement.

14. *Warranties and representations by the Party.* The Party hereby further warrants and represents as follows:

(A) The Party is a citizen of the United States within the meaning of subsection 905(c) of the Act and will continue to be so for the term of this Agreement.

(B) The Party owns or is the lessee of one or more eligible vessels within the meaning of subsection 607(k) of the Act, and as listed in Schedule A to this Agreement, and will continue to be the owner or lessee of one or more such vessels for the term of this Agreement.

(C) The qualified vessels described in Schedule B of this Agreement:

(1) Were or will be constructed or reconstructed in the United States, except as provided in subsection 607(k) of the Act;

(2) Are or will be documented under the laws of the United States and will continue to be so documented; and

(3) Will be operated in the foreign, Great Lakes, or noncontiguous domestic trade of the United States within the meaning of the Act.

(D) The Party will meet its deposit obligations as agreed upon in Article 5 of this Agreement.

(E) The Party will not pledge, assign, transfer, or otherwise encumber this Agreement, the Fund or any assets in the Fund without the prior written consent of the Assistant Secretary.

(F) The Party will promptly inform the Assistant Secretary, in writing, of any change in circumstances which would tend to adversely affect the ability of the Party to carry out its obligations under this Agreement.

(G) The Party will faithfully conform to all rules and regulations governing this Agreement and the Fund.

15. *Extension of Federal income tax benefits.* The Assistant Secretary agrees that the Federal income tax benefits provided in the Act and the rules and regulations shall be available to the Party during the term of this Agreement if the Party shall carry out its obligations hereunder.

In witness whereof, the Assistant Secretary and the Party have executed this Agree-

ment, in duplicate, effective as of the date of execution by the Assistant Secretary.

UNITED STATES OF AMERICA,
Assistant Secretary of
Commerce for Mari-
time Affairs.

By: _____
Date: _____
By: _____
Title: _____

SAMPLE

SCHEDULE A TO MARITIME ADMINISTRATION CAPITAL CONSTRUCTION FUND AGREEMENT WITH XYZ CORP.
Eligible Agreement Vessels

Name	Date of current documentation under laws of the U.S.	Owned or leased	If leased, allowable percentage of the depreciation ceiling
SS Neversall	1920	Owned	
SS A. Bunker	1926	Leased from MNO, Inc.	100
SS Trauil	1919	Owned	
SS Bremner	1970	do	
SS Sailor	1970	do	
SS Clipper	1971	do	
SS Loader	1971	do	
SS Market	Contracted for on Mar. 19, 1970.	do	
SS Leader	Contracted for on Mar. 19, 1970.	do	
MV R. P. F.	1963	Leased to MNO, Inc.	25
Barge "Okam"	1963	Owned	
Barge "Aram"	1963	do	
Barge "Hram"	1963	Leased to MNO, Inc.	100
100 containers Nos. 111032-A-10677B-1M through 111032-A-10777B-1M.		Leased from RST, Inc.	100
800 containers Nos. 312A through 1112A.		Owned	
273 lash barges Nos. PM2-CAG-1221 through PM2-CAG-1494.		do	

SAMPLE

SCHEDULE B TO MARITIME ADMINISTRATION CAPITAL CONSTRUCTION FUND AGREEMENT WITH XYZ CORP.

Program

1. A. Name or other identification of qualified agreement vessel: SS *Traul*.

B. Objectives: To convert the *Traul* from coal burning to oil-fired propulsion, install a 60-foot midbody and install self-unloading cargo handling equipment pursuant to contract with Salem Shipyards dated October 19, 1972 (Contract No. 3-2A-1067).

C. Date construction or reconstruction will commence or acquisition will occur: October 20, 1972.

D. Total cost of acquisition, construction, or reconstruction: \$2,354,000.

E. Total amount to be withdrawn from the fund: \$2,354,000.

2. A. Name or other identification of qualified Agreement vessel: Unnamed.

B. Objectives: To construct a 100,000 cubic meter liquefied natural gas carrier using the MarAd A-3 membrane system for use in the U.S. foreign commerce. The Party will make a downpayment from the fund of 25 percent upon signing the construction contract. Balance to be financed through Title XI insured loan for 20 years. Estimated yearly principal payments to be made from the fund are \$3.75 million.

C. Date construction or reconstruction will commence or acquisition will occur: Last quarter 1979.

D. Total cost of acquisition, construction, or reconstruction: \$100 million.

E. Total amount to be withdrawn from the fund: \$100 million.

SAMPLE

SCHEDULE C TO MARITIME ADMINISTRATION CAPITAL CONSTRUCTION FUND AGREEMENT WITH XYZ CORP.

Depositories

Name	Address
1. National bank	1402 Park Avenue, New York, NY.
2. State bank	201 Powell Street, San Francisco, CA.
3. Local bank	12 Main Street, Toledo, OH.

SAMPLE

SCHEDULE D TO MARITIME ADMINISTRATION CAPITAL CONSTRUCTION FUND AGREEMENT WITH XYZ CORP.

Minimum Deposits

Taxable years:	Minimum deposit
1972-1974	\$7,500,000
1975-1977	10,000,000
1978-1980	10,250,000
1981-1983	10,250,000
1984-1986	10,250,000
1987-1989	10,250,000
1990-1992	10,250,000
1993-1995	10,250,000
1996-1998	10,250,000
1999	3,000,000

[FR Doc.72-17094 Filed 10-6-72; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 141c, 146c, 149q,
150d]

ROLITETRACYCLINE MONOGRAPHS

Recodification and Technical Revisions

The Commissioner of Food and Drugs proposes that 21 CFR Parts 141, 141c, 146c, and 149q be amended as they apply to rolitetracycline and that a new Part 150d be added to Title 21. Part 150d would include all monographs in Parts 141c, 146c, and 149q which currently provide for the certification of rolitetracycline. These proposed amendments include technical revisions as well as recodification.

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), it is proposed that Parts 141, 141c, 146c, and 149q be amended and a new Part 150d be added as follows:

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

§ 141.111 [Amended]

1. In Part 141 in the table in § 141.111 (a) by revising the entry in the "Final concentrations—units or micrograms of antibiotic activity per milliliter" column for rolitetracycline to read "0.160, 0.200, 0.250, 0.312, 0.390 µg."

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLOR- TETRACYCLINE- (OR TETRACY- CLINE-) CONTAINING DRUGS: TESTS AND METHODS OF ASSAY

§§ 141c.248, 141c.249, and 141c.250
[Revoked]

2. In Part 141c by revoking §§ 141c.248, 141c.249, and 141c.250.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRA- CYCLINE) AND CHLORTETRACY- CLINE- (OR TETRACYCLINE-) CON- TAINING DRUGS

§§ 146c.248, 146c.249, and 146c.250
[Revoked]

3. In Part 146c by revoking §§ 146c.248, 146c.249, and 146c.250.

PART 149q—ROLITETRACYCLINE

§§ 149q.1a, 149q.4, and 149q.5 [Re-
voked]

4. In Part 149q by revoking §§ 149q.1a, 149q.4, and 149q.5.

PART 150d—ROLITETRACYCLINE

5. By adding a new Part 150d consist-
ing at this time of six sections, as follows:

Sec.

- 150d.1 Sterile rolitetracycline.
150d.2 Sterile rolitetracycline nitrate.
150d.3-150d.10 [Reserved]
150d.11 Rolitetracycline for intravenous
use.
150d.12 Rolitetracycline for intramuscular
use.
150d.13 Rolitetracycline nitrate for intra-
venous use.
150d.14 Rolitetracycline nitrate for intra-
muscular use.

AUTHORITY: The provisions of this Part 150d issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 150d.1 Sterile rolitetracycline.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Sterile rolitetracycline is *N*-(1-pyrrolidinylmethyl) tetracycline. It is so purified and dried that:

- (i) Its potency is not less than 900 micrograms per milligram on the anhydrous basis.
(ii) It is sterile.
(iii) It is nonpyrogenic.
(iv) It passes the safety test.
(v) It contains no histamine nor histamine-like substances.
(vi) Its moisture content is not more than 3.0 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 7 and not more than 9, and such solution is substantially clear.

(viii) It is crystalline.
(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 100 ± 4.4 percent of that of the rolitetracycline standard similarly treated.

(x) It passes the identity test.
(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) *Samples required:*
(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)}$$

where: *m* = percent moisture in the sample.

(10) *Identity.* Place approximately 100 milligrams of the sample to be tested in a test tube, and 5 milliliters of 1N NaOH, and heat gently to boiling for about 15 seconds. (The musty, amine-like odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this subchapter.

(9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to separate 100-milliliter volumetric flasks. Add approximately 75 milliliters of distilled water and 5.0 milliliters of 5N NaOH to each flask, and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

§ 150d.2 Sterile rolitetracycline nitrate.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Sterile rolitetracycline nitrate is the nitrate salt of *N*-(pyrrolidinomethyl) tetracycline. It is so purified and dried that:

(i) It contains not less than 765 micrograms of rolitetracycline per milligram on an "as is" basis.

- (ii) It is sterile.
- (iii) It is nonpyrogenic.
- (iv) It passes the safety test.
- (v) It contains no histamine nor histamine-like substances.
- (vi) Its moisture content is not more than 5.0 percent.
- (vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 5.5.
- (viii) It is crystalline.

(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 89.2 ± 4.0 percent of that of the rolitetracycline standard similarly treated and corrected for potency.

(x) It gives a positive result to the identity tests for rolitetracycline nitrate.

(2) **Labeling.** It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) **Requests for certification; samples.** In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) **Tests and methods of assay—(1) Potency.** Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) **Sterility.** Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) **Pyrogens.** Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) **Safety.** Proceed as directed in § 141.5 of this subchapter.

(5) **Histamine.** Proceed as directed in § 141.7 of this subchapter.

(6) **Moisture.** Proceed as directed in § 141.502 of this subchapter.

(7) **pH.** Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) **Crystallinity.** Proceed as directed in § 141.504(a) of this subchapter.

(9) **Absorptivity.** Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately

150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to representative 100-milliliter volumetric flasks. Add about 75 milliliters of distilled water and 5.0 milliliters of 5N NaOH to each and then dilute to volume with water and

mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100 - m)}$$

where: m = percent moisture in the sample.

(10) **Identity—(i) Rolitetracycline.**

Place approximately 100 milligrams of the sample to be tested in a test tube, add 5 milliliters in 1N NaOH, and heat gently to boiling for about 15 seconds. (The musty, amine-like odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(ii) **Nitrate identity.** Transfer approximately 1 gram of sample to a 250-milliliter beaker, add 100 milliliters of water, and acidify with 1 milliliter of acetic acid. Heat to boiling and, with constant stirring, add 10 milliliters of a 10-percent solution of nitron (1,4-diphenyl-3,5-endo-anilino-4,5-dihydro-1,2,4-triazole) $C_{12}H_{16}N_4$ in 1N acetic acid. Allow to cool. A heavy precipitate indicates the presence of nitrate.

³Nitron is available from J. T. Baker Laboratory Chemicals, North Phillipsburg, N.J.

§§ 150d.3–150d.10 [Reserved]

§ 150d.11 Rolitetracycline for intravenous use.

(a) **Requirements for certification—**

(1) **Standard of identity, strength, quality, and purity.** Rolitetracycline for intravenous use is a dry mixture of rolitetracycline and one or more suitable buffer substances. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 150d.1(a) (1).

(2) **Labeling.** It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) **Requests for certification; samples.** In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) **Samples required:**

(a) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) **Tests and methods of assay—(1) Potency.** Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) **Sterility.** Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) **Pyrogens.** Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) **Safety.** Proceed as directed in § 141.5 of this subchapter.

(5) **Histamine.** Proceed as directed in § 141.7 of this subchapter.

(6) **Loss on drying.** Proceed as directed in § 141.501(b) of this subchapter.

(7) **pH.** Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.12 Rolitetracycline for intramuscular use.

(a) **Requirements for certification—**

(1) **Standards of identity, strength, quality, and purity.** Rolitetracycline for intramuscular use is a dry mixture of rolitetracycline and one or more suitable buffer substances and anesthetic agents. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams

of rolitetracycline that it is represented to contain. It is sterile. It is non-pyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 150d.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation; remove portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(5) *pH.* Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.13 Rolitetracycline nitrate for intravenous use.

(a) *Requirements for certification—*

(1) *Standard of identity, strength, quality, and purity.* Rolitetracycline nitrate for intravenous use is a dry mixture of rolitetracycline nitrate and one or more suitable buffer substances. Its potency is satisfactory if it contains not

less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is non-pyrogenic. It passes the safety test. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 150d.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline nitrate used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, safety, pyrogens, histamine, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.14 Rolitetracycline nitrate for intramuscular use.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate for intramuscular use is a dry mixture of rolitetracycline nitrate, one or more suitable buffer substances, and lidocaine hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 150d.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline nitrate used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:

(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(5) *pH*. Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum of brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 2, 1972.

MARY A. McENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau of Drugs.
[FR Doc.72-17211 Filed 10-6-72;8:47 am]

[21 CFR Part 148f]

GRAMICIDIN

Change in Identity Test

The gramicidin identity test currently in the regulations (21 CFR 148f.1) is unclear concerning whether a moisture correction should be used in calculating the limit for this test. A drug sample with a moisture content which passes the upper limit for moisture can give results outside the specification for the identity test. The Commissioner of Food and Drugs proposes that the antibiotic drug regulations be amended to require that the gramicidin identity test be calculated on the anhydrous basis.

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), it is proposed that Part 148f be amended in § 148f.1 by revising paragraphs (a) (1) (vi) and (b) (6) to read as follows:

§ 148f.1 Gramicidin.

(a) *Requirements for certification.*
(1) * * *

(vi) When calculated on the anhydrous basis, the difference between the absorptivity value at the maximum occurring at 282 nanometers and the absorptivity value at the minimum occurring at 247 nanometers is 100±4 percent of the difference obtained with the gramicidin working standard.

(b) *Tests and methods of assay.* * * *

(6) *Identity.* Accurately weigh about 20 milligrams of the sample and dilute in ethyl alcohol to give a concentration of 0.05 milligram (estimated) of gramicidin per milliliter. Prepare a solution of the gramicidin working standard to contain 0.05 milligram per milliliter in ethyl alcohol. Using a suitable recording spectrophotometer with 1-centimeter cells, record the ultraviolet absorbance spectrum of each solution from 220 nanometers to 320 nanometers. The ultraviolet absorbance spectrum of the sample solution should compare qualitatively to that of the working standard solution.

Determine the absorptivities of each at the maximum occurring at 282 nanometers and at the minimum occurring at 247 nanometers (the exact position of the maximum and minimum of the gramicidin working standard should be determined for the particular instrument used).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 2, 1972.

MARY A. McENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau of Drugs.
[FR Doc.72-17210 Filed 10-6-72;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214]

[Docket No. 24788; EDR-233]

FOREIGN ROUTE AIR CARRIERS AND FOREIGN CHARTER AIR CARRIERS

Protection of Customers' Deposits

Notice is hereby given that the Civil Aeronautics Board proposes to amend Parts 207, 208, 212, and 214 of the Economic Regulations (14 CFR Parts 207, 208, 212, and 214) so as to require supplemental air carriers, certificated route air carriers, and, to the extent that they operate charter trips originating in the United States, foreign route air carriers and foreign charter air carriers, to provide security protection for customers' deposits made with said carriers as advance payment for charter flights in the manner prescribed therein. The principal features of the proposed amendments are explained in the attached Explanatory Statement, and the proposed amendments are set forth in the proposed rules. The amendments are proposed under the authority of sections 204(a), 401, 402, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143, and 82 Stat. 561), 757 and 771; 49 U.S.C. 1324, 1371, 1372 and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 20, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board,

Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

Dated: September 28, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 401(n) (2) of the Act provides:

In order to protect travelers and shippers by aircraft operated by supplemental air carriers, the Board may require any supplemental air carrier to file a performance bond or equivalent security arrangement, in such amount and upon such terms as the Board shall prescribe, to be conditioned upon such supplemental air carrier's making appropriate compensation to such travelers and shippers, as prescribed by the Board, for failure on the part of such carrier to perform air transportation services in accordance with agreements therefor.

Prompted by an incident in 1970 in which a petition for reorganization in bankruptcy was filed by a supplemental carrier, the Board added provisions to Part 208 requiring supplemental air carriers to provide some security protection of customers' deposits made with such carriers as advance payment for air transportation. These provisions apply whenever the gross amount of customers' deposits exceeds 25 percent of the particular carrier's net worth (computed as of the last day of each month).¹ This financial responsibility requirement may be satisfied either by furnishing a performance bond covering such excess amount, or by placing in escrow or trust with a bank, cash or negotiable securities equal to such excess amount, if the escrow or trust agreement is approved by the Board.

In light of the circumstances surrounding a recent petition for reorganization filed by another supplemental carrier we have decided to reexamine the security arrangements prescribed by Part 208, with a view toward strengthening such rules to assure greater protection for the traveling public's advance payments.

For one thing, it now seems clear that the "net worth" test prescribed by present regulations is an unreliable benchmark to use in determining when a supplemental carrier's financial situation is such as to warrant that it be required to take security measures to protect the deposits of its customers. Like other balance sheet figures, "net worth" does not reflect such critical matters as the carrier's cash flow posture and the amount of working capital needed by the carrier to meet current debt obligations. Moreover, a carrier's "net worth" may well include a significant number of intangible assets having little realizable value. Thus, in requiring customers' deposits to be secured only to the extent that they exceed a prescribed percentage of "net worth" our present regulation may leave unsecured, a substantial amount of such

¹ 14 CFR Part 208, 208.40, 208.41, 208.42, ER-649, December 1, 1970.

deposits because the carrier has no realizable "net worth" from which to maintain sufficient liquidity to continue its operations. While other financial indicia, such as the ratio of current tangible assets to current liabilities, might be substituted for "net worth" in order to more precisely determine the point at which a supplemental carrier should take action to protect its customers' deposits, it appears likely that the use of any one or more of such indicators as a standard for determining the extent to which customers' deposits need be secured is bound to entail some risk that the standard will prove to be inadequate to achieve its objective. In view of the instability that has plagued the supplemental industry in recent years, it is quite doubtful that periodic fluctuations in a carrier's financial situation or accounting procedures should determine whether, or to what extent, its customers' deposits should be secured.

We are now of the tentative opinion that all customers' deposits paid to a supplemental carrier as advance payment for air transportation should be protected until such air transportation is performed by said carrier, just as we already require that customers' deposits to indirect air carriers of passengers,⁵ must be so protected without allowing for a specified unprotected minimum.

The Board is also of the tentative view that the escrow requirements should not be confined only to supplemental air carriers. Accordingly, we are proposing herein appropriate amendments to Parts 207, 212, and 214 so as to apply such requirements to the charter services of the U.S. certificated route carriers and the charter services originating in the United States performed by foreign route air carriers and foreign charter air carriers.

We think that the financial security measure proposed is a reasonable condition on the authority of all air carriers and foreign air carriers to perform charter operations. To begin with, over the past few years several foreign air carriers have gone into receivership,⁶ and, although there have been no insolvencies involving U.S.-route air carriers which engage in substantial charter operations, we see no reason to assume that the public will never need protection of charter deposit made with such carriers. While it may be argued that the route operators as a class are more financially stable than the supplemental carriers, and that there is no need to safeguard their charter customers' deposits, by the same token there are varying degrees of financial stability among the supplemental carriers themselves, yet the within rules will apply to such carriers equally, as a class. In light of the inherent risks involved in

large-scale charter operations and the substantial advance deposits which carriers receive from their customers in connection therewith, we believe it is desirable in the interest of uniform regulation to extend these financial security provisions to all classes of direct air carriers. Among other things, uniformity will avoid confusion among travel agents and the public as to the Board's regulatory requirements. Furthermore, the regulation should provide a degree of protection to all carriers, as well as all charter organizations and their participants, against defalcations by travel agents.

It should also be noted that our proposal contemplates the use of an escrow arrangement only, in securing customer deposits, whereas our existing security provisions permit the alternative use of a performance bond. Because of the high cost of bonding, and the stringent collateralization requirements imposed by surety companies on their principals, our experience is that the performance bond option is seldom used to satisfy the financial responsibility requirement which § 208.40 imposes on supplemental air carriers. On the other hand, compliance with the proposed escrow arrangement may itself entail considerable additional expense for carriers and, therefore, we are prepared to reconsider the matter in the light of comment received.

The salient features of the proposed rules are as follows:

1. Every supplemental air carrier or certificated route air carrier and, to the extent that it operates charter trips originating in the United States, every foreign route air carrier or foreign charter air carrier, would be prohibited from performing charter trips in air transportation unless there is on file with the Board a copy of an escrow agreement between the carrier and a bank.⁷ By the terms of the escrow agreement all amounts payable in advance by customers to the carrier for charter flights are to be deposited and maintained by the bank in a separate escrow account. Escrowed funds would be released by the bank to the carrier only upon certification by the carrier that it has performed the one-way or round-trip charter flight with respect to which the charterer's advance payments are being held in escrow. In the event a charter flight is canceled, refunds from escrowed deposits will be paid by the bank directly to the charterer. *Provided, however*, that in the case of a split charter, refunds will be authorized only upon a written notification from the carrier specifying the facts which warrant cancellation of the charter under the provisions of the

⁷ Consistent with escrow provisions in Parts 372, 373, and 378 governing charters for overseas military personnel, study groups, and inclusive tours, respectively, the proposed rules contemplate that only U.S.-regulated banks may act as escrow holders, since the charter participants whose advance payments are safeguarded under said rules will for the most part be American citizens.

Board's regulations applicable to cancellation of split charters.⁸

The escrow agreement itself would become effective only after approval by the Board.

2. To insure that customers' deposits are, in fact, placed in the carrier's escrow account, the proposed rules would direct charterers (or their agents) to make their advance payments for the charter price by check or money order payable to the carrier's depository account and require the carrier to designate, in the charter contract itself, the bank which is authorized to receive such advance payments. Where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may deduct his commission and remit the balance to the designated bank by check or money order. Since various provisions of Part 208—and parallel provisions of Parts 207, 212, and 214—specifically require advance payments to be made to the direct air carrier in connection with charters, we would also amend those provisions so as to expressly recognize payment to the carrier's depository bank, in accordance with the subject proposal, as payment to the carrier.

3. In order to facilitate enforcement of the proposed escrow provisions, the proposed rules would prescribe reporting requirements similar to those prescribed under our existing regulations with respect to escrowed payments made by customers of study group charterers and inclusive tour operators, in Parts 373 and 378, respectively, as recently amended.⁹

We also propose to eliminate the existing provision in Part 208 under which a carrier is allowed to escrow an equivalent amount of negotiable securities instead of cash. Our experience is that this provision is rarely used, and it is cumbersome inasmuch as it entails the considerable policing problem of ascertaining that the fluctuating market value of the securities is in fact "equivalent" at all times to the cash which should be escrowed. Accordingly, we see no purpose in retaining this feature of the existing escrow provisions.

It is proposed to amend Parts 207, 208, 212, and 214 of the Economic Regulations (14 CFR Parts 207, 208, 212, and 214) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend the Table of Contents by adding new §§ 207.17 and 207.18 under Subpart A—General Provisions, the table as amended to read in pertinent part as follows:

- Sec.
207.17 Escrow of cash for protection of customers' deposits.
207.18 Reporting requirements.

⁸ Sections 207.13, 208.32, 212.10, and 214.14. In effect, these rules provide that advance payment for the charter price of a split charter is not refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer.

⁹ SPR-57 and SPR-58 adopted June 16, 1972, effective September 11, 1972.

⁵ See, for example, Parts 373 and 378, governing study group charterers and inclusive tour operators, respectively.

⁶ We note the recent financial failure of a British supplemental carrier which resulted in the stranding of 15 planeloads of American citizens in Europe.

2. Amend § 207.4a to read as follows:

§ 207.4a Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

- (1) Date and place of execution of the contract or agreement;
 - (2) Signature, printed or typed name of each signatory, and official position of each;
 - (3) Dates of flights and points involved;
 - (4) Type and capacity of aircraft; Number of passenger seats available or pounds of cargo capacity;
 - (5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other non-flight charges; and
 - (6) The name and address of the carrier's depository bank to which advance payments for the charter price are to be made, by check or money order payable to the designated depository bank, as escrow holder pending completion of the charter trip.
- (b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

3. Amend § 207.13(b) to read as follows:

§ 207.13 Terms of service.

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 207.11(c), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

4. Add new §§ 207.17 and 207.18 to read as follows:

§ 207.17 Escrow of cash for protection of customers' deposits.

(a) No air carrier shall engage in air transportation in accordance with § 207.11 unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums to be paid by charterers to the carrier, as advance payment for the price of any charter in air transportation to be performed by said carrier, shall be deposited with and maintained by the bank as escrow holder, the agreement to be subject to the following conditions:

- (1) The charterer (or its agent) shall pay by check or money order, payable to the bank, and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the cash: *Provided, however*, That, where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may deduct his commission and remit the balance to the designated bank by check or money order.
- (2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed.
- (3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 207.11(c)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.
- (4) The bank shall maintain a separate accounting for each charter flight;
- (5) As used in this section the term "bank" means a bank, savings and loan institution, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) of this section shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to nonperformance of air transportation.

§ 207.18 Reporting requirements.

In connection with the provisions of § 207.17, the following quarterly reports shall be filed with the Board's Bureau of Accounts and Statistics not later than the 10th day of the month succeeding

the reporting period: (a) by the depository bank showing the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the air carrier, showing the number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The term "bank" shall have the meaning set forth in § 207.17(a) (5). The reports shall be certified by an officer in charge of the bank's or the air carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION¹

I, the undersigned _____

 (Title of officer in charge of accounts)
 of the _____

 (Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

 (Signature)

 (Bank's or carrier's post office address)

Date _____, 19__

5. Amend § 207.25 by adding a new paragraph (e), the section as amended to read as follows:

§ 207.25 Charter trips originating in the United States.

(e) For the purpose of this section, payment to the carrier's depository bank as designated in the charter contract, shall be deemed payment to the carrier.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATIONS

1. Amend the Table of Contents by changing the titles of §§ 208.40 and 208.41, and deleting and reserving the title of § 208.42 under Subpart A—General Provisions, the table as amended to read in pertinent part as follows:

Sec.	
208.40	Escrow of cash for protection of customers' deposits.
208.41	Reporting requirements.
208.42	[Reserved]

2. Amend § 208.31b to read as follows:

¹Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

§ 208.31b Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the supplemental air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(6) The name and address of the carrier's depository bank to which advance payments for the charter price are to be made, by check or money order payable to the designated depository bank, as escrow holder pending completion of the charter trip.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

3. Amend § 208.32(e) to read as follows:

§ 208.32 Tariffs and terms of service.

(e) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 208.6(c), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

4. Amend §§ 208.40 and 208.41 to read as follows:

§ 208.40 Escrow of cash for protection of customers' deposits.

(a) No supplemental air carrier shall engage in air transportation unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums to be paid by charterers to the carrier, as advance payment for the price of air transportation to be performed by said carrier, shall be deposited with and maintained by the bank as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay by check or money order payable to the bank and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the cash: *Provided, however*, That where the charter transportation to be performed by a carrier is sold through a travel agent the agent may deduct his commission and remit the balance to the designated bank by check or money order.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 208.6(c)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight;

(5) As used in this section the term "bank" means a bank, savings and loan institution, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) of this section shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to nonperformance of air transportation.

§ 208.41 Reporting requirements.

In connection with the provisions of § 208.40, the following quarterly reports shall be filed with the Board's Bureau of Accounts and Statistics not later than the 10th day of the month succeeding

the reporting period: (1) By the depository bank showing the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (2) by the air carrier showing the number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The term "bank" shall have the meaning set forth in § 208.40(a)(5). The reports shall be certified by an officer in charge of the bank's or the air carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION¹

I, the undersigned _____
(Title of officer in charge of accounts)
do certify _____
(Full name of reporting company)
that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

(Signature)

(Bank's or carrier's post office address)

Date _____, 19__

§ 208.42 [Reserved]

5. Delete and reserve § 208.42

6. Amend § 208.202b by adding a new paragraph (e), the section as amended to read as follows:

§ 208.202b Charter trips originating in the United States.

(e) For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

1. Amend the Table of contents by adding new §§ 212.15 and 212.16 under Subpart A—General Provisions, the table as amended to read in pertinent part as follows:

Sec.

212.15 Escrow of cash for protection of customers' deposits.

212.16 Reporting requirements.

2. Amend § 212.3a to read as follows:

§ 212.3a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and

¹ Title 18 U.S.C. sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

signed by an authorized representative of the foreign air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be affected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement:

(2) Signature, printed or typed name of each signatory, and official position of each:

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other non-flight charges.

(6) The name and address of the carrier's depository bank to which advance payments for the charter price are to be made, by check or money order payable to the designated depository bank, as escrow holder pending completion of the charter trip.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

(3) Amend § 212.10(b) to read as follows:

§ 212.10 Terms of service.

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 212.8(b), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

4. Add new §§ 212.15 and 212.16 to read as follows:

§ 212.15 Escrow of cash for protection of customers' deposits.

(a) No foreign route air carrier shall perform any charter trips originating in the United States unless there is on file with the Board a copy of a currently effective agreement made between said

carrier and a designated bank, by the terms of which all sums to be paid by charterers to the carrier, as advance payment for the price of any charter in air transportation to be performed by said carrier, shall be deposited with and maintained by the bank as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay by check or money order payable to the bank and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the cash: *Provided, however*, That, where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may deduct his commission and remit the balance to the designated bank by check or money order.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 212.8(b)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight;

(5) As used in this section the term "bank" means a bank, savings and loan institution, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) of this section shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to nonperformance of air transportation.

§ 212.16 Reporting requirements.

In connection with the provisions of § 212.15, the following quarterly reports shall be filed with the Board's Bureau of Accounts and Statistics not later than the 10th day of the month succeeding the reporting period: (a) by the depository bank showing the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the air carrier showing the number of charter

flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The term "bank" shall have the meaning set forth in § 212.15(a)(5). The reports shall be certified by an officer in charge of the bank's or the carrier's accounts, and the case may be, and the certification shall be in the following form:

CERTIFICATION¹

I, the undersigned _____
(Title of officer in charge of accounts)

of the _____
(Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

(Signature)

(Bank's or carrier's post office address)

Date _____, 19____

5. Amend § 212.25 by adding a new paragraph (e), the section as amended to read as follows:

§ 212.25 Charter trips originating in the United States.

(e) For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

1. Amend the Table of Contents by adding new §§ 214.9c and 214.9d, the table as amended to read in pertinent part as follows:

- Sec.
214.9c Escrow of cash for protection of customers' deposits.
214.9d Reporting requirements.

2. Add new §§ 214.9c and 214.9d to read as follows:

§ 214.9c Escrow of cash for protection of customers' deposits.

(a) No foreign charter air carrier shall perform any charter trips originating in the United States unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums to be paid by charterers to the carrier as advance payment for the price of any charter in

¹Title 18 U.S.C. sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

air transportation to be performed by said carrier shall be deposited with and maintained by the bank as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay by check or money order payable to the bank; and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the cash: *Provided, however*, That, where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may deduct his commission and remit the balance to the designated bank by check or money order.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assign. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 214.7(b)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight;

(5) As used in this section the term "bank" means a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

§ 214.9d Reporting requirements.

In connection with provisions of § 214.9c, the following quarterly reports shall be filed with the Board's Bureau of Accounts and Statistics not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank showing the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the air carrier, showing number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The term "bank" shall have the meaning set forth in § 214.9c(a)(5). The reports shall be certified by an officer in charge of the bank's or the air carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION¹

I, the undersigned _____
(Title of officer in charge
of accounts)
do certify
(Full name of reporting company)
that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

(Signature)

(Bank's or carrier's post office address)

Date _____, 19____

3. Amend § 214.13a to read as follows:

§ 214.13a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign charter air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type of aircraft and number of passenger seats available; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges;

(6) The name and address of the carrier's depository bank to which advance payments for the charter price are to be made, by check or money order payable to the designated depository bank, as escrow holder pending completion of the charter trip.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

4. Amend § 214.14(b) to read as follows:

§ 214.14 Terms of service.

(b) The carrier shall require full payment of the total charter price, including

¹ Title 18 U.S.C. sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to 214.7(b), the carrier shall require full payment of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

5. Amend § 214.18 by adding a new paragraph (e), the section as amended to read as follows:

§ 214.18 Charter trips originating in the United States.

(e) For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

[FR Doc. 72-17250 Filed 10-6-72; 8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 19547]

SPACE WARC, GENEVA, 1971

Extension of Time for Filing Comments

Order. In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva Radio Regulations, as revised by the Space WARC, Geneva, 1971, Docket No. 19547.

1. On July 14, 1972, the Commission adopted a notice of proposed rule making in the above captioned proceeding with comments to be filed on or before September 29, 1972. The Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee) and the Utilities Telecommunications Council (UTC) have filed motions to extend to October 30, 1972, the date for filing comments in this proceeding.

2. The Central Committee and UTC have filed for a 30-day extension in this proceeding due to their unpreparedness to fully address the impact of coequal sharing between the fixed and mobile services and the fixed-satellite service. UTC states that its Microwave Committee has a meeting scheduled for October 13, 1972, where more responsive and comprehensive comments could be prepared. The Central Committee states that footnote NG 103 which sets out

this coequal sharing is new and has not been fully discussed.

3. The Commission is always interested in obtaining the most responsive and comprehensive comments in its rule making proceedings. Therefore, since this extension does not appear to be detrimental to any party and because there does appear to be enough interest in extending this proceeding, the date for filing comments in this proceeding is extended to October 30, 1972. The date for filing reply comments is extended to November 10, 1972. The Commission believes, however, that due to the January 1, 1973, implementation date for the Space WARC, any further motions for extensions would be untimely.

4. Authority for this action is taken pursuant to § 0.251(b) of the Commission's rules.

Adopted: September 29, 1972.

Released: October 2, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] JOHN W. PETTIT,
General Counsel.
[FR Doc. 72-17258 Filed 10-6-72; 8:51 am]

[47 CFR Part 73]

[Docket No. 19598; FCC 72-860]

FM BROADCAST STATIONS IN
CERTAIN STATES

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast stations. (Washington, Ia., Centerville, Tenn., Winnsboro, Tex., Stanton, Ky., Gordon, Ga., Mercersburg, Pa., Elkader, Ia., and Kernville, Calif.), Docket No. 19598, RM-1926, RM-1993, RM-1969, RM-1996, RM-1972, RM-2009, RM-1988, RM-2010.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the rules, the FM Table of Assignments, to add first channels to the above listed communities which now have no assignments, as has been requested in the rule making petitions. In each of the communities there is one proposal for a Class A assignment. Population figures are from the 1970 U.S. Census reports. All petitions are unopposed. The proposed channels sought by each petitioner are as follows:

- RM-1926 Channel 237A to Washington, Iowa.
- RM-1969 Channel 244A to Centerville, Tenn.
- RM-1972 Channel 285A to Winnsboro, Texas.
- RM-1988 Channel 285A to Stanton, Ky.
- RM-1993 Channel 296A to Gordon, Ga.
- RM-1996 Channel 221A to Mercersburg, Pa.
- RM-2009 Channel 261A to Elkader, Iowa.
- RM-2010 Channel 272A to Kernville, Calif.

A brief description of each petition follows:

2. *Washington, Iowa (RM-1926)*. Leighton Enterprises, Inc. (petitioner), licensee of Station KCIH, Washington, Iowa, filed a petition on February 17, 1972, proposing that Channel 237A be assigned to Washington, Iowa. Channel

237A could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting the FM Table of Assignments. Its engineering analysis indicates there is sufficient area in which a site meeting the spacing requirements could be established for a Channel 237A operation at Washington. Washington (6,317 population) is the seat of Washington County (18,967 population) and is located about 28 miles southwest of Iowa City. It presently has one daytime-only AM station (licensed to petitioner). There are no other AM, FM, or TV stations licensed in Washington County. Petitioner seeks the assignment of this Class A channel so that it can extend the hours of operation and the coverage not now provided by its daytime-only AM station.

3. In support of its request, petitioner states that Washington is the largest city in Washington County. Its principal industries are paper products, turnbuckles and steel wire fabrication, food products, calendars, etc. It has two banks with deposits of over \$10 million, and one savings and loan association with deposits of over \$3 million. Petitioner further notes that KCIH (AM) serves a wide area, but, because it is a daytime-only station, it is prevented from serving this same area at night. It asserts that an FM station would be the only means of extending the hours and coverage of KCIH's programming. It states that, if the channel is assigned, it will actively seek and apply for it. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Washington, Iowa, is warranted.

4. *Centerville, Tenn. (RM-1969)*. Trans-Aire Broadcast Corp. (petitioner), licensee of WHLP (AM), Centerville, Tenn., filed a petition on April 25, 1972, proposing the assignment of Channel 244A to Centerville, Tenn. Channel 244A could be assigned to Centerville in conformity with the Commission's minimum mileage separation rule without affecting any presently assigned channel if used at a distance of 6.6 miles northwest of the Centerville post office. Petitioner asserts that line-of-sight transmission into Centerville is available from this location. Centerville (2,592 population) is the seat of Hickman County (12,096 population) and is located in the western section of the middle Tennessee area, 50 miles southwest of Nashville. Centerville has one operating station, WHLP (AM), daytime-only (licensed to petitioner). It is without any local nighttime broadcast service.

5. In support of its request petitioner avers that Hickman County is one of the larger counties in Tennessee in terms of area. Centerville is the center of this area and its most dominant community. The area's major industries (clothes, shoes, plastic signs, mining, and wood products, etc.) are new businesses and have been under expansion for the past 2 years. Agriculture remains as a major business with livestock, tobacco, milk, wool, etc. marketed to a large extent in the area. Specialized minerals and forest

resources are abundant and offer potential for further growth. With but one daytime-only AM station in the whole of Hickman County and no FM assignments at present, petitioner asserts that there is a need for full time broadcast service. It states that the community can and will support an FM station, and if assigned it will promptly file an application for the channel. For these reasons, we think consideration of the proposal for the assignment of a first Class A FM channel to Centerville, Tenn., is warranted.

6. *Winnsboro, Tex. (RM-1972)*. Clegmo, Inc. (petitioner), filed a petition on May 3, 1972, proposing the assignment of Channel 285A to Winnsboro, Tex. Channel 285A can be assigned to Winnsboro in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM Table of Assignments. Winnsboro (3,064 population) is located in two Texas counties: namely, Wood (18,589 population) and Franklin (5,291 population), and is located about 78 miles southwest of Texarkana. Winnsboro has no local broadcast facilities, licensed or pending, of any type.

7. In support of its request petitioner states that Winnsboro is the hub of vast agricultural-cattle counties. It notes that the economy of Winnsboro and the surrounding region has been good. The region is part of the vast East Texas oil field which realizes approximately \$51,798,000 per year from oil production. Additionally, Winnsboro is equidistant from Dallas, Tex., and Shreveport, La., and tourists and vacationers abound around the many lakes in the area. Petitioner states that the economy of the area will support a station and, if the assignment is made, it will file an application for the channel. It adds that the counties adjacent to Winnsboro (Rains, Van Zandt, Upshur, and Camp) which do not have FM assignments would also benefit from service rendered by a Winnsboro station. For these reasons, we think consideration of the proposal for the assignment of a first Class A FM channel to Winnsboro, Tex., is warranted.

8. *Stanton, Ky. (RM-1988)*. A. Dale Bryant (petitioner), filed a petition on May 25, 1972, proposing the assignment of Channel 285A to Stanton, Ky. Channel 285A could be assigned to Stanton in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel if used at a site approximately 7 miles south southeast of Stanton. Stanton (2,037 population) is the seat of Powell County (7,704 population), and is located about 20 miles southeast of Winchester. Stanton has no local broadcast facilities, licensed or pending, of any type.

9. In support of its request petitioner states that Stanton in recent years has begun some industrialization. It notes that a shoe company employs about 200 people and a brick plant which supplies the brick products for a large area around Powell County employs several

people. It asserts that the inhabitants of Powell County have numerous farms and mineral resources. It states further that the Red River Gorge and Daniel Boone National Forest are partially located in Powell County which is also important in bringing tourists to the area. Petitioner avers that the inhabitants of Powell County have all the advantages of a rural community and reap the benefits of the more industrialized surrounding areas. In view of the foregoing information and the fact that there is no local broadcast transmission service of any type in Powell County, we believe the above proposal to assign Channel 285A to Stanton, Ky., merits exploration in a rule making proceeding.

10. *Gordon, Ga. (RM-1993)*. Piedmont Broadcasting Co., Inc. (petitioner, licensee of Station WKOX(AM), Gordon, Ga., filed a petition on June 13, 1972, proposing the assignment of Channel 296A to Gordon, Ga. Channel 296A could be assigned to Gordon without affecting any existing station or assignments in the FM Table of Assignments and would meet the Commission's minimum mileage separation rule. Gordon, a city of 2,553, is located in Wilkinson County, population 9,393, about 22 miles northeast of Macon. There is no channel assigned to Gordon or to any town within Wilkinson County. Petitioner seeks the assignment of a Class A channel so that Gordon may have nighttime coverage not now provided by its daytime-only AM station.

11. In support of its request, petitioner states that Gordon is the largest town in Wilkinson County. It asserts that Wilkinson County has a stable industrial base, that in 1969 approximately 392,000 short tons of kaolin valued at \$9,380,000 was mined, and that kaolin mining and processing have expanded significantly in the past 5 years. It notes that this trend should continue in the future as a result of projected increased employment by several of the existing manufacturers and the outstanding potential for kaolin related industries. It also states the sale of farm products increased from \$2,419,448 in 1964 to approximately \$3,296,000 in 1970. Petitioner contends that the assignment of Channel 296A would benefit Wilkinson County and Gordon greatly by having a full-time radio service available for entertainment, news, and matters of public interest and, as a communication medium in time of emergency, its value would be inestimable. In view of the above, we believe consideration of the proposal for the assignment of Channel 296A to Gordon, Ga., is warranted.

12. *Mercersburg, Pa. (RM-1996)*. Richard A. Fulton (petitioner), filed a petition on June 15, 1972, proposing the assignment of Channel 221A to Mercersburg, Pa. Mercersburg, a city of 1,727 persons, is located in Franklin County, population 100,833. It has no local broadcast facilities. The broadcast stations located in Franklin County include Stations WCBG(AM) and WCHA(AM) and FM, Chambersburg, approximately 15 miles from Mercersburg; WAYZ(AM)

and FM and WEEO(AM), Waynesboro, 15 miles away and WKSL(FM), Greencastle, 10 miles removed. Petitioner states the assignment of Channel 221A to Mercersburg will provide a first local broadcast service for that city and primary and secondary coverage for upwards of 100,000 people in Franklin County. He also states that the FM station would provide a much needed source for local information such as reports on community events, weather, road conditions, and public affairs to the coverage area, as well as providing entertainment programming.

13. Petitioner's engineering analysis indicates that Channel 221A could be assigned to Mercersburg in full compliance with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM Table of Assignments. It further indicates there is sufficient area in which an antenna site can be established for a Channel 221A operation in Mercersburg.

14. The petitioner states that Mercersburg is in a primarily agricultural region and the labor market includes Franklin and Fulton Counties, Pa. and Washington County, Md. It also notes that, although population in Mercersburg proper has remained relatively static over the past decade, the county population has increased 13.6%. In view of the foregoing information and the fact that there is no local broadcast transmission service in Mercersburg, we believe the proposal merits exploration in a rule-making proceeding.

15. *Elkader, Iowa (RM-2009)*. J. R. Evans (petitioner), filed a petition on May 19, 1972, proposing the assignment of Channel 261A to Elkader, Iowa. Elkader (1,592 population) is the seat of Clayton County (20,606 population) and is located 45 miles northwest of Dubuque. There is no local radio transmission service in Elkader or Clayton County. Petitioner states that an FM station would be of great help in keeping the people informed on school closings, weather conditions, publicizing the goods and services available, and developing the tourist business on which many people are dependent in the community.

16. Petitioner's engineering analysis indicates that Channel 261A can be assigned to Elkader in full compliance with the Commission's minimum mileage separation rule and without affecting the FM Table of Assignments if used at a site at least two miles southeast of Elkader. It further states that examination of this area reveals several possible sites which are available.

17. Petitioner asserts that for the fiscal year ending June 1971 the Central City Bank listed assets of \$10,317,643, Elkader gross sales of \$15,547,295, and Clay County gross sales of \$51,230,151. It states that Elkader is the trade and service center and hub of government for a large area surrounding the town which has a number of State and Federal Government offices. It adds that Elkader is located in the Central Community School District which has a total enrollment

of 1,100 students. In view of the foregoing information and the fact that there is no local broadcast transmission service in Elkader or Clayton County, we believe the above proposal to assign Channel 261A to Elkader, Iowa, merits exploration in a rule making proceeding.

18. *Kernville, Calif. (RM-2010)*. Kern River Valley Radio, Inc. (petitioner), filed a petition on July 7, 1972, proposing that Channel 272A be assigned to Kernville, Calif. Kernville is an unincorporated community in the Lake Isabella region (9,240 population) of Kern County (329,162 population). Kern County is located in central California, immediately north of Los Angeles County. Kernville and the Lake Isabella region presently have no local broadcast transmission service of any type. Petitioner states that the assignment of the proposed channel will provide a means of dissemination of local news and items of interest, furnishing a medium for local expression and talent, and could serve as an initial means of advertising for local merchants and businessmen.

19. Petitioner's engineering analysis indicates that the requested channel could be assigned to Kernville in full compliance with the Commission's minimum mileage separation rule and without affecting the FM Table of Assignments.

20. Petitioner states that Kern County, known locally as the Kern River Valley, includes Lake Isabella, a reservoir formed by the Isabella Dam on the Kern River. It asserts that tourists to the Kern River Valley reached an alltime high of 1,625,000 in 1970, and it has been reliably estimated that total banking deposits of the two community banks, the Santa Barbara Savings and Loan, and Kern Valley Credit Union, plus those of branch banks, exceed \$12 million annually, and the value of real estate as listed by the Kern County assessor is \$92 million. Petitioner states that some 290 separate businesses in the valley areas that surround the lake provide adequate assurance for financial success of the proposed station. Petitioner states that he is prepared to apply for authorization to operate on Channel 272A upon its assignment to Kernville or the Kern River Valley area. In view of the foregoing information and the fact that there is no local broadcast transmission service in the Kernville and Lake Isabella region, we believe consideration of the proposal for the assignment of Channel 272A to Kernville, is warranted.

21. *Showings required*. Comments are invited on the proposals set forth and discussed above. Proponents will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by the initial comments. The proponents are expected to file comments even if nothing more than to incorporate by reference their petitions, and are expected to state their intentions to apply for their respective channels, if assigned, and if authorized to promptly build the station. Failure to make this showing may result in the denial of the petition.

22. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

23. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

24. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 13, 1972, and reply comments on or before November 22, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

25. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

26. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.)

Adopted: September 27, 1972.

Released: October 2, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-17259 Filed 10-6-72; 8:51 am]

SUSQUEHANNA RIVER BASIN COMMISSION

[18 CFR Part 801]
GENERAL POLICIES

Notice of Proposed Rule Making

Notice is hereby given that the Susquehanna River Basin Commission, pursuant to section 15.2 of the Susquehanna River Basin Compact (84 Stat. 1509 et seq.) is proposing adoption of policies concerning the operations of the Commission.

Prior to final adoption of the policies consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, PA

17055 by November 15, 1972. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed policies should submit his request, in writing, by November 15, 1972.

Copies of the proposed policies can be secured from the above address or from any of the signatory parties at the following addresses:

U.S. Commissioner, Susquehanna River Basin Commission, Room 5202, Interior Building, Washington, D.C. 20240.

Secretary, Department of Environmental Resources, Commonwealth of Pennsylvania, Post Office Box 1467, Harrisburg, PA 17120.

Secretary, Department of Natural Resources, State of Maryland, State Office Building, Annapolis, MD 21401.

First Deputy Commissioner, Department of Environmental Conservation, State of New York, 50 Wolf Road, Albany, NY 12201.

PART 801—GENERAL POLICY

Sec.	Introduction.
801.0	Standard definitions.
801.1	Coordination, cooperation, and intergovernmental relations.
801.2	Allocations, diversions, withdrawals, and release.
801.3	Project review (interim).
801.4	Comprehensive plan.
801.5	Water supply.
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801.10	Public values.
801.11	Electric power generation.
801.12	

AUTHORITY: The provisions of this Part 801 issued under 15.2, Public Law 91-575 (84 Stat. 1509 et seq.).

§ 801.0 Introduction.

(a) The Governors of the States of New York, Pennsylvania, and Maryland, and a representative of the President of the United States are members of the Susquehanna River Basin Commission. The Commission is a regional governmental agency whose purpose is to effect comprehensive multiple purpose planning for the conservation, utilization, development, management, and control of the water and related natural resources of the basin, which includes part of New York, Pennsylvania, and Maryland.

(b) The Susquehanna River Basin Compact provides broad authority for the Commission to carry out basinwide planning programs and projects, and to take independent action as it determines essential to fulfill its statutory regional governmental role.

(c) The objectives of the Commission shall be to: (1) Develop cooperative and coordinated Federal, State, local, and private water and related land resources planning within the basin, (2) formulate, adopt, effectuate, and keep current a comprehensive plan and a water resources program for the immediate and long-range use and development of the water resources of the basin, (3) provide for orderly collection and evaluation of data, and for the containing promotion and conduct of appropriate research relating to water resources problems, (4) establish priorities for

planning, financing, development, and use of projects and facilities essential to effectively meet identified water resources needs, and to maintain these resources in a viable state.

(d) The Commission shall employ a multiobjective approach in planning for the use and development of the water resources of the basin.

(e) It is the purpose of this regulation to set forth the objectives of the Commission and to present certain basic policies that (1) have basinwide application, (2) are specifically pertinent to the formulation of a comprehensive plan, (3) will serve as guidelines for all agencies or individuals with planning responsibilities for the development and use of the water resources of the basin, (4) form the basis for working relationship between the Commission and other agencies having related responsibilities in the basin. This statement will be amended and updated from time to time.

§ 801.1 Standard definitions.

(a) Many terms that will be used in official Commission documents may have slightly different meanings to various groups. To avoid confusion and to increase the clarity of the meaning the Commission applies to frequently used terms standard definitions will be utilized.

(b) The Commission will use the standard definitions set forth for the terms shown in section 1.2 of the Compact,¹ and will add terms and appropriate definitions as deemed necessary.

§ 801.2 Coordination, cooperation, and intergovernmental relations.

(a) The interstate nature of the Susquehanna River Basin and the broad regional authority of the Commission require clear and effective working relationships with the States, Federal Government, and local and private sectors in all matters relating to the water resources of the basin.

(1) The Federal Government will be encouraged and asked to participate in water resources projects and programs having national or broad regional significance. The Commission will act to encourage local initiative to solve water resources problems within a local and regional context, but when faced with obviously needed action that is not forthcoming from other sources will act, in accordance with the Compact, on its own.

(2) The Compact provides authority for the Commission to serve in a regulatory capacity and also to act as a managing and operating agency. The Commission will exercise its regulatory authority mainly in interstate matters or where signatory authority is not being effectively exercised or where the signatory has little or no authority to act. Similarly, the Commission may manage and operate various facilities if it is determined that this is an area

¹ Filed as part of original document.

in which an important and necessary service can be rendered.

(3) Should it become necessary for the Commission to undertake development, management and operation of projects, arrangements for repayment of all project costs and eventual operation and maintenance costs will be appropriately prorated, among the signatories or otherwise financed in accordance with the Compact. Support for this possibility is found in the Commission's potential to arrange for financing of projects and to serve in handling repayment in the form of user charges or appropriations.

(4) The Commission will utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with the Compact.

(5) In its actions the Commission will maintain a high level of public visibility. Broad government, public, and private sector commentary on Commission proposals and findings will be invited, and to the extent possible be incorporated and reflected in decisions for finalization of plans, projects, and programs having significant effect on the water resources of the basin. A concerted effort will be made to keep the Commission and its activities readily available to government and public scrutiny, and responsive to their concerns.

(b) The Commission shall exercise its regional jurisdiction in an effort to avoid and minimize conflicts and duplication of effort and shall:

(1) Cooperate with and help coordinate Federal, State, local government, and private sector efforts in all matters relating to the planning, conservation, preservation, use, development, management and control of the water resources of the basin.

(2) Develop administrative agreements, as needed, with appropriate agencies of the signatories and other agencies to facilitate achievement of the Commission's objectives and related responsibilities of other agencies by minimizing duplication of effort and maximizing the contributions the respective agencies are best able to make.

(3) Build upon present water resources planning and related activities of the signatory parties, local government, other public bodies, and the private sector and fully consider their recommendations and suggestions.

(4) Establish advisory committees as needed for specific assignments and seek meaningful liaison with sources of technical and scientific expertise.

(5) Share with interested parties results of investigations, studies, tests, and research undertaken by the Commission in an appropriate manner and form.

(6) Conduct its regular meetings announced in advance and open to the public.

(7) Depend upon existing public agencies for the construction, operation, and maintenance of projects except when the project is necessary to further the comprehensive plan and the responsible agency does not act or when the Commission is asked to act by one or more

signatories, one or more local governments, or other responsible entities.

(8) Require that the planning of projects affecting the water resources of the basin by Federal, State, local agencies and private organizations be undertaken in coordination with the Commission and in accordance with the Compact.

(9) Require that periodic reports of projects affecting water resources within the basin and listings of discharge permits granted, and similar activities undertaken by offices or agencies of the signatory parties, be submitted to the Commission.

§ 801.3 Allocations, diversions, withdrawals and release.

(a) The extremes in availability of water in the basin means that water will not always be available when and where it is needed. One of the responsibilities of the Commission is to act upon requests for allocations, withdrawals, or diversions of water for in-basin or out-of-basin use.

(b) The Commission will require evidence that interbasin transfers of water will not jeopardize, impair or limit the efficient development and management of the Susquehanna River Basin's water resources, or any aspects of these resources for in-basin use, or have a significant unfavorable impact on the resources of the basin and the receiving waters of the Chesapeake Bay.

(c) Water emergencies may be expected to develop in portions of the basin due to drought conditions or other causes. The Commission will act promptly to effect alleviation of the condition to the extent possible.

(d) The Commission may, in making decisions on allocations, diversions, withdrawals, and releases, consider the following principles:

(1) That allocations, diversions, or withdrawals of water be based on the common law principles of riparian rights which entitles landholders in any watershed to draw upon the natural stream flow in reasonable amounts and be entitled to the stream flow not unreasonably diminished in quality or quantity by upstream use or diversion of water.

(2) That recognizes land use development in any watershed may in certain instances be limited by the water supply capacity of that watershed.

(3) That one of the prerequisites to the intra and interbasin transfer of water should be that the receiving watershed has developed within reasonable limits of economic and technical feasibility, its resources and reserves, including ground water, and committed them to current use.

(e) When the need arises for action on requests for allocations, diversions, or withdrawals of water from either surface or ground waters of the basin the Commission shall:

(1) Allocate waters of the basin to and among the signatory States to the Compact as the need appears, and impose related conditions, obligations, and release requirements.

(2) Determine if a proposed allocation, withdrawal or diversion is in conflict with or will significantly affect the comprehensive plan, and assure existing immediate and projected long term local and regional uses are protected.

(3) Impose conditions, obligations and release requirements for dams and/or diversion structures to protect prior local interests, downstream interests, and environmental quality.

(4) In the matter of drought, disasters or catastrophes, natural or man-made, which cause actual and immediate shortage of available and usable water supply, determine and delineate the area of shortage and by unanimous vote declare a state of water supply emergency therein, and impose direct controls on any and all allocations, diversions and uses of water to meet the emergency condition.

(5) In water emergencies coordinate the efforts of Federal, State, local, and other persons and entities in dealing with the emergency.

(6) Determine and delineate, after public hearing, areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the comprehensive plan.

(7) When areas in need of protection from overdemand of safe yield of the supply have been delineated, declare such areas protected from further depletion, with the consent of the member or members from the affected State or States.

(8) Require that no person divert or withdraw from any protected area water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the Commission may prescribe by general regulation or pursuant to a permit granted heretofore under the laws of any of the signatory States.

§ 801.4 Project review (interim).

(a) The Compact provides generally that no project affecting the water resources of the basin shall be undertaken by any person, governmental authority, or other entity prior to approval by the Commission.

(b) In many instances, one or more of the signatory parties will exercise project review authority regarding proposed projects in the basin coming under the purview of the Commission. Accordingly the Commission will direct its attention to reviewing the completeness and effectiveness of the review procedures of the signatories and will endeavor to minimize duplication of staff effort, and time and cost to the applicant.

(c) The Commission will establish exempt categories in accordance with the section 3.10-3 of the Compact, and for projects determined not to have a substantial effect on the water resources of the basin. In dealing with Federal or federally licensed projects, the Commission will take the provisions of reservations (r) and (w) of United States PL 91-575 (84 Stat. 1509) and provisions of the Compact into account.

(d) It is expected that project review procedures will be modified following adoption of the comprehensive plan. In the meantime the Commission will:

(1) Base its review and comments pertaining to proposed projects within the basin coming under the purview of the Commission, on review and comments of signatory parties. In general, the Commission review will seek to ascertain the completeness of procedures followed by the signatory parties in their review, and will refrain from specifically rechecking detailed evaluations. (Susquehanna River Basin Commission Resolution No. 72-5)

(2) Require as it determines necessary, submission of pertinent project plans and documents for its independent review and approval. The purpose of their review will be to ascertain whether all relevant provisions of the Compact and actions taken pursuant thereto have been observed:

(i) When the Commission has determined that a project may have a significant effect on the water resources of the basin.

(ii) When a proposed project does not fall under the review jurisdiction of any agency of the signatory parties.

§ 801.5 Comprehensive plan.

(a) The Compact requires that the Commission formulate and adopt a comprehensive plan for the immediate and long-range development and use of the water resources of the basin.

(1) The plan will include existing and proposed public and private programs, projects, and facilities which are required, in the judgment of the Commission, to meet present and future water resources needs of the basin. Consideration shall be given to the effect of the plan, or any part of the plan, on the receiving waters of the Chesapeake Bay. The Commission shall consult with interested public bodies and public utilities and fully consider the findings and recommendations of the signatory parties, their various subdivisions and interested groups. Prior to adoption of the plan the Commission shall conduct at least one public hearing in each signatory State.

(2) The plan will reflect consideration of the multiobjectives of national economy, regional development and environmental quality; and multipurpose use of projects.

(3) Water quantity and water quality planning will be studied together and correlated to the extent feasible, with existing and proposed land uses. The development of a basinwide land use study to enable full consideration of basic and alternative proposals to meet water resources needs will be explored.

(4) An important phase of the plan formulation process is a thorough review and evaluation of the Susquehanna River Basin Coordinating Committee Study report, other pertinent plans and reports of the signatories, the data source, and the water quality standards of the signatories and progress towards their achievement. The findings and rec-

ommendations presented in the Susquehanna River Basin Coordinating Committee Study report will be considered for incorporation in the Commission's plan to the extent they are feasible and compatible with the current and projected needs and interests.

(5) Essentially the comprehensive plan will reflect the findings of an analysis of a mix of alternative futures for industrial, agricultural, residential, and recreational development in the basin.

(6) The Commission will act diligently to promote Federal, State, local governmental, and private sector cooperation and coordination in the implementation of the adopted plan. It is expected that recommended development programs will be undertaken by the signatories, local governmental agencies, or private interests. If expeditious action by others is not forthcoming or is not possible the Commission will act in accordance with the Compact to implement programs, projects, and standards to the extent necessary to further the aims of the comprehensive plan.

(b) The comprehensive plan shall provide for the immediate and long-range use, development, conservation, preservation, and management of the water resources of the basin, and shall include the following parts:

(1) *Part I.* (i) Statement of authority, purpose, objectives and scope.

(ii) Description of the physical and human environment.

(iii) Inventory of the basin's water resources and existing developments and facilities.

(iv) Projection of immediate and long-range water resources needs of the basin.

(v) Description of a general system of measures and programs, including water quality and other standards as determined necessary, and reasonable alternatives considered essential to and capable of satisfying water resources needs into the reasonably foreseeable future.

(vi) Criteria used for review and acceptance of projects within the plan.

(vii) Procedures for updating and modifying the plan.

(2) *Part II.* Details on specific projects and programs in the comprehensive plan.

§ 801.6 Water supply.

(a) The Susquehanna River Basin is rich in water resources. With proper planning and management, and with adequate public and private investment in treatment, storage, and distribution facilities, the high potential of the basin to provide water of suitable quality for a wide array of public and private purposes into the foreseeable future should be possible.

(b) The Commission may regulate the withdrawal of waters of the basin not regulated by the signatory parties for domestic, municipal, industrial, and agricultural uses if regulation is considered essential to further the aims set forth in the comprehensive plan.

(c) The Commission shall study the basin's water supply needs, the potential surface and ground water resources, and the interrelationships to meet these needs through existing and new facilities and projects. Efficient use and management of existing facilities with emphasis on the full utilization of known technology will be explored in meeting water supply needs for domestic, municipal, agricultural, and industrial water supply before new programs or projects are approved.

§ 801.7 Water quality.

(a) The signatory States have the primary responsibility in the basin for water quality management and control. However, protection of the water resources of the basin from pollution, and actions by the signatory parties to achieve abatement and control of pollution are important to the Commission.

(b) The signatory parties have adopted water quality standards for the intra and interstate waters of the basin. Initially these standards will serve as the basis for the Commission's water quality program in the comprehensive plan.

(c) The Commission's role in water quality management and control essentially will be one of coordination to ensure water quality standards are adequate to protect broad public water resources interests, and that uniform policies and enforcement are effected by the signatories.

(d) The Commission, if necessary, shall recommend to the signatory parties amendment of the standards of quality for any waters of the basin in relation to their reasonable and necessary use. The Commission may adopt water quality standards, after public notice and hearing, and may undertake investigations, studies, and surveys pertaining to existing water quality, probable future water quality, and the effects of new materials and proposed discharges.

(e) The Commission shall:

(1) Encourage and coordinate efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality in accordance with established standards.

(2) Promote government and private sector implementation of maximum practical use of waste utilization and treatment technology.

(3) Promote and encourage State and local governments and industry to plan for regional waste water treatment and management.

(4) In cooperation with appropriate agencies of the signatory parties, make periodic inspections to ascertain the state of compliance with appropriate water quality standards, and as needed establish and operate water quality monitoring stations.

§ 801.8 Flood plain management and protection.

(a) Periodic inundation of lands along waterways has not discouraged development of flood hazards areas. Major

floods cause loss of life, extensive damages, and other conditions not in the public interest. A balanced flood plain management and protection program is needed to reduce the flood hazard to a minimum.

(b) The Commission may regulate the use of flood prone lands with approval of the appropriate signatory party, to safeguard public health, welfare, safety and property, and to sustain economic development.

(c) To foster sound flood plain controls, as an essential part of water resources management, the Commission shall:

(1) Encourage and coordinate the efforts of the signatory parties to control modification of the Susquehanna River and its tributaries by encroachment.

(2) Plan and promote implementation of projects and programs of a structural and nonstructural nature for the protection of flood plains subject to frequent flooding.

(3) Assist in the study and classification of flood prone lands to ascertain the relative risk of flooding, and establish standards for flood plain management.

(4) Promote the use of flood insurance by helping localities qualify for the national program.

(5) Assist in the development of a modern flood forecasting and warning system.

§ 801.9 Watershed management.

(a) The character, extent, and quality of water resources of a given watershed are strongly affected by the land use practices within that watershed. Accordingly the Commission will maintain close liaison with Federal, State, and local highway, mining, soil, forest, fish and wildlife, and recreation agencies and with government agencies dealing with urban and residential development programs.

(b) The Commission shall:

(1) Promote sound practices of watershed management including soil conser-

vation measures, land restoration and rehabilitation, erosion control, forest management, improvement of fish and wildlife habitat, and land use in highway, urban, and residential development as related to water resources.

§ 801.10 Recreation.

(a) The use of surface water resources of the basin for recreation purposes is extensive. Swimming, fishing, boating, and other water oriented activities have regional and local economic benefit as well as recreational benefit.

(b) The Commission shall cooperate with public and private agencies in the planning and development of water-related recreation and fish and wildlife programs and projects within the basin and shall:

(1) Promote public access to and recreational use of existing and future public water areas.

(2) Promote recreational use of public water supply reservoirs and lakes where adequate treatment of water is provided, and/or where recreational uses are compatible with primary project purposes.

(3) Include recreation as a purpose where feasible, in multipurpose water use planning of reservoirs and other water bodies.

§ 801.11 Public values.

(a) The basin has many points of archeological and historic interest, and is well endowed with vistas of aesthetic significance.

(b) The Commission fully recognizes that the value of these areas cannot be measured simply in economic terms and will strive to preserve and promote them for the enjoyment and enrichment of present and future generations.

(c) The Commission shall:

(1) Seek the advice and assistance of appropriate societies and governmental agencies in the identification of archeological, historic, and scenic areas, and in any planning or development affecting these attributes of the basin.

§ 801.12 Electric power generation.

(a) Significant uses are presently being made of the waters of the basin for the generation of electric power at hydro, pumped storage, and thermoelectric generating stations. Increased demands for electric power throughout the East Coast can be expected to result in proposals for the development of additional electric power generating stations located either in the basin or nearby its borders.

(b) There appears to be limited site potential in the basin for additional hydroelectric generation, and considerable potential for additional pumped storage and thermoelectric generation. The direct and indirect effects of existing and proposed electric generation projects will be considered by the Commission. Items of concern will include consumptive uses of water, alteration of natural stream regimen, effects on water quality, and on other uses of the streams affected.

(c) The Commission, in cooperation with appropriate agencies of the signatory parties, and with other public and private agencies shall:

(1) Conduct a thorough review of applications to relicense existing electric power generating projects and facilities, and applications to amend existing licenses to determine if the proposal is in accord with the comprehensive plan.

(2) Require that the proposed siting and location in the basin of any type of electric generating facility or any facility located outside the basin having an effect on the waters of the basin, shall be planned in direct consultation with the Commission to enable advance consideration of the possible effects of such installation on the water resources of the basin.

Dated: October 4, 1972.

SUSQUEHANNA RIVER BASIN
COMMISSION,

[SEAL] ROBERT J. BIELO,
Executive Director.

[FR Doc.72-17234 Filed 10-6-72; 8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 72-278]

FOREIGN CURRENCIES

Rates of Exchange

SEPTEMBER 26, 1972.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 percent or more from the quarterly rate published in Treasury Decision 72-194 for the Ceylon rupee. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Ceylon rupee:	
September 18, 1972-----	\$0.1565
September 19, 1972-----	.1560
September 20, 1972-----	.1560
September 21, 1972-----	.1560
September 22, 1972-----	.1540

Rates of exchange certified for the Ceylon rupee which vary by 5 percent or more from the rate \$0.1680 during the balance of the calendar quarter ending September 30, 1972, will be published in a Treasury Decision for dates subsequent to September 22, 1972, and before October 1, 1972.

[SEAL] R. N. MARRA,
Acting Assistant Commissioner,
Office of Operations.

[FR Doc.72-17253 Filed 10-6-72; 8:50 am]

Fiscal Service

[Dept. Cir. 570, 1972 Rev., Supp. 4]

NEW YORK GUARANTY CORPORATION

Surety Company Acceptable on Federal Bonds

A certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$1,117,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

New York Guaranty Corporation
New York, New York
New York

Certificates of authority expire on June 30 each year, unless sooner revoked,

and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: October 3, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-17251 Filed 10-6-72; 8:50 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

METHYLPHENIDATE (RITALIN)

Notice of Hearing

On July 5, 1972, a notice of the proposed aggregate production quota for methylphenidate (Ritalin) was published in the FEDERAL REGISTER (37 F.R. 13279). In response to this notice, the Bureau received comments on the proposed aggregate production quota with many specific recommendations that the quota be increased or decreased. Comments were filed by Ciba Pharmaceutical Corp.; New Jersey Association for Children with Hearing Disabilities; California Association for Neurologically Handicapped Children; Narcotics Guidance Council of the Town of Huntington, Long Island, N.Y.; Arkansas Association for Children with Hearing Disabilities, Inc.; New York Association for Brain Injured Children; and the Honorable Claude S. Pepper, Chairman, Select Committee on Crime, House of Representatives.

Hearings were requested by two parties, Narcotics Guidance Council of the Town of Huntington, Long Island, N.Y. and the Ciba Pharmaceutical Co.

The Ciba-Geigy Pharmaceutical Co. is an "interested party" because it is the owner of the methylphenidate patent and is the sole manufacturer and distributor of the product in the United States.

Because Ciba Pharmaceutical Corp. has standing to request a hearing, the Director has determined to grant its request. This eliminates the need to determine whether the Narcotics Guidance Council of the Town of Huntington, Long Island, N.Y. is an "interested party". All persons who have filed comments will be given an opportunity to appear at the hearing as witnesses or to submit their comments in writing.

The Director of the Bureau of Narcotics and Dangerous Drugs pursuant to the authority vested in the Attorney

General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811) and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations hereby orders that a public hearing will be held for the purposes of determining the aggregate production quota for methylphenidate (Ritalin) on October 24, 1972, at 10 a.m. at Room 402, Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

Dated: October 5, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics
and Dangerous Drugs.

[FR Doc.72-17322 Filed 10-6-72; 8:53 am]

PHENMETRAZINE (PRELUDIN)

Notice of Hearing

On July 6, 1972, a notice of the proposed aggregate production quota for phenmetrazine (Preludin) was published in the FEDERAL REGISTER (37 F.R. 13279). In response to this notice, the Bureau received comments on the proposed aggregate production quota with recommendations that the quota be increased or decreased. Comments were filed by the Honorable Claude S. Pepper, Chairman, Select Committee on Crime, House of Representatives; by New York Association for Brain Injured Children; by Narcotics Guidance Council of the Town of Huntington, Long Island, N.Y.; and by Boehringer Ingelheim Ltd.

Hearings were requested by two parties, Boehringer Ingelheim Ltd. and Narcotics Guidance Council of the Town of Huntington, Long Island, N.Y.

Boehringer Ingelheim Ltd. is an "interested party" because it represents the owner of the patent, C. H. Boehringer Sohn, covering phenmetrazine. In addition, Boehringer Ingelheim Ltd. has been authorized to represent the interests of Ciba-Geigy Corp., the manufacturer and distributor of phenmetrazine dosage forms (Preludin) in the United States and Fher Corp. Ltd., the manufacturer of phenmetrazine anhydrous free base used in the production of Preludin.

Because Boehringer Ingelheim Ltd. has standing to request a hearing, the Director has determined to grant its request. This eliminates the need to determine whether the Narcotics Guidance Council of the Town of Huntington, Long Island, N.Y. is an "interested party." All persons who filed comments will be given an opportunity to appear at the hearing as witnesses or to submit their comments in writing.

The Director of the Bureau of Narcotics and Dangerous Drugs, pursuant to the authority vested in the Attorney

General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811) and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 Code of Federal Regulations hereby orders that a public hearing will be held for the purpose of determining the aggregate production quota for phenmetrazine (Preludin) on November 9, 1972, at 10 a.m. at Room 402, Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

Dated: October 5, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics
and Dangerous Drugs.

[FR Doc.72-17321 Filed 10-6-72;8:53 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT

Notice of Public Meetings

The Bonneville Power Administration hereby gives notice of additional meetings in its series of public meetings to be held to discuss BPA's fiscal year 1974 draft environmental statement. A notice of the first series of public meetings was published in the FEDERAL REGISTER, vol. 37, No. 186, page 20047 on September 3, 1972. The purpose of the meetings is twofold: To present to the public BPA's projected fiscal year 1974 program, and to elicit comments from the public with respect to the environmental impact of BPA's projected program. The dates, hours, and places of this series of meetings are as follows: November 8, 1972, 1:30 p.m., Wasco County Courthouse, The Dalles, Ore.; November 9, 1972, 7 p.m., Parkdale Grange Hall, Parkdale, Ore.; November 14, 1972, 7 p.m., Federal Building (auditorium) Richland, Wash.; November 15, 1972, 7 p.m., Walla Walla County Extension Building, Walla Walla, Wash.; November 9, 1972, 8 p.m., the Valley Bank, St. Anthony, Idaho; November 6, 1972, 7:30 p.m., Fisher's Grange Hall No. 211, Vancouver, Wash.; November 8, 1972, 7:30 p.m., Mari-Linn Elementary School, Lyons, Ore.; November 2, 1972, 7:30 p.m., Blaine City Hall, Blaine, Wash.; November 9, 1972, 7:30 p.m., Grange Hall-Long Beach Grange No. 667, Long Beach, Wash.; November 13, 1972, 7:30 p.m., Cedar Grange No. 534, Maple Valley, Wash.; November 14, 1972, 7:30 p.m., Aberdeen Public Library, Aberdeen, Wash.; November 20, 1972, 7:30 p.m., Islander Motel, Lopez Island, Wash.; November 29, 1972, 10 a.m., BPA Building Auditorium, Portland, Ore.

Dated: October 2, 1972.

H. R. RICHMOND,
Administrator.

[FR Doc.72-17286 Filed 10-6-72;8:53 am]

Fish and Wildlife Service

VALENTINE NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on December 12, 1972, at the Cherry County Court House, Valentine, Nebr., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Valentine Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 16,317 acres within Valentine National Wildlife Refuge, which is located in Cherry County, State of Nebraska.

A study summary containing a map and information about the Valentine Wilderness proposal may be obtained from the Refuge Manager, Valentine National Wildlife Refuge, Kennedy Star Route, Valentine, Nebr. 69201, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Twin Cities, Minn. 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by January 13, 1973.

E. V. SCHMIDT,
Deputy Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 29, 1972.

[FR Doc.72-17214 Filed 10-6-72;8:49 am]

National Park Service

OLYMPIC NATIONAL PARK

Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Becker's Ocean Resort, Inc., authorizing it to provide concession facilities and services for the public at the Kalaloch area, Olympic National Park, for a period of one (1) year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the nego-

tiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 29, 1972.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.72-17215 Filed 10-6-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MINERAL EXPLORATION PROPOSAL IN MAZATZAL WILDERNESS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Mineral Exploration Proposal in the Mazatzal Wilderness, USDA-FS-DES(Adm) 73-20.

The environmental statement considers probable environmental effects or impacts of a proposal for mineral exploration in the Mazatzal Wilderness.

This draft environmental statement was filed with CEQ on September 25, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.

Tonto National Forest, 230 North First Avenue, Room 6428, Phoenix, AZ 85025.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, Post Office Box 1389, Flagstaff, AZ 85001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Fred J. Wirth, Tonto National Forest, 230 North First Avenue, Room 6428, Phoenix, AZ 85025. Comments must be received within 30 days of the date of this notice in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

OCTOBER 3, 1972.

[FR Doc.72-17269 Filed 10-6-72; 8:51 am]

MONARCH WILDERNESS

Public Hearing on Forest Service Proposal

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890-892; 16 U.S.C. 1131-1132) that a public hearing will be held, beginning at 9 a.m. on Saturday, November 18, 1972 in the Fresno Fashion Fair Community Hall, 1st and Shaw, Fresno, CA, on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to the Congress for the establishment of the Monarch Wilderness, comprised of approximately 36,000 acres within and contiguous to the High Sierra Primitive Area. The proposed Monarch Wilderness is located in portions of the Sequoia and Sierra National Forests located in Fresno County in the State of California.

A brochure containing a map, information, and draft environmental statement about the proposed Wilderness may be obtained from the Forest Supervisors of the Sequoia National Forest, 900 West Grand Avenue, Post Office Box 391, Porterville, CA 93257; Sierra National Forest, 1130 "O" Street, Federal Building, Fresno, CA 93721; or the Regional Forester, 630 Sansome Street, San Francisco, CA 94111.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Forester, Attention 2100, 630 Sansome Street, San Francisco, CA 94111, by December 18, 1972.

REXFORD A. RESLER,
Associate Chief, Forest Service.

OCTOBER 4, 1972.

[FR Doc.72-17267 Filed 10-6-72; 8:51 am]

TRINITY ALPS WILDERNESS

Public Hearing on Forest Service Proposal

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890-892; 16 U.S.C. 1131-1132) that a public hearing will be held, beginning at 9 a.m. on Saturday, December 9, 1972 in the Civic Auditorium, Redding, Calif., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to the Congress for the establishment of the Trinity Alps Wilderness, comprised of approximately 238,000 acres within and contiguous to the Salmon-Trinity Alps Primitive Area. The proposed Trinity Alps Wilderness is located in portions of the Klamath, Shasta-Trinity, and Six Rivers National Forests located in Humboldt, Siskiyou, and Trinity Counties in the State of California.

A brochure containing a map, information, and draft environmental statement about the proposed Wilderness may be obtained from the Forest Supervisors of the Klamath National Forest, 1215 South Main Street, Yreka, CA 96097; Shasta-Trinity National Forest, 1615 Continental Street, Redding, CA 96001; Six Rivers National Forest, 710 East Street, Eureka, CA 94111.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Forester, Attention 2100, 630 Sansome Street, San Francisco, CA 94111, by January 8, 1973.

REXFORD A. RESLER,
Associate Chief, Forest Service.

OCTOBER 4, 1972.

[FR Doc.72-17268 Filed 10-6-72; 8:51 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-294]

ERIE NAVIGATION CO.

Notice of Application

Notice is hereby given that the Erie Navigation Co. has filed an application under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy on a vessel to be employed in U.S. foreign trade. Inasmuch as Erie Navigation Co. owns and operates U.S.-flag bulk-cargo vessels which are employed in the domestic Great Lakes service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended will be required for Erie Navigation Co. if its application for operating-differential subsidy is granted.

Erie Navigation Co. advises that it owns and operates the U.S.-flag vessels MV John R. Emery and the MV Peerless for the transportation of dry bulk

cargoes in coastwise service on the Great Lakes. In addition, Officers and Directors of the applicant are Officers and Directors of Erie Sand Steamship Co., which owns and operates the steamers Alpena and Sidney E. Smith, Jr., and the motor vessels Lakewood, Lil' Rock, Niagara, and J. S. St. John in coastwise commerce on the Great Lakes.

Interested parties may inspect the application under consideration in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application, must, by close of business on October 20, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

(Generally, comments or views are invited on whether the extraction of sand from Lake Erie and its deposit ashore in the United States is domestic commerce within the meaning of section 805(a).)

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on Friday, October 27, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the domestic services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: October 4, 1972.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-17337 Filed 10-6-72; 8:53 am]

[Docket No. S-293]

ERIE NAVIGATION CO.

Notice of Application

Notice is hereby given that Erie Navigation Co., a Pennsylvania corporation

which has its principal office at the foot of Sassafras Street, Erie, Pa. 16512, has filed an application with the Maritime Subsidy Board (the Board) pursuant to the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy agreement on the bulk cement carrier MV Day Peckinpaugh. Intended operations are limited exclusively to the transportation of bulk cement in foreign commerce between Picton, Ontario, Canada, and Rochester and Rome, N.Y. It is anticipated that about 80 sailings will move out of Picton, Ontario, Canada, per Great Lakes navigation season with 70 percent of such cargoes terminating at Rome, N.Y., and 30 percent terminating at Rochester, N.Y.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on October 20, 1972, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel operated or to be operated in an essential service served by two or more citizens of the United States with vessels of U.S. registry, and if so whether the effect of such an agreement would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service; and (2) whether it is necessary to enter into such agreement in order to provide adequate service by vessels of U.S. registry.

Since Rome, N.Y., is on the State barge canal system and is some distance inland from Lake Ontario, interested parties are also invited to furnish written comment on whether the service between Picton, Ontario, Canada, and Rome, N.Y., is an essential bulk-cargo carrying service in the foreign commerce of the United States within the meaning of section 211(b) of the Merchant Marine Act, 1936, as amended.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: October 4, 1972.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-17338 Filed 10-6-72;8:53 am]

National Oceanic and Atmospheric Administration

[Docket No. C-370]

ANDREW H. BROWN

Notice of Loan Application

OCTOBER 2, 1972.

Andrew H. Brown, Post Office Box 444, Mendocino, CA 95460 has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new-steel vessel, about 52 foot in length, to engage in the fishery for salmon, Dungeness crab, albacore, black cod, and shrimp off the coasts of California, Oregon, and Washington.

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.72-17199 Filed 10-6-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health
NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Cancer Research Training Committee, October 5-6, 1972, at 9 a.m., National Institutes of Health, Building 31, Conference Room 9, Bethesda, Md. There will be introductions and indoctrination of new members and discussion of the structure, purpose, and functions of the committee when the meeting will be open to the public from 9 a.m. to 9:30 p.m., October 5. The meeting will be closed to the public at all other times to review, discuss, and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of Cancer Research Training Committee members and/or summary of the meeting may be obtained:

Dr. Kenneth Potter, Westwood Building, Room 855, Bethesda, Md. 20014

Dated: October 3, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-17204 Filed 10-6-72;8:47 am]

NATIONAL HEART AND LUNG INSTITUTE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, October 17 and 18, 1972, National Institutes of Health, Building 31, Conference Room 6. The committee will review development of the National Hypertension Information and Education Program Plan to date. The meeting will be open to the public from 7:30 p.m. to 10 p.m., October 17, and from 9 a.m. to 4:30 p.m. on October 18.

Name of the person from whom rosters of committee members and/or summary of the meeting may be obtained: Miss Rosalie Silverberg, National Institutes of Health, Building 31, Room 5A50.

Dated: October 2, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-17203 Filed 10-6-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION

National Motor Vehicle Safety
Advisory Council

NOTICE OF PUBLIC MEETING

On October 11 and 12, 1972, the National Motor Vehicle Safety Advisory Council will hold open meetings in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC. The Advisory Council is composed of 22 members, a majority of which are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety

standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (16 U.S.C. 1381 et seq.).

The following meetings will be held: The Executive Committee of the National Motor Vehicle Safety Advisory Council will meet at 9 a.m. on October 11, room 4238, with the following agenda:

Discussion of Council Charter, Bylaws, and Organization.
New Business.

The Ad Hoc Awards Committee of the National Motor Vehicle Safety Advisory Council will meet at 9 a.m. on October 11, room 5220, with the following agenda:

Development of Guidelines and Criteria for Council Awards.

The National Motor Vehicle Safety Advisory Council will meet in regular session from 1:30 p.m. to 4 p.m. on October 11 and from 9 a.m. to 12 noon on October 12 in room 4238 with the following agenda:

Review of Motor Vehicle Safety Standards Program.
Cost Effectiveness Studies in Automotive Safety.
Future Council Priorities.
Report of Executive Committee.
Report of Ad Hoc Committee on Awards.
Status of Pending Resolutions.
New Business.

This notice is given pursuant to section 13 of Executive Order 11671, June 5, 1972.

Issued: October 5, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-17346 Filed 10-6-72;9:29 am]

ATOMIC ENERGY COMMISSION

[Docket No. RM-50-1]

ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER REACTORS

Resumption of Hearing in the Above Captioned Proceeding

According to the schedule in Board order Confirming October 16, 1972, Filing Date for Redirect and Rebuttal Testimony filed September 27, 1972, hearing sessions will resume on Wednesday, November 1, 1972, in Suite 100 at 8120 Woodmont Avenue, Bethesda, MD, for the purpose of permitting participants to question witnesses offered in support of redirect and rebuttal testimony.

Issued at Washington, D.C., this 3d day of October 1972.

NATHANIEL H. GOODRICH,
Chairman, Hearing Board
Emergency Core Cooling Systems.

[FR Doc.72-17209 Filed 10-6-72;8:51 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Order for Prehearing Conference

In the Matter of Long Island Lighting Co. (Shoreham Nuclear Power Station), Docket No. 50-322.

A prehearing conference in the above proceeding will be held on Tuesday, October 10, 1972, at 1:30 p.m. in Room 2008, Federal Office Building No. 7 (enter on 17th Street), 726 Jackson Place N.W., Washington, DC 20506.

Dated at Washington, D.C., this 4th day of October 1972.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.72-17284 Filed 10-6-72;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 3F1308) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide methomyl (S-methyl N-(methylcarbamoyl) oxy] thioacetimidate) in or on the raw agricultural commodity apples at 1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a modification of the method of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry", vol. 16, pp. 554-7 (1968), using a flame photometric detector instead of a microcoulometric detector.

Dated: September 26, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-17183 Filed 10-6-72;8:45 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 3F1307) has been filed by E. I. du Pont

de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide methomyl (S-methyl N-(methylcarbamoyl) oxy] thioacetimidate) in or on the raw agricultural commodity sorghum forage at 1 part per million and sorghum grain at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a modification of the method of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry", vol. 16, pp. 554-7 (1968). The modified method utilizes a flame photometric detector instead of a microcoulometric detector.

Dated: September 26, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-17184 Filed 10-6-72;8:45 am]

METHOMYL

Notice of Extension of Temporary Tolerance

E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, was granted a temporary tolerance for residues of the insecticide methomyl (S-methyl N-(methylcarbamoyl) oxy] thioacetimidate) in or on cottonseed at 5 parts per million on July 12, 1971 (notice was published in the FEDERAL REGISTER of July 15, 1971 (36 F.R. 13174)). This temporary tolerance expired July 12, 1972.

The firm has requested a 1-year extension to obtain additional experimental data. It has been determined that this extension of the temporary tolerance of 5 parts per million for residues of the insecticide in or on cottonseed will protect the public health. It is therefore extended as requested on condition that the insecticide be used in accordance with the temporary permits being issued concurrently by the Pesticides Regulation Division of the Environmental Protection Agency and which provide for distribution under the E. I. du Pont de Nemours & Co. name.

This extended temporary tolerance expires July 12, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: September 26, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-17182 Filed 10-6-72;8:45 am]

NIPAK, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1270) has been filed by Nipak, Inc., Post Office Box 338, Pryor, OK 74361, proposing establishment of an exemption from the requirement of a tolerance for residues of the plant regulator biuret in or on sugar beets.

The analytical method proposed in the petition for determining residues of the plant regulator is a spectrophotometric procedure in which the colored reaction product is measured at 555 nanometers.

Dated: September 26, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc. 72-17185 Filed 10-6-72; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17617, 17618; FCC 72R-262]

ATHENS BROADCASTING COMPANY, INC., AND 3 J's BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Athens Broadcasting Company, Inc., Athens, Tenn., Docket No. 17617, File No. BPH-5668; John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., Athens, Tenn., Docket No. 17618, File No. BPH-5768; for construction permits.

1. This proceeding involves the mutually exclusive applications of Athens Broadcasting Company, Inc. (Athens Broadcasting) and John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Company (3 J's), for authority to construct an FM broadcast station in Athens, Tenn. Each of the applicants is presently the licensee of a standard broadcast station in Athens: Daytime-only standard broadcast Station WYXI (1390 kHz, 500 w.) is licensed to 3 J's; and unlimited time standard broadcast Station WJAR (1450 kHz, 1 kw., daytime, 250 w. nighttime) is licensed to Athens Broadcasting. The FM applications were designated for hearing in 1967¹ on an air hazard issue against 3 J's and the standard comparative issue.² Since 1967, three separate hearings have been held and three Initial De-

isions³ and one Review Board Decision⁴ have been released. All three initial decisions recommended a grant of the application of Athens Broadcasting, while the Board's decision granted the application of 3 J's. On April 18, 1972, the Review Board heard oral argument on exceptions to the last two initial decisions. Recently, serious questions concerning the basic and comparative qualifications of Athens Broadcasting have been brought to the Board's attention. These questions are raised in several pleadings filed by the applicants and the Broadcast Bureau. The two major pleadings now before the Board are: (1) A petition for leave to amend application, filed April 4, 1972, by Athens Broadcasting;⁵ and (2) a petition to enlarge issues, filed August 3, 1972, by 3 J's.⁶ Athens Broadcasting's petition to amend reflects a change in principals of the corporation and a change in management of the applicant's existing AM station (WJAR) and proposed FM station. 3 J's petition to enlarge requests the addition of three issues against Athens Broadcasting, one inquiring into alleged violations of §§ 1.65 and 1.615 of the Commission's rules, one inquiring into whether Athens Broadcasting and/or its principals filed "false or misleading statements" with the Commission, and a requisite and comparative qualifications issue.

BACKGROUND OF THE PROCEEDING

2. To facilitate a better understanding of our disposition of the pleadings, we will first set out a résumé of the history of this proceeding. As noted above, the FM applications of Athens Broadcasting and 3 J's were designated for hearing in 1967 on, inter alia, the standard comparative issue. In his initial decision, re-

¹ Initial Decision of Hearing Examiner Thomas H. Donahue, 17 FCC 2d 458, 13 RR 2d 1217, released Aug. 23, 1968; Cumulative Initial Decision of Hearing Examiner Donahue, FCC 70D-32, released July 29, 1970; and Supplemental Initial Decision of Hearing Examiner Ernest Nash, FCC 71D-32, released June 10, 1971. Examiner Nash was assigned to preside over this proceeding upon the retirement of Examiner Donahue.

² 17 FCC 2d 452, 16 RR 2d 638, released May 2, 1969.

³ Also before the Board are the following related pleadings: (a) Notice of intention to amend application, filed Mar. 31, 1972, by Athens Broadcasting; (b) motion for extension of time, filed April 10, 1972, by 3 J's; (c) motion to make more definite and certain, filed April 10, 1972, by 3 J's; (d) Broadcast Bureau's comments on petition for leave to amend application, filed April 12, 1972; (e) supplement to petition for leave to amend application, filed May 5, 1972, by Athens Broadcasting; (f) response to (e), filed May 8, 1972, by 3 J's; (g) second supplement to petition for leave to amend application, filed May 15, 1972, by Athens Broadcasting; (h) third supplement to petition for leave to amend application, filed May 25, 1972, by Athens Broadcasting; (i) comments on behalf of 3 J's, filed June 2, 1972; and (j) reply to (i), filed June 16, 1972, by Athens Broadcasting.

⁴ Related pleadings before the Board are an opposition, filed Aug. 16, 1972, by Athens Broadcasting; and the Broadcast Bureau's comments, filed Aug. 16, 1972.

leased August 23, 1968 (note 3, supra), the Hearing Examiner recommended a grant of Athens Broadcasting's application on the basis of a comparative preference for more efficient use of the frequency, which he concluded outweighed an integration preference awarded to 3 J's. The Examiner rejected arguments that preferences be awarded in the categories of diversification of control of the media of mass communications, past broadcast record, and duplication of programming.⁷ On May 2, 1969, the Review Board released a decision (note 4, supra), reversing the Examiner's recommendation and granting the application of 3 J's. The grant of 3 J's was awarded on the basis of: (1) A "slight" preference for diversification of media control because 3 J's operates a daytime-only standard broadcast station in Athens, while Athens Broadcasting is the licensee of a full-time standard broadcast facility in that community; and (2) a "substantial" preference for integration of ownership, due to 3 J's plan to integrate 100 percent of its ownership into the operation of its station on a substantially full-time basis, while Athens Broadcasting proposed full-time integration of only its general manager and 10 percent stockholder, William P. Atkins.⁸ The Board held that these preferences outweighed a "moderate" preference awarded to Athens Broadcasting for its more efficient utilization of the frequency, which was based on its greater coverage and lesser duplication of AM and FM programming.

3. On June 2, 1969, Athens Broadcasting filed with the Commission an application for review of the Board's decision, requesting reversal of the decision, or, in the alternative, that the case be remanded to the Examiner for further hearings on the past broadcast record of 3 J's. On January 26, 1970, the Commission released a Memorandum Opinion and Order (21 FCC 2d 161, 18 RR 2d 231) granting Athens Broadcasting's alternative request to reopen the record to adduce evidence under the comparative issue concerning 3 J's' past broadcast record, and directing the Examiner to prepare a cumulative initial decision to cover all aspects of the proceeding. There was no request by Athens Broadcasting for a requisite qualifications issue

⁷ In preferring Athens Broadcasting for a grant, the Examiner concluded that: "There is an element of conjecture in the assumption that integration of ownership into station operation begets sensitivity to changing area needs that is not present in the solid grounds for preference won by Athens Broadcasting." 17 FCC 2d at 474, 13 RR 2d at 1225. (Footnote omitted.)

⁸ The April 4, 1972, petition for leave to amend application filed by Athens Broadcasting (paragraph 1, supra) reflects that Atkins, general manager of Station WJAR and proposed general manager of the applicant's FM station, and vice president, director, and 10 percent stockholder of the applicant, has resigned and that Thomas A. Arterburn has assumed Atkins' corporate and operating positions and would purchase Atkins' 10 percent interest in the applicant. See paragraphs 5-11, infra.

¹ Order of the Chief of the Broadcast Bureau, acting under delegated authority, 32 P.R. 11712, published Aug. 12, 1967.

² A site suitability issue against 3 J's was later added by the Review Board, by Memorandum Opinion and Order, 11 FCC 2d 559, 12 RR 2d 285, released Feb. 5, 1968.

against 3 J's and none was added. On July 29, 1970, the Hearing Examiner released his cumulative initial decision (note 3, supra), in which he found that John Frew, 3 J's co-owner: (1) Induced the addition of a false jurat to a letter which was submitted to the Commission in violation of a U.S. criminal statute; (2) disseminated a misleading survey in connection with his standard broadcast station in Athens; (3) violated the Communications Act of 1934, as amended, and the Commission's rules and regulations by failing to reveal the correct sponsor of broadcast material; (4) engaged in at least three reporting failures in regard to the transfer of his interests in a number of broadcast stations; (5) failed to keep accurate logs for his Athens station in violation of the Commission's rules; (6) advertised a lottery on his station in violation of law; and (7) failed to carry out many of the programming commitments on his Athens station. All of these findings led the Examiner to conclude that, assuming that 3 J's did enjoy a preference over Athens Broadcasting in the initial part of the proceeding, "it would shock credulity to arrive at any other ultimate conclusion than that the very substantial array of deviations from the norm of sound licenseeship * * * outweigh, on (Athens Broadcasting's) side, the comparatively negligible preferences awarded 3 J's by the Review Board."

4. Then, in response to a petition to enlarge issues, filed September 30, 1970, by 3 J's, the Review Board, by Memorandum Opinion and Order, released January 14, 1971 (27 FCC 2d 7, 20 RR 2d 1115), reopened the record and remanded the proceeding to the Examiner for the adduction of evidence on additional issues to determine: First, whether Athens Broadcasting misrepresented the coverage area and contours of its AM radio station in Athens on promotional maps; second, whether Athens Broadcasting has kept its radio tower lighted in accordance with the terms of its license and Commission rules; and, third, in light of the evidence adduced pursuant to the added issues, the effect on Athens Broadcasting's basic and/or comparative qualifications. On June 10, 1971, Hearing Examiner Ernest Nash released a Supplemental Initial Decision (note 3, supra) concluding that the record on remand "present(s) no more than trifling examples of licensee misfeasance" which cannot be accorded weight in determining which application should be granted. Therefore, the Examiner determined that the evidence on remand did not affect the recommended grant to Athens Broadcasting in the cumulative initial decision. Exceptions to both the Cumulative and Supplemental Initial Decisions have been filed⁹

⁹ 3 J's filed exceptions to both initial decisions; Athens Broadcasting filed limited exceptions to the cumulative initial decision; and the Broadcast Bureau filed exceptions to the supplemental initial decision.

and the case was ripe for decision at the time of the oral argument in April of this year. Then, the pleadings referred to in paragraph 1, supra, were filed. We will now proceed to a discussion of Athens Broadcasting's amendment, 3 J's petition to enlarge, and 3 J's past broadcast record.

PETITION FOR LEAVE TO AMEND

5. Athens Broadcasting's petition for leave to amend application was filed 4 days after the applicant filed a "notice of intention to amend application." See note 5, supra. The "notice" advised the Board that "it will be necessary within the next several days" to file a petition to amend to reflect the fact that William P. Atkins "will no longer be a stockholder of the applicant and will not be the general manager of the proposed new FM station." The "notice" further advised the Board that the amendment "will be filed as soon as it is received from the applicant." Finally, the "notice" states that: "It is contemplated that Mr. Atkins' (10 percent) interest in the applicant will be acquired by Mr. Thomas Arterburn who will replace Mr. Atkins as the general manager of the proposed new FM station." Arterburn is not identified in the "notice" or in the petition for leave to amend. The petition states that the amendment is necessary because Atkins resigned from his positions as officer, director, stockholder and general manager and was replaced by Arterburn who, "when present plans are realized," will become a 14.16 percent stockholder of the applicant. It is not explained in the petition (or in the earlier "notice") how Arterburn can become a 14.16 percent stockholder by purchasing Atkins' 10 percent stock interest.

6. In its motion to make more definite and certain, filed April 10, 1972, 3 J's states that it cannot respond properly to the petition to amend until the applicant provides further information concerning Arterburn, i.e., biographical data in response to section II of FCC Form 301.¹⁰ According to 3 J's, "An applicant on Form 301 must answer all questions in section II in regard to each and every principal. These are important questions, and the requirement cannot be evaded by slipping in someone new at a subsequent date by way of amendment, without any information on his qualifications."¹¹

¹⁰ At the time the "notice" was filed, oral argument on exceptions to the cumulative and supplemental initial decisions had already been scheduled for April 18, 1972, FCC 72R-77, released March 29, 1972.

¹¹ On the same day it filed its motion to make more definite and certain, 3 J's also filed a motion for extension of time within which to file a response to Athens Broadcasting's petition. In view of our dispositions of Athens Broadcasting's petition to amend and 3 J's petition to enlarge, infra, 3 J's motions of April 10, 1972, will be dismissed as moot.

¹² In its comments, filed June 2, 1972, 3 J's states that it has "no objection" to the acceptance of the amendment as supplemented.

7. The Broadcast Bureau opposes Athens Broadcasting's petition for leave to amend on the ground that acceptance of the amendment would result in the applicant obtaining a comparative advantage over its competitor, 3 J's. In the Bureau's opinion, it would be "totally inappropriate" to allow Athens Broadcasting to improve its competitive posture "at this late stage" of the proceeding. The Bureau acknowledges that "disallowing (the) amendment will result in a fiction * * * (however), it is preferable to accept a fiction as compared to the administrative chaos that would result if amendments of this type are permitted." Finally, the Bureau maintains that while Athens Broadcasting was required by § 1.65 of the Commission's rules to report Atkins' resignation, that section was not intended to allow post-designation amendments which would improve an applicant's comparative position.

8. The three supplements to the petition for leave to amend¹³ disclose, among other things, that Thomas Arterburn is the son of Helen F. Arterburn, Athens Broadcasting's majority stockholder;¹⁴ that Thomas and his brother, Donald, each became 4.16 percent stockholders of the corporation on July 2, 1971; that they received their shares of stock as gifts from their mother;¹⁵ that the Arterburn brothers became officers and directors¹⁶ of the corporation on February 20, 1972;¹⁷ that Thomas Arterburn became general manager of Station WLAR on February 20, 1972; that Thomas Arterburn purchased William Atkins' 10 percent stock interest on April 28, 1972; and that Thomas Arterburn filed a petition for bankruptcy in the U.S. District Court, Chattanooga, Tenn., on July 16, 1970¹⁸ mainly, the applicant represented, because of "medical bills incurred as a result of an operation undergone by his wife in (sic) September 18, 1969." In its second supplement, filed May 15, 1972, Athens Broadcasting states that it failed to report the gift of stock made on July 2, 1971 to the Arterburn brothers because Mrs. Arterburn "did not realize that it

¹³ The supplements were filed on May 5, 15, and 25, 1972, respectively. See note 5, supra.

¹⁴ When the record in this proceeding was closed, Mrs. Arterburn owned 90% of the stock and William Atkins owned 10%.

¹⁵ The gifts of stock to Thomas and Donald Arterburn were first disclosed by counsel for Athens Broadcasting at the April 18, 1972 oral argument. Counsel stated: "To the best of my knowledge, Mrs. Arterburn * * * gave five shares of stock to each of her sons. * * * I am not sure (when she made the gifts.) I believe it was late last summer." Tr. 871-872. The exact date and other details concerning the gifts were disclosed for the first time in the May 5, 1972 supplement.

¹⁶ Thomas Arterburn became vice-president and director and Donald Arterburn became secretary-treasurer and director.

¹⁷ These facts were first reported to the Commission on May 5, 1972.

¹⁸ The fact of Arterburn's bankruptcy was first disclosed to the Commission on May 15, 1972. A more complete statement of the alleged circumstances surrounding the bankruptcy was submitted on May 25, 1972.

was necessary to report the transfer of stock to the Commission and since no dividends have ever been paid on the applicant's stock, Mr. Atkins did not realize a change in ownership report was required involving the gift of such a few shares to members of the stockholders' family."

9. Athens Broadcasting's petition for leave to amend will be denied and the amendment attached thereto will be rejected. Section 1.522 of the Commission's rules provides, in part, that requests to amend an application after it has been designated for hearing will be granted only for "good cause" shown. In satisfying the "good cause" criteria for post-designation amendments, the moving party must demonstrate that it acted with due diligence; that the proposed amendment was not required by the voluntary act of the applicant; that no modification or addition of issues or parties would be necessitated; that the proposed amendment would not disrupt the orderly conduct of the hearing or necessitate additional hearing; that the other parties will not be unfairly prejudiced; and that the applicant will not gain a competitive advantage. "Erwin O'Connor Broadcasting Co.," 22 FCC 2d 140, 143, 18 RR 2d 820, 824 (1970). See "Sands Broadcasting Corp.," FCC 61M-1218, 22 RR 106. Athens Broadcasting's petition does not meet any of the above criteria.

10. First, Athens Broadcasting has not acted with "due diligence" in submitting its amendment. Most of the events reported in the petition, as supplemented, transpired in February of this year, while they came to the Board's attention in piecemeal fashion months later. See paragraphs 5, 6, and 8, supra. In this regard, the Arterburn brothers became stockholders of the applicant in July 1971, and this fact was not properly reported until May, 1972. See note 15, supra. Moreover, it was after 3 J's filed its requests for clarification that the applicant submitted further necessary information concerning Thomas Arterburn. Under these circumstances, we cannot conclude that Athens Broadcasting acted with "due diligence". Second, the applicant has failed to show that the amendment was not required by its own voluntary act. The circumstances surrounding Atkins' resignation from his various positions at Athens Broadcasting are not explained. In fact, the date of his resignation is not even disclosed. The burden was on Athens Broadcasting to make such a showing and in its absence we do not know whether the amendment was necessitated by the applicant's own voluntary act. In this regard, we note that Atkins, as general manager of Athens Broadcasting's AM station, was responsible for the rate card and tower lighting incidents referred to in paragraph 4, supra. Therefore, the applicant's glaring failure to disclose the circumstances surrounding his departure at this late date in the proceeding—and after 18 years of employment at the station—raise serious questions about the applicant's candor and motivations. See paragraph 21, infra. Third, accept-

ance of the amendment might require the modification or addition of issues or parties; however, because we do not know the circumstances behind Atkins' resignation, it is impossible to determine whether Athens Broadcasting satisfied this criterion. We note that it was the petitioner's obligation to make the required showing and its failure to do so is merely one of several factors leading us to the conclusion that the petition to amend must be denied.

11. Fourth, the proposed amendment would disrupt the orderly conduct of the hearing because it would necessitate an evidentiary inquiry under the standard comparative issue into the qualifications of Thomas Arterburn, who proposes to serve as general manager of Athens Broadcasting's FM station.³⁹ The fact that further issues are being added against Athens Broadcasting (see paragraph 27, infra) does not justify acceptance of the amendment because: (1) It would unnecessarily further prolong an already long-protracted proceeding; and (2) it would be in disregard of the fact that Athens Broadcasting would be gaining an unwarranted competitive advantage over 3 J's, which is the final—and perhaps the most important—reason for denying the petition. "Post-designation amendments attempting to substitute principals have not been looked upon with favor by the Commission where * * * such amendments would result in the amending party gaining a comparative advantage." "Chapman Radio and Television Co.," 26 FCC 2d 891, 893, 20 RR 2d 977, 979 (1970), citing "The News-Sun Broadcasting Co.," 24 FCC 2d 770, 19 RR 2d 942 (1970); and "Grayson Television Co.," 11 FCC 2d 881, 12 RR 2d 512 (1968). In this case, since the new general manager, Thomas Arterburn, would be a 14.16 percent stockholder, while his predecessor, William Atkins, had only a 10 percent interest, to accept the amendment would improperly permit it to improve its comparative position at this late date in the proceeding. While the improvement might be slight, there is, in our view, "a reasonable possibility that the amendment could result in a comparative advantage" for Athens Broadcasting. "Great River Broadcasting, Inc.," 12 FCC 2d 35, 36, 12 RR 2d 659, 661 (1968). This would be grossly unfair to 3 J's. As the Bureau points out, rejection of Athens Broadcasting's amendment means that we must proceed with the "fiction" that Atkins remains a 10 percent stockholder integrated into the operation of the proposed station (but see note 34, infra), and that the applicant will receive credit for integration only on that basis. However, "such a result is to be preferred when the integrity of the Commission's

³⁹ In our May 1969 Decision, supra, Athens Broadcasting was qualitatively enhanced by his full-time participation of William Atkins as cast experience. See 17 FCC 2d at 457, 16 RR local residence, civic participation and broad-general manager of the FM station. His participation received credit for the proposed 2d at 645.

rules and of its processes is at stake." "Martin Lake Broadcasting Co.," 26 FCC 2d 963, 970, 20 RR 2d 964, 974 (1970). See "Grayson Television Co.," supra. In sum, Athens Broadcasting's petition for leave to amend must be denied because the applicant has failed to show "good cause" for acceptance of the amendment.

PETITION TO ENLARGE ISSUES

12. In its petition to enlarge issues, 3 J's requests the addition of the following three issues against Athens Broadcasting:

1. To determine whether Athens Broadcasting Co., Inc. complied with the provisions of §§ 1.65 and 1.615 of the rules, and if not, the facts and circumstances surrounding such failure to comply.

2. To determine whether Athens Broadcasting Co., Inc. and/or its principals filed false or misleading statements with the Commission in this proceeding, and if so, the facts and circumstances thereof.

3. To determine the effect of the conduct of Athens Broadcasting Co., Inc., as shown by the evidence under the foregoing issues, upon its comparative and absolute qualifications.

The gist of the petition is that Athens Broadcasting has failed to comply with the reporting requirements of §§ 1.65 and 1.615 of the Commission's rules and has not explained its failure to do so. The alleged violations concern the disclosures made by Athens Broadcasting in its petition to amend, as supplemented. 3 J's also alleges that ever since Athens Broadcasting filed its "notice of intention to amend application" (see paragraph 5, supra), it has been "guilty of evasiveness and lack of candor in reporting the circumstances surrounding the filings". At the outset, 3 J's states that it filed the instant petition "out of an abundance of caution" because it believes that the facts alleged in its petition may be considered under the present comparative issue. In this regard, petitioner notes that in its comments, filed June 2, 1972 (note 5, supra), it requested the Board to set a date upon which supplemental proposed findings and conclusions would be filed by the parties based upon the various pleadings filed by Athens Broadcasting and 3 J's in connection with the former's petition to amend. The earlier comments essentially dealt with the question of Athens Broadcasting's candor in reporting the matter of Thomas Arterburn's 1970 bankruptcy petition. See paragraph 8, supra. The instant petition repeats and amplifies that allegation and, in addition, argues that Athens Broadcasting violated two of the Commission's reporting rules.

13. In support of its request for the first issue, 3 J's alleges: (1) that Athens Broadcasting failed to report to the Commission until April 18, 1972, the transfer in July 1971 of 10 shares of the applicant's stock from Helen Arterburn (90 percent owner) to her two sons who, prior to the transfer, held no stock in the

applicant; and (2) that Athens Broadcasting failed to timely report to the Commission the change in the applicant's proposal that its 10 percent stockholder, William Atkins, would be general manager of its proposed FM station. See paragraph 8, supra. According to 3 J's, "it is clear" that Athens Broadcasting has violated Commission §§ 1.65 and 1.615²⁰ and an appropriate issue must therefore be added. The second requested issue stems from statements made by the applicant and Thomas Arterburn in the May 25, 1972 supplement (paragraph 8, supra) concerning Arterburn's bankruptcy petition. The supplement represents that, at the time the petition in bankruptcy was filed, Arterburn had net assets of \$1,000 and liabilities of approximately \$12,800; that the "great majority of the liabilities stemmed from medical bills incurred as a result of an operation undergone by his wife in September 18, 1969"; and that the hospital had threatened to file suit to collect \$4,100 which Arterburn's insurance company refused to pay. The supplement claimed that the information provided was "a full explanation" and that the applicant's obligation to inform the Commission of changes in its application was "complete(d)." 3 J's notes, however, that attached to its comments, filed June 2, 1972, was a copy of Arterburn's bankruptcy petition, which, 3 J's contends, indicates, contrary to Arterburn's sworn statement, that Arterburn's two largest creditors were banks and that bills due hospitals constituted a very small portion of Arterburn's debts.²¹ 3 J's further argues that, "faced with this evidence" (i.e., 3 J's comments) Arterburn filed another affidavit on June 16, 1972,²² in which he admitted that the bill for his wife's operation was only \$947.56, but claimed that "other costs stemming from his wife's illness and listed in the bankruptcy petition totaled about \$1,000 * * *." In 3 J's view, Arterburn's explanation of May 25, 1972, that the "great majority of the liabilities stemmed from medical bills incurred as a result of the opera-

tion", was, in 3 J's words, "not true." And, 3 J's continues, also "not true" was the figure of \$4,000 for the operation. In sum, 3 J's concludes that Athens Broadcasting has been "guilty of evasiveness and lack of candor"; that Athens Broadcasting has supplied information concerning Arterburn's bankruptcy "only as a result of constant nudging by 3 J's"; and that the information supplied was "inaccurate."

14. The Broadcast Bureau supports 3 J's request for a §§ 1.65 and 1.615 issue. The Bureau maintains that the Commission must be able to rely upon broadcast licensees and applicants to comply with the reporting rules. In the Bureau's opinion, Athens Broadcasting was "Clearly * * * remiss in failing to report July 1971, ownership transfers until May 1972." The failure to report the transfers until May 1972 is characterized by the Bureau as a "blatant disregard of Commission rules." The Bureau also supports addition of the second requested issue, "but for comparative purposes only." The Bureau does not believe that the inaccuracies in reporting Arterburn's bankruptcy involve factual matters of significance.

15. Athens Broadcasting bases its opposition to 3 J's petition on two major arguments: (1) That the petition is untimely and should be dismissed without further consideration; and (2) that the factual allegations are insufficient to warrant addition of the requested issues. With regard to timeliness, respondent argues that "all of the facts" relied upon by 3 J's have been on file with the Commission for more than 60 days, and that 3 J's has therefore violated the timeliness requirement of Commission § 1.229(b). Respondent then notes the age of this proceeding (the applications were designated for hearing in August 1967); the fact that 3 J's failed to plead good cause for the filing of an earlier petition to enlarge issues against Athens Broadcasting;²³ and the doctrine of administrative finality (citing "Greater Boston Television" "Corp. v. FCC," — U.S. App. D.C. —, — F.2d —, 23 RR 2d 2055 (1972)). Athens Broadcasting contends that, "Surely, 5 years is a sufficient time period in which to select a licensee for the only FM station allocated to a city of 12,000 people." On the merits, Athens Broadcasting first concedes that it violated §§ 1.65 and 1.615 of the rules. However, it insists that the failure to report the stock transfers from Mrs. Arterburn to her two sons was "isolated" and "minor" and does not affect its basic or comparative qualifications. According to respondent: (1) The stock transfer did not constitute a transfer of control; (2) "no principal of the applicant was aware of the Commission's requirement that the transfer be reported until March of

1972" (see paragraph 8, supra); (3) there was no motive to conceal the stock transfer because it has no effect on the applicant's qualifications; and (4) the change in ownership was voluntarily reported to the Commission before any questions concerning it were raised. For these reasons, Athens Broadcasting argues, 3 J's petition must be denied. In support, respondent cites several Commission and Review Board cases in which requests to add § 1.65 issues were denied.²⁴

16. Next, Athens Broadcasting maintains that the delay in reporting the change in general manager is "obviously 'de-minimus'". Again, respondent relies on its voluntary disclosure of the change and the cases cited in regard to the stock transfer (note 24, supra). Finally, with respect to the applicant's and Thomas Arterburn's representations concerning the bankruptcy, Athens Broadcasting submits that the conceded inconsistencies between Arterburn's first affidavit²⁵ and the bankruptcy petition²⁶ are "minor" and "immaterial to the question of which * * * (applicant) will better serve the public interest." Respondent points out that it voluntarily reported the bankruptcy before another party brought it to the Commission's attention and argues that Arterburn's affidavit was "obviously prepared in a hurried manner in order to report the bankruptcy." Athens Broadcasting states that the same type of "unintentional mistakes" were dismissed by the Commission in "Emerald Broadcasting Co.," 30 FCC 2d 879, 22 RR 2d 633 (1971), and that the Board should follow the "Emerald" precedent and deny 3 J's petition.

17. At the outset, we cannot agree with Athens Broadcasting that 3 J's petition should be dismissed out-of-hand without consideration of the merits. This argument is based on the misplaced contention that the petition is untimely under Commission § 1.229(b). Contrary to Athens Broadcasting's assertions, 3 J's has shown good cause for the delay in filing its petition.²⁷ 3 J's notes at the very beginning of its petition that it filed the request "out of an abundance of caution" in view of its earlier comments requesting the Board to set a date for the filing of supplementary findings and conclusions on the subject of Athens Broad-

²⁰ Rule 1.65 requires disclosure when the information furnished in an application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred. Rule 1.615 provides, in part, that:

(c) A supplemental ownership report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the ownership report from that previously reported. Such report shall include without limitation:

(1) Any change in capitalization or organization;

(2) Any change in officers and directors;

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as:

(i) A transfer of stock * * *

²¹ According to the bankruptcy petition, Arterburn owned a total of \$1,233.78 to three hospitals.

²² The affidavit is attached to Athens Broadcasting's reply to comments of 3 J's, filed June 16, 1972. See note 5, supra.

²³ Despite 3 J's "inexcusable" failure to plead good cause for the late filing of its September 30, 1970 petition, the Board granted it and added three potentially disqualifying issues against Athens Broadcasting because of "the very serious public interest questions raised." See paragraph 4, supra.

²⁴ Greenfield Broadcasting Corp., 30 FCC 2d 774, 22 RR 2d 497 (1971); Channel 41, Inc., 24 FCC 2d 603, 19 RR 2d 879 (1970); The Big Chief, 29 FCC 2d 154, 21 RR 2d 971 (1971); Lamar Life Broadcasting Co., 27 FCC 2d 224, 20 RR 2d 1162 (1971); Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970); Georgia Radio, Inc., 19 FCC 2d 779, 17 RR 2d 330 (1969); Sumiton Broadcasting Co., Inc., 14 FCC 2d 208, 13 RR 2d 1086 (1968).

²⁵ Arterburn's affidavit is attached to Athens Broadcasting's third supplement to its petition for leave to amend, filed May 25, 1972.

²⁶ A copy of the bankruptcy petition is attached to 3 J's comments, filed June 2, 1972.

²⁷ Compare our earlier memorandum opinion and order, supra, 27 FCC 2d 7, 20 RR 2d 1115, where we held that good cause for the late-filing of 3 J's September, 1970 petition to enlarge issues had not been shown.

casting's candor. See paragraph 12, supra. Ever since Athens Broadcasting filed its "notice of intention to amend application" on March 31, 1972, 3 J's has consistently requested Athens Broadcasting to supply complete and accurate information concerning the amendment. See note 5, supra. See also paragraph 6, supra. Athens Broadcasting responded to these requests by submitting no less than three supplements to its petition for leave to amend, which, in turn, was preceded by its March 31st "notice". While 3 J's may have chosen an inappropriate form of relief in originally requesting the Board to set a date for the filing of supplementary proposed findings and conclusions,²⁸ it was not, under the circumstances, dilatory in requesting enlargement of the issues by the Review Board on August 3d. However, even if the petition was not timely filed, we would consider the petition on our own motion because 3 J's allegations "present serious public interest considerations which merit our attention." "DuPage County Broadcasting, Inc.," 21 FCC 2d 395, 397, 18 RR 2d 321, 324, reconsideration granted in part and denied in part, 23 FCC 2d 22, 19 RR 2d 568 (1970). See "Charles W. Jobbins," 29 FCC 2d 849, 21 RR 2d 1205 (1971); "The Edgefield-Saluda Radio Co. (WJES)," 5 FCC 2d 148, 3 RR 2d 611 (1966).

18. There is no question that Athens Broadcasting has violated §§ 1.65 and 1.615 of the Commission's rules. The applicant admits as much. The question for us to determine is whether the violations are serious enough to warrant the addition of hearing issues inquiring into the violation. Addition of issues against Athens Broadcasting would necessarily entail a reopening of the record and a remand for further hearing in this already long-protracted proceeding. In this regard, we are aware of the doctrine of administrative finality and the important public policy of "orderliness, expedition, and finality in the adjudicating process." "Valley Telecasting Co. v. FCC," 118 U.S. App. D.C. 410, 413, 336 F.2d 914, 917, 2 RR 2d 2064, 2068 (1964). However, the doctrine is not a bar to a remand where the public interest demands a further hearing on the qualifications of a potential broadcast licensee. After all, "there is a public interest in administrative finality" and a "public interest" in the "selection of optimum applicants" for broadcast facilities. "Greater Boston Television Corp. v. FCC," supra, — U.S. App. D.C. at —, — F.2d at —, 23

²⁸ See paragraph 6, supra. In view of our determination herein to add issues against Athens Broadcasting, we need not rule on 3 J's' earlier request.

RR 2d at 2074.²⁹ The question in each case where the conflict arises is whether the need for finality outweighs the need for further hearing. "Valley Telecasting Co. v. FCC," supra. Cf. "Kidd v. FCC," 112 U.S. App. D.C. 288, 302 F.2d 873, 22 RR 2065 (1962); "The News-Sun Broadcasting Co.," 27 FCC 2d 61, 20 RR 2d 1084 (1970). Unnecessarily prolonged hearings are, ipso facto, not in the public interest. However, "merely because a further hearing will delay a final grant does not relieve the Commission of the obligation to make reasonably certain that the prospective broadcast licensee will operate the facility responsibly and in the public interest." "DuPage County Broadcasting, Inc.," supra, 23 FCC 2d at 25, 19 RR 2d at 572.³⁰ We believe that serious

²⁹ Greater Boston is cited by Athens Broadcasting in support of its argument that 3 J's petition should be dismissed out-of-hand. Greater Boston was a novel case involving a Commission request to the Court of Appeals to recall its mandate affirming the Commission's order awarding a television station construction permit to one of the applicants in the Boston, Mass., Channel 5 proceeding. In a lengthy decision (the slip opinion is 43 pages long), the court ultimately decided not to recall its mandate. While the court did speak of the "public interest in administrative finality", it also stated that the "finality [of a final administrative decision which has been reviewed and affirmed on court appeal] is dominant but not absolute * * * [D]octrines deeply rooted in equity jurisprudence permit a recall of an appellant mandate of affirmance to avoid an unconscionable justice growing out of misconduct undercutting the integrity of the administrative or judicial process". — U.S. App. D.C. at —, — F.2d at —, 23 RR 2d at 2081. (Emphasis added.)

³⁰ In DuPage County, the urgency for a final grant and the concomitant undesirability of a further hearing was, if anything, greater than the need at this time for a final grant in this case. In DuPage, two applicants were competing for Commission authorization to construct new standard broadcast stations in two Illinois communities. Consequently, a 307(b) determination had to be made. Neither community had a local commercial broadcast service; and each had a population of approximately 26,000 persons and 40,000 persons, respectively. Yet, despite the obvious need for a local broadcast outlet, the Commission rejected the argument that "the remand proceeding will seriously delay a needed first local transmission facility * * * and effectuation of the section 307(b) mandate will thereby be thwarted for an indefinite period." 23 FCC 2d at 23, 19 RR 2d at 570. Athens has a population of 12,103 persons (1960 U.S. census) and two local broadcast outlets (3 J's WYXI and Athens Broadcasting's WLAR). We do not mean to suggest that there is no need for a third broadcast outlet in Athens, but if the Commission could determine that a remand and further hearing was necessary in DuPage, we can certainly do the same here. Finally, we note that while this proceeding is now over 5 years old (see paragraph 1, supra), the DuPage case was designated for hearing on November 7, 1966, and the Commission's remand order was released on February 13, 1970, following a Review Board decision released August 29, 1969 (19 FCC 2d 250, 17 RR 2d 229).

questions have been raised as to whether Athens Broadcasting "will operate the (proposed Athens FM) facility responsibly and in the public interest."

19. In this case, we are confronted not simply with a situation involving an inexperienced broadcast applicant who, in an isolated instance, failed to comply with the Commission's reporting rules, but with an applicant for a second broadcast facility which has been a licensee for several years, which has always been represented by experienced communications counsel, and which has, among other things, admittedly violated two reporting rules. Of course, all applicants (novices and licensees alike) are expected to comply with the Commission's rules and regulations; when an existing licensee fails to do so, however, it raises questions of "licensee responsibility expected of the operator of a broadcast facility." "DuPage County Broadcasting, Inc.," supra, 21 FCC 2d at 398, 18 RR 2d at 325. In our opinion, Athens Broadcasting's violations of §§ 1.65 and 1.615 in failing to report until April 1972, the July 1971, transfers of stock from Helen Arterburn to her two sons are not, as the applicant argues, "minor" and "isolated". To the contrary, they are serious, and, when viewed in the context of the evidence already adduced in this case with regard to the "rate card" and "tower lighting" incidents (paragraph 4, supra), indicate the possibility of a pattern of carelessness and ineptitude by the applicant, an existing broadcast licensee. Compare Emerald Broadcasting Co., supra. None of the excuses afforded by the applicant mitigate the violations. The fact that the stock transfers did not constitute a transfer of control does not mitigate the significance of the violation. All stock transfers must be reported within 30 days, whether or not they involve a transfer of control.³¹ Next, the plea by the applicant (a broadcast licensee for several years), that "no principal of the applicant was aware of the Commission's requirements that the transfer be reported", indicates either ineptness and carelessness on the part of the applicant's principles, which would warrant an evidentiary inquiry in the particular circumstances of this case, or intentional misrepresentation, which would also warrant a further hearing. In this regard, we note that William Atkins, principal of the applicant and the general manager of its station until February of this year, has been involved in broadcasting for over 20 years. He became general manager of WIAR in 1957. In fact, Athens Broadcasting, in its exceptions to the first initial decision in this proceeding,

³¹ Rule 1.615 clearly states that a supplemental ownership report "shall include without limitation * * * any transaction affecting the ownership, direct or indirect, or voting rights of licensee's * * * stock, such as * * * a transfer of stock. * * *" (Emphasis added.)

vigorously argued that Atkins' experience in broadcasting was comparatively superior to that of John Frew, coowner and general manager of 3 J's station (WYXI). In addition, the applicant stated in its application for the FM station that it keeps on hand an up-to-date copy of the Commission's rules and regulations. If the applicant had consulted its copy of the Commission's rules and regulations which it states it had on hand—or sought the advice of its experienced communications counsel—it would have discovered that it was required to report the stock transfers. In light of all of these facts, it is difficult to accept Athens Broadcasting's claim that its principals are ignorant of the Commission's rules and regulations. In any event, this claim and others should be examined at an evidentiary hearing.

20. Third, although there may have been no "motive" to conceal the stock transfer, "there still remains the problem * * * that the applicant may be so inept and careless that it should not be entrusted with (another) license." "Beamon Advertising, Inc.," 1 RR 2d 285, 289, review denied FCC 63-1182, released December 27, 1963. In this regard, we believe it to be significant that the applicant failed to report the transfer for nearly 1 year when it had to be reported within 30 days.³² Finally, the fact that Athens Broadcasting voluntarily disclosed the change in ownership before another party discovered it is relevant, but does not excuse the violation. All of the cases cited by Athens Broadcasting in support of its position (note 24, supra) are clearly distinguishable. While all the cases differ on the facts, the common thread running through them as the isolated nature of the rule violation and the clear absence of a motive for concealment. In this case, the applicant concedes that it violated two Commission rules and the rules violations are clearly not isolated. Serious questions have already been raised in this proceeding concerning Athens Broadcasting's failure to accurately depict the 0.5 mv./m. contour of its AM station on a rate card distributed for several years to advertisers and its failure to comply with the Commission's rules and regulations with respect to tower lights. See our prior memorandum opinion and order, supra, 27 FCC 2d 7, 20 RR 2d 1115. A hearing has been held on those issues and a supplemental initial decision, excusing the applicant's conduct, has been released. See paragraph 4, supra. We need not decide now whether Athens Broadcasting is disqualified under the issues added in our prior memorandum opinion and order. The point is that in addition to the serious questions raised by 3 J's in 1970 concerning Athens Broadcasting's basic qualifications, more serious ques-

tions have now been raised concerning the applicant's qualifications.

21. The failure to report the stock transfers for almost 1 year is a serious matter. While the delay of a few days in reporting the corporate and managerial changes that occurred in February 1972 may not be as blatant, it does indicate a "pattern of carelessness and in advertence",³³ at least when viewed in the context of the failure to report the stock transfers. The "rate card" and "tower lighting" incidents provide further indication of a "pattern". Moreover, Athens Broadcasting has not revealed any of the facts and circumstances surrounding Williams Atkins' departure from the applicant. Atkins was the general manager of Station WLAR at the time of the rate card and tower lighting incidents. His candor at the third hearing has been called into question by both 3 J's and the Broadcast Bureau. Significantly, he was general manager of WLAR and an officer, director, and stockholder when Mrs. Arterburn gave 10 shares of her stock in the corporation to her sons. Therefore, an inquiry under the issues being added herein should also include the subject of Atkins' departure.³⁴

22. Finally, we believe that the inconsistencies between Athens Broadcasting's third supplement to its petition for leave to amend and Thomas Arterburn's petition in bankruptcy, reveal, at least, a case of confusion and carelessness in reporting the details of the bankruptcy proceeding to the Commission. Certainly, it was inaccurate for Arterburn—who was, after all, the bankrupt who petitioned for relief—to state, without reservation, that the "great majority of the liabilities stemmed from medical bills incurred as a result of (his wife's) operation." As 3 J's notes in its petition (and in its earlier comments, filed June 2, 1972), a copy of the bankruptcy petition shows that medical bills accounted for only a small portion of Arterburn's debts. They did not constitute a "great majority" of the debts, as Arterburn represented, but only a small minority. The majority of the liabilities were business debts. Yet, in the applicant's third supplement to its petition to amend, Arterburn certified that the above statement was "true, complete and correct to the best of his knowledge and belief and (was) made in good faith." Arterburn's explanation for the inconsistency—that "at the time he prepared the amendment * * * he did not

have a copy of the petition for bankruptcy * * *, but relied upon his memory when estimating the size of the hospital bill"—indicates that Arterburn was careless in the preparation of his affidavit and underscores the need for a hearing on Athens Broadcasting's qualifications to be the licensee of another radio station. It is well established that the Commission must rely on its licensees for complete and accurate information. This is the basic cornerstone of efficient government regulation. Cf. Report and Order on "Reporting of Changed Circumstances," 29 FR 15516, 3 RR 2d 1622 (1964). Here, it was only after 3 J's submitted comments on Athens Broadcasting's third supplement, that the applicant—an existing broadcast licensee—supplied the "true, complete and correct" information on the bankruptcy. In view of the apparent carelessness and ineptness in connection with the reporting failures noted above, and also in light of the tower lighting incident, we will add appropriate issues against Athens Broadcasting. "Beamon Advertising, Inc.," supra. Cf. Marvin C. Hanz," 22 FCC 2d 147, 18 RR 2d 830 (1970), review denied FCC 70-724, released July 13, 1970. The questions of misrepresentation and lack of candor will also be included because of the number of nondisclosures and misstatements made by the applicant.³⁵ "Cf. Glenn West," 23 FCC 2d 235, 19 RR 2d 29 (1970). All of the issues being added will inquire into the basic and/or comparative qualifications of Athens Broadcasting to be a Commission licensee.³⁶

3 J's' PAST BROADCAST RECORD

23. Finally, we come to the matter of 3 J's' past broadcast record. The second hearing in this proceeding was ordered by the Commission for the express purpose of inquiring into that record under the standard comparative issue. See paragraph 3, supra. The Hearing Examiner, in his cumulative initial decision, released July 29, 1970, concluded, in effect, that 3 J's' record was "unusually poor." In the Examiner's opinion, 3 J's' deviated substantially "from the norm of sound licenseehip." In reaching his ultimate conclusion, the Examiner found several flaws in 3 J's' record, including the filing of a false jurat with the Commission (which is a Federal crime), dissemination of a misleading survey, sloppy log keeping in violation of Commission rules, and broadcasting a lottery. See

³² Folkways Broadcasting Co., Inc., 26 FCC 2d 176, 179, 20 RR 2d 528, 534 (1970). See Beamon Advertising, Inc., supra.

³⁴ We have denied Athens Broadcasting's petition for leave to amend to reflect, among other things, the substitution of Thomas Arterburn for William Atkins as a principal of the applicant corporation. See paragraphs 9-11, supra. However, both Arterburn and Atkins will be treated as "principals" of Athens Broadcasting for the purpose of resolving the serious public interest questions being added. Cf. Rhinelander Television Cable Corp., 37 FCC 1071, 3 RR 2d 1014 (1964).

³⁵ There is insufficient basis in the record, however, to inquire into the narrow question of Atkins' candor at the third hearing.

³⁶ "Whether misconduct such as that (apparently) committed (by Athens Broadcasting) is of sufficient gravity to warrant the revocation or denial of renewal of a station license is not the critical issue here. We are not now concerned with the renewal or revocation of (WLAR's) station license, but with the question of whether (Athens Broadcasting) * * * should be entrusted with a second broadcast facility." DuPage County Broadcasting, Inc., supra, 21 FCC 2d at 397-98, 18 RR 2d at 324-25.

³³ While the transfer was voluntarily brought to the Board's attention on April 18, 1972, it was disclosed in haphazard fashion without any details. The first genuine report of the transfer was on May 5, 1972. See note 15, supra.

paragraph 3, supra. Exceptions to the cumulative initial decision are now pending before us. We need not decide at this time whether 3 J's record is "unusually poor" within the meaning of the term as used in the Commission's Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 398, 5 RR 2d 1901, 1911-13 (1965). See also East St. Louis Broadcasting, Inc., 9 FCC 2d 212, 10 RR 2d 859 (1967). Suffice it to say that the evidence already adduced in this proceeding raises serious questions as to whether 3 J's should be entrusted with a second broadcast facility in Athens, Tenn. In this regard, it is well settled that, "before a grant (of a broadcast license) may be found to be in the public interest, the Commission is entitled to have some reasonable assurance that the applicant will diligently exercise that degree of licensee responsibility expected of the operator of a broadcast facility, and past conduct of an applicant in the operation of a station must be accorded substantial weight." DuPage County Broadcasting, Inc., supra, 21 FCC 2d at 398, 18 RR 2d at 325. (Emphasis added.) Cf. Harvit Broadcasting Corp., 31 FCC 2d 876, 22 RR 2d 1062 (1971). Several of the incidents and violations e.g., the false jurat) are admitted by 3 J's, although it pleads that its record is not "unusually poor" because of mitigating circumstances. In our opinion, the serious questions raised by the record at the second hearing necessitate an examination into whether 3 J's is basically qualified to be a Commission licensee. Therefore, we will specify an appropriate disqualification issue on our own motion. Cf. Charles County Broadcasting Co., Inc., 25 RR 903, 906 (1963). The past broadcast record of 3 J's is not to be retried, however; the existing record is sufficient, in our view, upon which to base conclusions on the issue being added. However, if any of the parties wish to tender new evidence relating to 3 J's past broadcast record, they may do so at the remand hearing. The parties will, of course, be free to argue as they wish on whether 3 J's should be disqualified.²⁷

24. Accordingly, it is ordered, That the Petition for Leave to Amend Application, filed April 4, 1972, by Athens Broad-

²⁷ If the Examiner ultimately determines that neither Athens Broadcasting nor 3 J's should be entrusted with a second broadcast facility, then a comparative evaluation of the applicants would, of course, be unnecessary. For, although there are but two applicants for the only FM station in Athens, a license does not have to be issued to either. "(T)he appropriate consideration is what the public interest dictates. If that interest commands a withholding of the license from (both) applicants * * *, then the Commission must disallow the permit until qualified application is made * * *. (T)he prospect of a 'dark' channel is not nearly as disturbing as a channel allocation to an unqualified licensee * * *." WEBER, Inc. v. FCC, 136 U.S. App. D.C. 316, 320 n.2, 420 F.2d 158, 162 n.2, 16 RR 2d 2191, 2195 n.2 (1969). (Emphasis added.)

casting Co., Inc., as supplemented, is denied; and

25. It is further ordered, That the Motion to Make More Definite and Certain, and the Motion for Extension of Time, both filed April 10, 1972, by John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., are dismissed as moot; and

26. It is further ordered, That the Petition to Enlarge Issues, filed August 3, 1972, by John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., is granted; and

27. It is further ordered, That the record herein is reopened and the proceeding is remanded for the purpose of hearing evidence on the following issues:

(a) To determine whether Athens Broadcasting Co., Inc. complied with the provisions of §§ 1.65 and 1.615 of the Commission's rules, and, if not, the facts and circumstances surrounding such failure to comply.

(b) To determine whether there have been any false statements, misrepresentations, lack of candor, or nondisclosure of material facts in this proceeding by Athens Broadcasting Co., Inc. and/or its officers, directors or stockholders, and, if so, the facts and circumstances thereof.

(c) To determine whether Athens Broadcasting Co., Inc. and/or its officers, directors and stockholders have been negligent, careless or inept either in the operation of standard broadcast Station WLAR, Athens, Tenn., or in this proceeding, and, if so, the facts and circumstances thereof.

(d) To determine, in the light of the evidence adduced pursuant to the foregoing issues, the effect on Athens Broadcasting Co., Inc.'s basic and/or comparative qualifications to be a Commission licensee.

(e) To determine whether, in light of the evidence adduced at the second hearing in this proceeding concerning the past broadcast record of John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., the applicant may reasonably be expected to exercise diligently that degree of licensee responsibility required by the operator of a broadcast facility and whether the public interest would be served by permitting the applicant to acquire an additional broadcast authorization.

28. It is further ordered, That the burden of proceeding with the introduction of evidence on Issues (a)-(d) shall be upon John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co.; and that the burden of proof under issues (a)-(d) shall be upon Athens Broadcasting Co., Inc.; and

29. It is further ordered, That the burdens of proceeding and proof under Issue (e) shall be upon John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Company; and

30. It is further ordered, That the Administrative Law Judge shall issue a "Further Supplemental Initial Decision"

pertaining to all aspects raised under these additional issues.

Adopted: September 22, 1972.

Released: September 28, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,²⁸

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-17262 Filed 10-6-72; 8:52 am]

[Docket No. 19410, 19411; FCC 72R-272]

KEY BROADCASTING CORP. AND
SOUND MEDIA, INC.

Memorandum Opinion and Order
Enlarging Issues

In regard applications of Key Broadcasting Corp., Lexington Park, Md., Docket No. 19410, File No. BPH-6540; Sound Media, Inc., Leonardtown, Md., Docket No. 19411, File No. BPH-6886, for construction permits.

1. This proceeding involves the mutually exclusive applications of Key Broadcasting Corp. (Key) and Sound Media, Inc. (Sound) for a new Class A FM facility at Lexington Park and Leonardtown, Md., respectively. By order, FCC 72-78, 37 F.R. 2804, published February 5, 1972, the Commission designated this proceeding for hearing on various issues, including a section 307(b) issue and a contingent comparative issue. Presently before the Review Board for consideration is a petition to enlarge issues, filed February 22, 1972, by Sound, seeking the addition of misrepresentation and nondisclosure issues.²⁹

MISREPRESENTATION ISSUES

2. Initially, Sound asserts that Key has engaged in several misleading practices relating to the operations of its broadcast facilities and that these matters should be explored at the hearing.³⁰ Specifically, Sound contends that Key has falsely represented to the public that it operates an FM station in Lexington Park and, in support thereof, petitioner submits photographs of a trailer bearing a three-lined sign reading "WPTX, AM-FM, Lexington Park, Md." According to the affidavit of the photographer, the pictures were taken in December of 1971, at a shopping center in Lexington Park. Petitioner also alleges that Key misrepresents to the public and advertisers that its FM station is located in Baltimore, rather

²⁸ Berkemeyer and Nelson, Board Member Kessler concurring in the result only.

²⁹ Other related pleadings before the Board are: (a) Opposition, filed March 3, 1972, by Key; (b) erratum, filed March 10, 1972, by Key; (c) comments, filed March 15, 1972, by the Broadcast Bureau; and (d) reply, filed March 20, 1972, by Sound.

³⁰ Key is the corporate licensee of standard broadcast Station WPTX in Lexington Park, as well as Stations WBMD (AM) in Baltimore and WBMD-FM (now WKTK-FM) in Catonsville, Md.

than Catonsville, Md., the community of license. Submitted in support of this allegation is a sample of the licensee's stationery. The stationery depicts, as part of the heading, an eagle followed on the right by the call letters WBMD. Above the call letters is the word "Baltimore" with "AM-75, FM-105 · 24 hours a day" appearing below the call sign. Beneath the stations' frequency is the following description, "Key Broadcasting Corp., 5200 Moravia Road, Baltimore, Md."

3. In its opposition, Key alleges that following a modification of Station WPTX's authorized facilities, the trailer was purchased in January of 1969 with a view toward its use as an auxiliary studio in Waldorf, Md.; that inscriptions promoting the station's new AM facilities were printed on both sides of the trailer; and that, in order to minimize costs, the FM designation was also included in this sign.² Since Station WPTX's new AM and FM facilities were yet to be constructed, a "disclaimer sign," bearing the words "Coming Soon," was also obtained and placed atop the trailer, which was reportedly used at a Waldorf shopping center for a 3-month period in early 1969. According to Key, after it was decided not to establish an auxiliary studio in Waldorf, the trailer was moved to Lexington Park and placed in storage, where it has remained except for a 3-week period in December of 1971 when the trailer was used as a studio by a photographer to take pictures of children and Santa Claus at a Lexington Park shopping center. Key further contends that the photographer was directed to cover with his own promotional sign the WPTX AM-FM sign that was visible to the public;³ that to prevent its theft, the photographer removed his sign when he was not at the trailer; and that as a result of the photographer's unanticipated action, the WPTX AM-FM sign was exposed to public view at certain times during the period in question. Arguing that petitioner has misread its stationery, Key points out that the letterhead in question does not state that Station WBMD-FM is located in Baltimore. Key also explains that the Baltimore address set forth in the letterhead is simply intended to indicate that the main studios and business offices of both stations are located in that community. In Key's view, correspondence addressed to Station WBMD-FM, Catonsville, Md., "probably would not even arrive at the station."⁴

² At that time, Key's application was unopposed and remained so until September 29, 1969, at which date the Sound application was filed with the Commission.

³ Allegedly, the reverse side of the trailer was opposite a brick wall and Key did not consider it necessary to cover the other WPTX inscription.

⁴ Key also submits that petitioner has engaged in misleading advertising practices in its operation of standard broadcast Station WKIK, Leonardtown, Md. This accusation of misconduct, however, is improperly raised in a responsive pleading, does not form the basis for a requested issue, and is adequately rebutted by the material and affidavits submitted with Sound's reply pleading. Accordingly, based on the information presently before the Board, further consideration of this matter does not appear appropriate.

4. The Broadcast Bureau, in its comments, agrees with petitioner that the stationery in question raises an inference that Key is attempting to mislead the public and advertisers concerning the location of Station WBMD-FM.⁵ This inference is further strengthened, in the Bureau's opinion, by an excerpt from "Standard Rate and Data Service (SRDS)", which Key submitted to the Commission on September 23, 1971, in lieu of a rate card, for its FM facility. The trade publication incorrectly identifies Station WBMD-FM as a Baltimore station with the same Baltimore mailing address that Key used in its stationery. See paragraph 2, supra. Since SRDS continues to list Station WKTK-FM (formerly WBMD-FM) as a Baltimore station and since Key now uses stationery for Station WKTK-FM, which sets forth the aforementioned Baltimore mailing address and again fails to mention that the facility is licensed to Catonsville, the Broadcast Bureau submits that the requested issue is especially appropriate.⁷

5. In its reply, Sound posits that the only reasonable interpretation of the Station WBMD-FM letterhead is that Key's FM facility is located in Baltimore. In the same vein, petitioner argues that the "Coming Soon" sign, which Key used at the Waldorf shopping center, was not sufficiently related to the FM designation to alter the false impression that Station WPTX also had an FM outlet. Sound also submits a March 14, 1972, affidavit of its vice president, who avers that on at least five separate occasions he personally saw the WPTX AM-FM sign fully exposed during the day at the Lexington Park shopping center.⁸ Finally, petitioner contends that the trailer was not out of public view when it was not being used and, in support thereof, Sound submits an August 1, 1971, photograph showing the trailer stored outside the Station WPTX studio with the sign in question uncovered.

6. The Review Board believes that the requested issue relating to Key's use of the WPTX AM-FM sign should be denied. That Key acted presumptuously when it obtained the WPTX AM-FM sign is without question; however, affirmative steps were taken by the applicant to forestall an impression that it was the license of an FM facility in Lexington Park, Md. That other, perhaps more effective steps, could have been taken does not detract from the reasonableness of Key's actions. We have no reason to question (and none is proffered by petitioner) the sworn representations of Key that it instructed the photographer to cover the WPTX AM-FM sign and that

⁵ The Bureau also maintains that the Board would be justified in adding an appropriate issue concerning Key's use of the WPTX AM-FM sign.

⁷ Copies of a March 1, 1972, excerpt from SRDS and a March 2, 1972 correspondence from the applicant are attached to the Bureau's pleading.

⁸ Based upon other information that he believed to be true, the affiant also states that the WPTX AM-FM sign was uncovered "at all times regardless of whether Santa Claus was in the trailer or not."

this directive was unanticipated by the the photographer's failure to adhere to applicant. The fact that Key apparently neglected to cover the sign in question when the trailer was in storage does not persuade the Review Board, under the circumstances of this case, that an issue concerning the matter is warranted. We do believe, however, that a substantial question has been raised with respect to whether Key has attempted to mislead the public and advertisers as to the location of Station WBMD-FM (now WKTK-FM), and the inclusion of an issue in this regard appears appropriate. As the Commission has stated: "(F)ull disclosure, as to both coverage and location, is essential in conforming to the standard of candor required by licensees". "Universal Communications of Pittsburgh, Inc.," 21 FCC 2d 542, 18 RR 2d 491 (1970). Key's use of stationery with a letterhead, which contains no reference, direct or otherwise, to WBMD-FM's specified station location and which lists a mailing address in a community other than the station's community of license, does not appear to comport with the Commission's standard of full disclosure. See "Century Broadcasting Corp.," 30 FCC 2d 733, 22 RR 2d 221 (1971); and "Gulf Television Co. (KGUL-TV)," 20 FCC 734, 775-76, 12 RR 447, 473 (1956). And Key has not attempted to substantiate its contention that the use of a Baltimore mailing address in Station WBMD-FM's stationery is necessary to ensure mail delivery. Based upon the materials submitted by the Broadcast Bureau, a serious question is also raised, in the Board's view, concerning Key's responsibility for SRDS's identification of the station as a Baltimore, rather than a Catonsville facility.⁹ The Review Board will, therefore, add an appropriate issue to permit the full exploration of these matters at the hearing.

NONDISCLOSURE ISSUE

7. The Key application, which was filed on November 22, 1968, does not contain a completed section II of FCC Form 301. Rather, the applicant refers the Commission to the "station file (for) WBMD, Baltimore, Maryland," and directs the Commission's attention to the ownership reports (FCC Form 323), submitted with respect to Stations WBMD, WBMD-FM, and WPTX, for "the most recent data on ownership and additional broadcast interests". As part of its application, Key also submits excerpts from the March 22, 1968 and June 20, 1966 ownership reports of Station WBMD-FM and Station WBMD, respectively. In support of the requested nondisclosure issue, Sound maintains that the Key application does not reflect the ownership interest (6.8 percent) of D. Ridgely Bolognino, a Key principal, in Drexel Hill As-

⁹ It is not specifically alleged that the licensee supplied the incorrect information used in the trade publication; however, we cannot conclude that Key was unaware of the erroneous station location listing in view of the licensee's use of the SRDS material. See paragraph 4, supra.

sociates, Inc. (Drexel Hill), the licensee of Stations WMTR and WDHA-FM, Morristown and Dover, N.J., respectively. Since various ownership reports filed with the Commission by Drexel Hill and by Key conflict with respect to Bolgiano's interest in Key, petitioner suggests that the applicant may also have been remiss in apprising the Commission of changes affecting its ownership as required by § 1.615.

8. Key opposes the request, contending that its ownership reports clearly and accurately set forth D. Ridgely Bolgiano's 0.6-percent ownership interest, as well as his cotrusteeship of various trusts, which hold in the aggregate, an additional 16.2 percent interest in the corporate applicant.¹⁰ Key further alleges that Bolgiano's association with Drexel Hill was reported in the June 1966 ownership report and the June 1969 renewal applications which Key submitted on behalf of its stations. It is conceded, however, that fluctuations in Bolgiano's interest in Drexel Hill and that corporate licensee's acquisition of Station WMTR were not disclosed in the station files to which Key referred in its application.¹¹ While "something in passing" was said by Bolgiano concerning the acquisition of Station WMTR, the officers of Key were allegedly unaware of their obligation to amend Key's reports to reveal the November 1970 assignment of that station. Assertedly, affirmative steps have been taken by counsel to keep future reports of Drexel Hill and the applicant accurately cross-referenced.

9. The instructions, which accompany FCC Form 301, state at paragraph E that: "(I) nformation called for by this application which is already on file with the Commission * * * need not be refiled in this application" provided, *inter alia*, that specific reference is made to the document containing the relevant information. While Key's reference to the ownership reports submitted on behalf of its stations did not fully comport with the required specificity, the June, 1966 reports filed for Stations WBMD and WPTX do provide a specific and adequate description of D. Ridgely Bolgiano's ownership interest in Station WDHA-FM. Compare "Bangor Broadcasting Corp.," 33 FCC 2d 677, 23 RR 2d 711 (1972). Admittedly, fluctuations in Bolgiano's interest in Drexel Hill were not reflected in the Key application; however, no inquiry appears warranted since it has not been shown that these changes were substantial and, therefore, reportable under

¹⁰ Bolgiano is also a director of Key, whose participation in the applicant's affairs is reportedly limited to attending the directors' bimonthly meetings.

¹¹ In its supplemental pleading, Key submits a February 28, 1972 amendment to the Commission's ownership files, describing Bolgiano's relationship with Drexel Hill (director, secretary and 6.8-percent stockholder) and identifying the broadcast interests of that licensee.

§ 1.65.¹² See "Lawrence County Broadcasting Corp.," 15 FCC 2d 910, 15 RR 2d 482 (1969). On the other hand, Key's failure to amend its application to reflect the acquisition of Station WMTR by Drexel Hill clearly contravened the provisions of § 1.65. See "James E. Reese," FCC 72-423, 37 F.R. 10610, published May 25, 1972; "Bangor Broadcasting Corp.," *supra*. Notwithstanding the applicant's claim that the omission was inadvertent and unintentional, Key had, in initially amending its ownership reports to reflect Bolgiano's relationship with Station WDHA-FM, demonstrated an awareness of its responsibilities in this regard. In any event, the question of intent may be explored under the § 1.65 issue being specified herein.¹³

10. Accordingly, it is ordered, That the petition to enlarge issue, filed February 22, 1972, by Sound Media, Inc., is granted to the extent indicated below, and is denied in all other respects; and

11. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Key Broadcasting Corp. has, in its stationery and in a trade publication, misrepresented to the public and advertisers the station location of Station WBMD-FM (now Station WKTK-FM) and, if so, the effect thereof upon the basic and/or comparative qualifications of the applicant.

To determine whether Key Broadcasting Corp. has failed to comply with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in the matter specifically referred to in this Memorandum Opinion and Order and, if not, to determine the effect of such noncompliance on the basic and/or comparative qualifications of the applicant.

12. It is further ordered, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Sound Media, Inc., whereas the burden of proof thereunder shall be on Key Broadcasting Corp.

Released: September 29, 1972.

Adopted: September 27, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-17263 Filed 10-6-72; 8:52 am]

¹² In the same vein, the Board finds that petitioner's charge of a possible § 1.615 violation is largely speculative and sufficiently answered in Key's responsive pleading.

¹³ Although Key has amended its ownership reports on file with the Commission, the Board notes, in passing, that the requirements of § 1.65 are not satisfied by such notification. Rather, as we pointed out in *Folkways Broadcasting Co., Inc.*, 26 FCC 2d 175, 178, 20 RR 2d 528, 532 (1970): "[A]ny subsequent changes of a substantial and significant nature must be reported by amending the pending application or by furnishing a statement for the record containing the appropriate information".

[Dockets Nos. 19594-19595; FCC 72-851]

MENTER RADIO SERVICE AND TEL-PAGE CORP.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In regard applications of: Alfred Menter, doing business as Menter Radio Service, Fulton, N.Y., Docket No. 19594, File No. 7083-C2-P-71, for a construction permit to establish a new one-way signalling station in the Domestic Public Land Mobile Radio Service at Fulton, N.Y.; Tel-Page Corp., Jamesville, N.Y., Docket No. 19595, File No. 825-C2-P-72, for a construction permit to establish additional one-way signalling facilities for Station KRH631 in the Domestic Public Land Mobile Radio Service at Jamesville, N.Y.

1. The Commission has before it for consideration the above-captioned applications to establish one-way signalling facilities in the Domestic Public Land Mobile Radio Service (DPLMRS). Since both applicants propose to operate radio stations on the same radio frequency and in the same general geographical area, the applications are considered mutually exclusive because of potentially harmful electrical interference. The applications must, therefore, be designated for a comparative evidentiary hearing to determine whether the public interest, convenience, and necessity would be better served by a grant of either the application of Alfred Menter, doing business as Menter Radio Service (Menter), or the application of Tel-Page Corp. (Tel-Page). "Ashbacher Radio Corp. v. FCC," 326 U.S. 327 (1945).

2. It appears from the Menter application that Menter Radio Service is personally owned by Alfred Menter whose place of business is at 706 South First Street, Fulton, N.Y. Mr. Menter is engaged fulltime in the ambulance service in the Fulton, N.Y. area, and has a business interest in the Oswego County Ambulance and Hearse Service, which is the licensee of Business Radio Station KRM591. Fulton, N.Y., is located in Oswego County about 20 miles northeast of Syracuse, and has a population of approximately 16,000. In addition to Fulton, Menter proposes to serve the Phoenix and Oswego, N.Y., areas with populations of 9,000 and 20,000 respectively (Application, Exhibit 10).

3. Menter proposes to operate a new tone-only and tone-plus-voice paging service from a base station 0.4 mile northeast of Fulton, and controlled from his present place of business at 760 South First Street in Fulton. The Menter application alleges a need for the proposed service based upon a request from Lee Memorial Hospital for a paging system to enable the hospital staff, not only to contact its physicians in case of emergency when they are away from the hospital, but also to page the nurses within the hospital without resorting to a patient-disturbing wired intercom system.

Other business establishments which have been surveyed and have expressed a need for the service are: Nestles Chocolate Co.; six funeral directors; eight attorneys; and Sealright Corp. The station proposed by Menter would operate initially 16 hours a day, 7 days a week; but would expand its operation to 24 hours if there should be sufficient future demand for its proposed service (Menter Application, Exhibit 10).

4. Maintenance and repair of the facilities proposed by Menter would be provided on a 24-hour basis by Leo-Mac Radio Service, Inc. of Syracuse, N.Y.; and it is estimated that it will require approximately 2 hours for service personnel to reach the base station transmitter (Menter Application, Exhibit 7). Mr. Menter would be responsible for the operation of the proposed system on a day-to-day basis; and the Menter application also states that he will have four employees who will devote 4 hours a day each to "develop, achieve, and maintain the best possible service to their subscribers." In addition, Menter will do its own dispatching (Menter Application, Exhibit 8). The Menter application also states that Mr. Menter will spend approximately 8 hours a day at the proposed facility; but when he is not at the station he would be in "constant touch" with the station by telephone. He will also institute a training program to insure that all employees of the station "are fully versed with all the applicable FCC rules and regulations concerning the proposed operation," and "that common carrier matters should be given priority over noncommon carrier matters." In addition, all proposed subscribers will be members of the public (Menter Application, Exhibit 9).

5. Menter's financial qualifications are stated to consist of current assets of \$24,011.16 of which nearly \$11,000 is cash on hand or in banks. Current liabilities are only \$30; and capitalization is \$110,164.54. (Balance sheet dated April 30, 1971 (unaudited), Menter Application, Exhibit 6.) Since the total cost of the proposed facilities is estimated to be \$4,618 (Menter Application, Item 47), the financial resources of Menter appear to be completely adequate to meet the construction expenses of the proposed facility, and to operate it for a year; and we, therefore, find Menter to be financially qualified to construct the station proposed in his application.

6. Menter proposes to operate a General Electric type ET-55A transmitter with an input/output power of 180/100 watts and two emissions, 15F2 and 16F3 on 35.22 MHz. The transmitter would be located 0.4 mile northeast of Fulton, N.Y. The antenna will be mounted on a 60-foot tower, with a 9-foot unity gain antenna. It would appear, therefore, in consideration of all the foregoing that Menter is financially, legally, and technically qualified to construct and operate the proposed station.

7. Tel-Page is a corporation which is the licensee of two-way Radio Station KRH643 and one-way signalling station KRH631, both operating in the

DPLMRS in Syracuse, N.Y. The Tel-Page application proposes a Motorola type CC-1044-C transmitter with an input/output power of 500/330 watts with 15F2 emission on 35.22 MHz, located at Jamesville, N.Y. Jamesville is approximately 6 miles southwest of the center of Syracuse.

8. Tel-Page is, also, the licensee of 13 radio stations in the DPLMRS in northern New York State, and one in Rutland, Vt. In addition, Tel-Page is the licensee of Public Coast Station KLU788 in Rochester, N.Y. The principal office of Tel-Page is in Rochester, N.Y.; and its principal stockholders appear to be Salvatore J. Albano (President), Donald J. Lemon, Angel S. Grande, Frank A. Dimino, and James Lustumbo. (FCC File 4245-C2-P-69, Station KRH631, Exhibit 3.)

9. While the technical and legal qualifications of Tel-Page to be a licensee do not appear to offer any problem, the matters of financial qualification to construct the proposed station, as well as the showing of need, pose questions which, we believe, require some extended consideration. The Tel-Page application estimates the cost of establishing the proposed one-way signalling facilities at \$5,500 of which 10 percent would be the downpayment with the balance paid over a 60-month period, per a standard Motorola Lease-Purchase Agreement. Operating costs appear to be low, because Tel-Page proposes to use existing operational and maintenance staffs for the new facilities. (Application, Exhibit 4.) Tel-Page appears to have an adequate line of credit with Associates Capital Services Corp., Chicago, Ill. The line of credit has apparently existed since 1968, and is for use by Motorola Communications and Electronics, Inc. in discounting leases or contracts for Motorola radio equipment which was ordered from it by Tel-Page. This line of credit was apparently increased by \$500,000 in February 1971. (Tel-Page Application, Exhibit 3.) Our general rule of financial qualification is to insure that the applicant has sufficient funds to cover the cost of constructing the proposed facilities and operating them for a year; and upon full consideration of all the financial data available to us we find Tel-Page financially qualified. While the balance sheet submitted by Tel-Page discloses total current assets of \$56,087.74, as of March 31, 1971, and a retained earnings deficit of \$157,387.32, nevertheless net income for Station KRH631 from DPLMRS operations for the year 1971 was \$6,700 with net income from all sources stated to be \$6,613. (Annual Report for 1971 (Form L) filed April 20, 1972.) In addition, Tel-Page's net income from DPLMRS operations for all 14 of its stations was stated in another annual report (Form L) filed the same date, to be \$32,687, with a net income from all sources of \$13,712. Considering the cost of the new facilities (\$5,500) and the financing terms, which require a downpayment of only \$550, and repayment of the loan over a 60-month period, as well as the above-described sources

of income available to Tel-Page we find Tel-Page to be legally, financially, and technically qualified.

10. In Exhibit 4 to its application, Tel-Page states that there is a "significant need for a tone-only paging facility in the greater Syracuse area;" and that the proposed station looks toward meeting that demand in the Jamesville-Syracuse area. The exhibit also states that the proposed station would be used exclusively for tone-only paging with its presently licensed one-way signalling station reserved for tone-plus-voice paging.¹ At the time of filing the application (August 1971) Tel-Page was serving over 20 tone-only units on the Guard-band channel, but it expected to be serving 100 tone-only subscribers within a year from that date. However, in March 1972 in response to a Commission letter raising questions about the showing of need for the additional one-way signalling channel, Tel-Page informed the Commission that it had 42 paging units in service on its one-way signalling channel, of which 13 were of the tone-only type (Letter, Tel-Page to FCC, dated March 31, 1972). Tel-Page submitted a channel loading study to the Commission on May 18, 1972, which discloses that Tel-Page has no "held orders" for one-way signalling service; that there are four subscribers using 13 units who would be moved from the high-band (158.70 MHz) paging channel to the low-band (35.22 MHz) channel; and that Tel-Page has received inquiries from "several persons" in the area indicating interest in the tone-only service, if Tel-Page is licensed to provide it. The Channel Loading Study dated April 26, 1972, shows Tel-Page serving 51 pagers with the peak hour from 10 a.m. to 11 a.m. During that time 24 pager calls were tabulated, using a total time of 12 minutes. It would appear that there is a substantial question as to which applicant has the greater need for a one-way signalling channel. We will, therefore, include issues regarding the needs of Tel-Page and Menter for their proposed facilities.

11. Accordingly, in view of the foregoing: *It is ordered*, Pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, that the captioned applications of Alfred Menter, doing business as Menter Radio Service, and Tel-Page Corp. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the nature and extent of services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

2. To determine the total area and population to be served by Alfred Menter, doing business as Menter Radio Service, within the 43-dbu contour of his proposed station, based upon the standards set forth in § 21.504 of the FCC rules and

¹ Station KRH631, Jamesville, N.Y., operating on 158.70 MHz, a "Guardband" channel.

regulations; and to determine the need for his proposed service in that area.²

3. To determine the total area and population to be served by Tel-Page Corp. within the 43-dbu contour of its proposed station based upon the standards set forth in § 21.504 of the FCC rules and regulations; and to determine the need for the proposed service in that area.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience, and necessity.

12. *It is further ordered*, That the burden of proof upon Issue 3 is upon Tel-Page Corp.; the burden of proof upon Issue 2 is upon Alfred Menter, doing business as Menter Radio Service; and the burden of proof upon Issues 1 and 4 is upon both applicants.

13. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C. at a time and place, and before an administrative law judge, to be specified in a subsequent order.

14. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to this proceeding.

15. *It is further ordered*, That interested parties may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: September 27, 1972.

Released: October 3, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-17261 Filed 10-6-72; 8:52 am]

[Docket Nos. 18791, 18792; FCC 72 R-268]

WTAR RADIO-TV CORP. (WTAR-TV) AND HAMPTON ROADS TELEVISION CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of WTAR Radio-TV Corp. (WTAR-TV), Norfolk, Va., Docket No. 18791, File No. BRCT-54, for renewal of broadcast license; Hampton

Roads Television Corp., Norfolk, Va., Docket No. 18792, File No. BPCT-4281, for construction permit for new television broadcast station.

1. This proceeding involves the application of WTAR Radio-TV Corp. (WTAR) for renewal of license of its television broadcast station WTAR-TV, operating on Channel 13 in Norfolk, Va., and the mutually exclusive application of Hampton Roads Television Corp. (Hampton Roads) for a construction permit to establish a new television broadcast station operating on the same channel in Norfolk. By order FCC 70-97, 21 FCC 2d 234, released January 27, 1970, the Commission designated the applications for consolidated hearing on, inter alia, the standard comparative issue. By Memorandum Opinion and Order, 31 FCC 2d 812, 19 RR 2d 661, released July 20, 1971,¹ the Review Board added, inter alia, a cross-interest issue against WTAR and its parent corporation, Landmark Communications, Inc. (Landmark).² The applications were redesignated for hearing by Commission Order, FCC 72-142, released February 24, 1972. Presently before the Review Board is a petition to enlarge issues, filed March 16, 1972, by Hampton Roads,³ seeking the addition of § 1.514(a), § 1.65, and false swearing issues against WTAR.⁴

RULE 1.514(a) AND RULE 1.65 ISSUES

2. In support of its request for the addition of §§ 1.514(a) and 1.65 issues, Hampton Roads claims that WTAR failed in its application to disclose to the Commission all of the media and business interests of its parent corporation, Landmark, and to report business interests subsequently acquired by Landmark and P. S. Huber, Jr., an officer and director of both WTAR and Landmark. With respect to the § 1.514(a) issue, Hampton Roads asserts that WTAR's reporting of Landmark's then-existing CATV interests in WTAR's renewal application is "vague, imprecise and fails to reveal the pertinent facts." According to Hampton Roads, WTAR reported Landmark's CATV interests as follows: "Landmark Communications, Inc. also owns Tele-Cable Corp. which is engaged, through

¹ Review denied FCC 70-1251, released December 7, 1970.

² The issue reads as follows: To determine whether interests of principals (including stockholders, officers, and directors) of Landmark Communications, Inc., the parent company of WTAR Radio-TV Corp., would contravene the provisions of § 73.636(a) of the Commission's rules and/or the Commission's policy proscribing cross-interests in stations in the same broadcast service and serving substantially the same area.

³ As a result of the Commission's redesignation order, the petition will be considered as timely filed. See WPIX, Inc., 34 FCC 2d 419, 24 RR 2d 59 (1972), review denied FCC 72-616, released July 19, 1972.

⁴ Also before the Review Board are: (a) Broadcast Bureau's comments, filed March 29, 1972; (b) opposition, filed March 29, 1972, by WTAR; (c) response to (a), filed March 31, 1972, by WTAR; (d) reply, filed April 10, 1972, by Hampton Roads; and (e) supplement to (c), filed April 18, 1972, by WTAR.

subsidiary corporations, in the operations of community antenna television systems in several communities in West Virginia, Alabama, and North Carolina." In "Media, Inc.," 22 FCC 2d 875, 18 RR 2d 1175 (1970), reviewed denied FCC 70-1106, released October 7, 1970, petitioner maintains, the Review Board held that the reporting of a CATV "headend" was inadequate and that each community served by the system must be identified separately. Hampton Roads argues that WTAR's failure to disclose Landmark's ownership of CATV systems in Roanoke Rapids, N.C.; Beckley and Princeton, W. Va.; and Auburn-Opelika, Decatur and Selma, Ala.,⁵ is a more serious omission than failure to report communities served by a CATV "headend"; therefore, these systems should have been individually listed in the application form and WTAR's failure to do so warrants, in petitioner's view, addition of a § 1.514(a) issue. The requested Rule 1.65 issue is premised on subsequently-acquired CATV systems by Landmark as well as the failure to report the acquisition of newspaper interests. In particular, Hampton Roads asserts that WTAR failed to report after-acquired interests in CATV systems in Wytheville, Va.; Columbus, Ga.; Bloomington, Ill.; Kokomo, Ind.; Overland Park, Kans.; and Racine, Wis. Petitioner further argues that WTAR failed to amend its application to reflect the acquisition by Landmark of two daily newspapers in Roanoke, Va. (the Roanoke "Times" and the Roanoke "World-News") and a semi-weekly newspaper in Galax, Va. (The Galax Gazette). Also, petitioner contends, WTAR did not report Landmark's acquisition of a shopping center in Roanoke, Va.⁶ A § 1.65 issue is further warranted, according to Hampton Roads, because WTAR did not fully report media interests held by P. S. Huber, Jr. in Media General, Inc. (Media General). Huber is vice president and director of Media General and owns 1,365 Class B (voting) and 10,970 Class A (nonvoting) shares of stock in the company. Hampton Roads claims that Media General's interests which are not reported in WTAR's application are: (1) Its two daily newspapers in Winston-Salem, N.C.; (2) a CATV system in Lakeland, Fla.; (3) two newspapers in Newark, N.J.; and (4) an AM-FM combination also in Newark. Failure to report these interests is significant, petitioner argues, because of their close proximity to one another. For example, in Greensboro-Winston-Salem-High Point, N.C., Landmark owns the only newspaper in Greensboro and television station WFMY-TV, Channel 3, Greensboro; therefore, Hampton Roads maintains, failure to report these media

⁵ To support its factual allegations, petitioner relies on the 1971-72 Services Volume of Television Factbook, p. 685a; and the 1971 Broadcasting Yearbook, p. A-106.

⁶ To support these allegations, Hampton Roads relies on an article, published on October 30, 1969, in the Norfolk Ledger-Star. A copy of the article is attached to the petition.

² Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above 1 microvolt per meter as the limit of the reliable service area for base stations engaged in the 1-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing both the location of the service contours and the areas of harmful interference for the facilities involved in this proceeding.

³ Commissioner Johnson concurring in the result.

interests has a substantial bearing on the cross-interest issue in this proceeding (see note 2, supra). Finally, Hampton Roads contends, failure to report these interests raises "grave character qualification questions" and demonstrates a pattern of ineptness and carelessness by WTAR.

3. The Broadcast Bureau supports addition of the requested issues. The Bureau claims that a study by it of the docket in this proceeding reveals that many of the CATV systems owned by Landmark and its subsidiaries and noted by Hampton Roads in its petition have not been reported in WTAR's application. The Bureau, upon checking the Commission's CATV files, states that it discovered that a CATV franchise was secured by Racine TeleCable Corp.⁷ for Racine, Wis., on January 10, 1969, and that on March 6, 1969, TeleCable Corp. filed a letter of notification pursuant to § 75.1105 of the Commission's rules that it would commence operation of a CATV system in Wytheville, Va., no earlier than April 7, 1969. Both of these acquisitions occurred prior to WTAR's filing of its renewal application on June 30, 1969, and were not disclosed in its application; therefore, the Bureau argues, a § 1.514 issue is warranted with respect to these interests. According to the Bureau the following subsidiaries of TeleCable Communications acquired CATV systems after the renewal application was filed: TeleCable of Columbus, Inc., Columbus, Ga.; Overland Park TeleCable Corp., Overland Park, Kans.; and TeleCable of Kokomo, Kokomo, Ind.⁸ In further support of the requested issues, the Bureau notes the Commission's concern for the "cumulative future effect of greater penetration of CATV systems franchised or applied for but not yet in operation", citing the "Second Report and Order" in Dockets Nos. 14895, 15233 and 15971, 2 FCC 2d 725, 744, 6 RR 2d 1717, 1744 (1966). Finally, the Bureau urges that a Rule 1.65 issue is also warranted in this proceeding.

4. In opposition, WTAR argues that the renewal application form (FCC Form 303) only required it to disclose that Landmark owns TeleCable Corp. WTAR insists that the form did not require it to list each and every CATV system and its location.⁹ WTAR therefore contends that it has not failed to disclose its business interests and that Hampton Roads' reliance on Media, Inc., supra, is misplaced. WTAR insists that Media can be distinguished from the instant case because in Media, the applicant had failed to update its application to reflect all of its broadcast interests, as expressly required by section II, paragraph 19, of FCC Form 301—the application form for new broadcast stations.

⁷All the corporations mentioned by the Bureau are subsidiaries of TeleCable Communications, which is owned by Landmark.

⁸The Bureau asserts that the Kokomo system did not commence operation until after the filing of the renewal application; however, the Bureau states that it is unclear when the franchise was obtained. Therefore, it believes that either a § 1.514 or § 1.65 issue, or both, may be necessary.

According to WTAR, there is no comparable question in Form 303, the renewal application. As far as the § 1.65 issue is concerned, WTAR takes the position that if it was only required to report Landmark's ownership of TeleCorp and nothing more, then it was not required to update the application to reflect new acquisitions by TeleCorp. WTAR further argues that Hampton Roads is attempting to conceal that it had previously requested a § 1.65 issue against WTAR which was denied by the Review Board in its memorandum opinion and order, released July 20, 1970, supra, 31 FCC 2d at 826, 19 RR 2d at 678-679.¹⁰ (See paragraph 1, supra.) WTAR avers that the § 1.65 issue requested in 1970 was also premised on WTAR's alleged failure to report Landmark's acquisition of the Times World Corp. (owner of the two Roanoke, Va., newspapers, a semiweekly newspaper in Galax, Va., and a shopping center in Roanoke) and that the Board did not add an issue because the information was already before the Commission and there was no attempt by WTAR to conceal the information from the Commission.¹¹

5. In a separate pleading, WTAR specifically responds to the Broadcast Bureau's support of Hampton Roads' request for §§ 1.514 and 1.65 issues. WTAR argues that the Bureau is reversing its earlier position in this proceeding when it opposed Hampton Roads' previous request for a § 1.65 issue. The Bureau, WTAR continues, then argued that

* WTAR quotes from the instruction on Form 303 with respect to the applicant's business and media interests: "List below other businesses in which the applicant or any officer, director, or principal stockholder (any person owning 25 percent or more of applicant's stock) has a 25 percent or more interest. List also any radio station other than the station which is the subject of this application in which any of the named persons have any interest, and the nature and extent of their interest in the broadcast station."

¹⁰In denying the request for a § 1.65 issue, the Board stated: Hampton Roads also requested a § 1.65 issue based on the same alleged failure of WTAR to reflect the ownership of Landmark Securities, etc. In its comments, the Bureau notes that such information had been effectively incorporated in the pending renewal application and that, therefore, such an issue was not warranted. In its reply petitioner renews its requests based on WTAR's alleged failure to show Landmark's acquisition of the Roanoke newspapers and its principals' other broadcast interests in the Norfolk and Roanoke areas through their VNB participation. Since other information had been before the Commission, albeit in other contexts, prior to designation here, since there has been no apparent intention to conceal such information from the Commission, and since the actual effect of such interests is still in doubt in this renewal proceeding, we are not predisposed to add a requisite § 1.65 issue. 31 FCC 2d at 826 n. 30, 19 RR 2d at 678-79 n. 30.

¹¹On April 18, 1972, WTAR submitted a supplement to its opposition which states that the hearing Examiner, on April 14, 1972, instructed WTAR to list "the locations of all the CATV systems owned and operated by TeleCable Corporation" and other media owned by WTAR, its officers, and directors. WTAR states that it will supply the requested information.

"it is clear that WTAR has complied fully with Commission requirements by supplying the information called for by Form 303 and the Commission's rules", quoting from Broadcast Bureau's Comments on Petition to Enlarge Issues, filed April 17, 1970. WTAR concedes that Hampton Roads' previous request was "not entirely the same"; however, respondent claims that the reasoning behind the denial of that request is applicable here.¹²

6. At the outset, we must reject WTAR's argument that Hampton Roads' petition is procedurally deficient in that it again requests a § 1.65 issue against WTAR. The Board's previous denial of a request by Hampton Roads to add a § 1.65 issue against WTAR does not preclude the Board from considering the present request. The two petitions are premised on essentially different facts. Thus, Hampton Roads' previous request for a § 1.65 issue was made in conjunction with its request for a § 1.65 (a) (3) (iv) issue which was premised on WTAR's alleged failure in its application to report the owners of Landmark Securities¹³ and those owners' other broadcast interests. The Board denied the request for a § 1.615 issue¹⁴ because WTAR had filed an ownership report setting forth the names of the principals and their broadcast interests; consequently, a § 1.65 issue was not deemed to be warranted with respect to the alleged failure to report the owners and their interests. Also, we did not believe that a § 1.65 issue was warranted to explore Landmark's acquisition of two Roanoke newspapers because we did not know the effect these interests would have on this proceeding. (See note 10, supra.) As noted above, the present request for a § 1.65 issue by Hampton Roads is premised on grounds factually different from the earlier request. In short, the instant petition concerns WTAR's alleged failure to disclose the ownership interests of the owners and principals of WTAR in other media (CATV systems, radio and television stations, and newspapers). The request stands alone and is not associated with any other requested issue. Having determined that the instant petition is not procedurally infirm, we will now proceed to the merits.

7. Commission § 1.514(a) states that each applicant must "include all information called for by the particular form on which the application is required to be filed * * *". In our opinion, encompassed within section 1, paragraph 7, of

¹²In its reply pleading, Hampton Roads reasserts many of the same arguments it advanced in its petition. In addition, it requests a concealment and misrepresentation issue because of WTAR's alleged continued failure to disclose its own media interests.

¹³Landmark Securities is a holding company which owns Landmark Communications.

¹⁴Rule 1.615 requires an applicant to file ownership reports. Rule 1.615(a) (3) (iv) specifically requires the applicant to set forth in the ownership report the identity and interest of any party who has "any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock."

FCC form 303, the renewal application, is the requirement that the applicant report not only its ownership of a corporation or corporations which own CATV interests—franchises and operating systems—but also the names and locations of each system. The Commission in TV Signal Company of Aberdeen, 23 FCC 2d 603, 19 RR 2d 298 (1970),¹⁵ held that it was "not subject to debate" that renewal applicants must report the ownership of operating CATV systems on FCC Form 303. The Commission also held in Aberdeen that a renewal applicant must report the ownership of CATV franchises. In Media, Inc., supra,¹⁶ we held that adequate disclosure of CATV interests in a new application (FCC Form 301) required the applicant to disclose the name of each community served by a system in order that the Commission would be placed "in full possession of all of the facts which may bear on its determination of whether the public interest would be served by a grant of an application." 22 FCC 2d at 877, 18 RR 2d at 1179. Likewise we believe the name and location of CATV franchises and systems owned by a renewal applicant for a television station is, without question, relevant to the Commission's statutory obligation to determine whether a grant of the application would be in the public interest. See section 307(a) of the Communications Act of 1934, as amended. The ownership of CATV systems is relevant, for example, to the question of concentration of control, diversification and financial qualifications.¹⁷ Cf. "Allied Broadcasting, Inc. v. FCC," 140 U.S. App. D.C. 264, 435, F. 2d 68, 19 RR 2d 2071 (1971). These questions may be raised either in situations involving applications for new broadcast stations or in renewals; therefore, the ownership of all media of mass communications must be reported in full. For the foregoing reasons, we do not believe that WTAR's cryptic description of Landmark's ownership interests in CATV franchises and systems (see paragraph 2, supra) adequately complies with section 1, paragraph 7, of FCC Form 303. TV Signal Company of Aberdeen, supra. Consequently, the addition of a § 1.514 issue is warranted. Moreover, since it appears from petitioner's allegation that Tele-Cable may have acquired CATV franchises and systems after WTAR filed its application and since it further appears that WTAR has not amended its application to reflect those acquisitions, a § 1.65 issue is also warranted. See Lake Erie Broadcasting Company, 34 FCC 2d 354, 24 RR 2d 64 (1972). See also Report and Order on Reporting of Changed Circumstances, 29 FR 15516, 3 RR 2d 1622 (1964).

¹⁵In Aberdeen, the Commission was requested to revoke the license of television station KDLO-TV, Aberdeen, S. Dak., because the licensee had failed to report the ownership of twenty different CATV franchises, of which two represented operating systems. The Commission ultimately denied the petition to revoke.

¹⁶In Media, the petitioner requested the addition of a Rule 1.65 issue because of the

8. The §§ 1.514 and 1.65 issues to be added herein will be specified on comparative bases only because both Aberdeen, supra, and Media, Inc., supra, upon which we rely for our authority, were released after WTAR filed its renewal application on July 1, 1969.¹⁸ The Board is sympathetic with WTAR's argument that FCC Form 303 did not require it to report each of its CATV interests. Although we have indicated the Commission's policy that CATV interests owned by a renewal applicant must be disclosed in the renewal application, neither FCC renewal application Form 303 nor the FCC ownership report form (Form 323) contains a specific question to elicit this information; therefore, the Board believes that both forms should be revised to include a question designed to elicit the renewal applicant's CATV interests. Pending such revision, and in order to deter other similar non-disclosures or omissions by other applicants and licensees, a typewritten notice could be included in all renewal and/or ownership forms mailed to licensees to place them on notice of this requirement.

9. WTAR's failure to report the acquisition of three Virginia newspapers by Landmark¹⁹ and its apparent failure to report media interests acquired by P. S. Huber, Jr., after the filing of WTAR's application warrants exploration under the comparative § 1.65 issue to be specified herein. We do not believe petitioner has shown any intent on the part of WTAR to withhold this information from the Commission nor do we believe that this information is of such a serious nature as to reflect upon the appli-

alleged failure of the applicant to report all of its CATV interests. The applicant in opposing the request argued that it did not believe that the Commission's rules required it to disclose in its application anything more than the location of the "headend" and that it was not required to list separately the four communities which received the programming from the "headend" as well as two proposed communities which would operate out of the "headend".

¹⁸At the time we ruled on Hampton Roads' 1970 petition, the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424, 18 RR 2d 1901 (1970), was in effect and diversification of control of the mass communications media was therefore not at issue in "phase one" of the proceeding. Since then, however, the Policy Statement was found to be "contrary to law" by the U.S. Court of Appeals for the District of Columbia Circuit. Citizens Communications Center v. FCC, 145 U.S. App. D.C. 32, 447 F. 2d 1201, 22 RR 2d 2001 (1971). Therefore, diversification of control of the media is once again at issue in comparative proceedings involving regular renewal applicants. As the Court stated in the Citizens Communications case: "Since one very significant aspect of the public interest, convenience and necessity is the need for diverse and antagonistic sources of information, the Commission simply cannot make a valid public interest determination without considering the extent to which ownership of the media will be concentrated or diversified by the grant of one or another of the applications before it." 145 U.S. App. D.C. at 44 n. 35, 447 F. 2d at 1213 n. 36, 22 RR 2d at 2019 n. 36.

cant's basic qualifications; therefore, in our opinion, the comparative § 1.65 issue is sufficient to explore these omissions.²⁰ Cf. "RKO General Inc.," 34 FCC 2d 265, 24 FF 2d 16 (1972); "Kittyhawk Broadcasting Corp.," 17 FCC 2d 602, 16 RR 2d 73 (1969). The Board does not believe that Hampton Roads has presented sufficient allegations to warrant addition of concealment or misrepresentation issues. "Home Service Broadcasting Corp.," 21 FCC 2d 565, 18 RR 2d 507 (1970). Nor, in our opinion, do petitioner's allegations demonstrate such a pattern by WTAR of carelessness, inadvertence or indifference to the Commission's Rules to warrant addition of an ineptness issue. See "Tung Broadcasting Company," 33 FCC 2d 1145, 23 RR 2d 1185 (1972); "Edward C. Atsinger, III," 29 FCC 2d 443, 21 RR 2d 1039 (1971).

FALSE SWEARING ISSUE

10. In support of its request for a false swearing issue, Hampton Roads asserts that WTAR's Ownership Report (FCC Form 323), which was filed in conjunction with WTAR's renewal application, was purportedly signed and certified on July 1, 1969, by Lee Colman Kitchin, President of WTAR Radio-TV Corp.; however, the date stamped on the form indicates that the report was received at the Commission on June 30, 1969. The certification is therefore false on its face, according to Hampton Roads. Petitioner does not speculate on how the date disparity arose, but suggests that perhaps Kitchin did not fully examine the report to determine if it was a complete and accurate statement of the business interests of WTAR. Several cases are cited by Hampton Roads to support the proposition that the Commission considers as a "serious matter" the preparation of accurate documents submitted for its consideration and the signing of those documents to verify their validity.²¹

¹⁹Board Member Berkemeyer is of the opinion that a disqualifying § 1.65 issue is warranted for the failure of WTAR to report Landmark's subsequent acquisition of CATV interests.

²⁰The relevance of the newspaper acquisitions may have been "in doubt" in 1970 (see note 10, supra), but in view of the Citizens Communications decision, supra, note 16, it is clear today.

²¹The fact that WTAR intends to comply with the Examiner's oral Order of Apr. 14, 1972 (see note 11, supra) and supply a list of its media interests for the record does not, in our view, absolve the applicant of possible violations of the Commission's reporting rules. WTAR was required to report the necessary information in its renewal application and to keep the information up-to-date thereafter. Cf. Folkways Broadcasting Company, 27 FCC 2d 614, 21 RR 2d 158 (1971). An eleventh hour attempt to report information which should have been reported years ago will not suffice.

²²Hampton Roads cites, inter alia: Summit Broadcasting Co., Inc., 20 FCC 2d 689, 17 RR 2d 1038 (1969); Chapman Radio and Television Co., 7 FCC 2d 454, 9 RR 2d 907 (1967); William S. Hognin, 1 FCC 2d 670 (1965) (an Initial Decision made effective pursuant to § 1.276); KAYE Broadcasters, Inc., 25 FCC 2d 96 (1970).

11. In opposition, WTAR asserts that its application has been on file with the Commission since June 30, 1969; yet Hampton Roads waited 2½ years before requesting an issue relating to the apparent date discrepancy.²³ WTAR concedes that the application was postdated; however, it denies that the contents therein were untrue. The document was postdated, WTAR explains, because it was intended to reflect WTAR's business as of July 1, 1969; if any changes had taken place between June 30 and July 1, WTAR would have amended its report. The Broadcast Bureau also opposes the requested issue. The Bureau believes that the date discrepancy is minor and only indicates that the report was postdated. The Bureau notes that the filing date for all renewal applications for the Commonwealth of Virginia was July 1, 1969. In the Bureau's opinion, WTAR merely beat its target date.

12. In reply, Hampton Roads argues that WTAR did not present an affidavit from Kitchin or any other principal of WTAR-TV opposing the requested false swearing issue; therefore, since no explanation was presented, an issue is warranted. Hampton Roads also argues that the date discrepancy is not "minor", particularly in light of the failure to fully disclose the media interests owned by WTAR's parent, Landmark. Petitioner next contends that WTAR filed ownership reports not only for the licensee but one for Landmark, and one for Landmark Securities which were also filed on June 30, 1969; yet each form was dated July 1, 1969, and contained "glaring omissions" of media interests held by each company (for example, Landmark's ownership of WFMV-TV in Greensboro, N.C., was allegedly not mentioned in the statement).

13. We do not agree with Hampton Roads that the discrepancy in dates warrants a "false swearing" or character qualifications issue against WTAR. On the face of the Ownership Reports, there is a discrepancy in the dates between the signing by Kitchin and the filing date, indicating postdating; however, Hampton Roads has not presented any facts which suggest that any untrue statements were presented in the reports. In our view, an evidentiary inquiry is not warranted

²³ Because this timelessness argument is no longer a valid contention (see note 2, supra), the Board will not discuss it further. WPIX, Inc., supra, 34 FCC 2d at 420 n. 5, 24 RR 2d at 62 n. 5.

without more facts suggesting that the documents themselves are not accurate.²⁴ WTAR's alleged failure to report all of its media interests in its renewal application would not necessarily make the statements contained in the ownership reports untrue; rather they would make the reports incomplete. Moreover, the cases cited by Hampton Roads (see note 18, supra) are inapposite in that they deal with misrepresentations and falsifications of statements in documents submitted to the Commission.²⁴ No facts presented by Hampton Roads suggest that WTAR's reports were falsified. For all of the foregoing reasons, Hampton Roads' request for a false swearing issue will be denied.

14. *Accordingly it is ordered*, That the petition to enlarge issues, filed March 16, 1972, by Hampton Roads Television Corp., is granted to the extent indicated below, and is denied in all other respects; and

15. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether WTAR Radio-TV Corp. (WTAR-TV) failed to comply with § 1.514(a) of the Commission's rules; and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee; and

(b) To determine whether WTAR Radio-TV Corp. (WTAR-TV) failed to amend its application as required by § 1.65 of the Commission's rules; and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee;

16. *It is further ordered*, That the burden of proceeding with introduction of evidence under the issues added herein shall be on Hampton Roads Television Corp. and the burden of proof thereunder

²⁴ The obligation was on the petitioner to allege sufficient facts to raise a substantial question warranting the addition of the false swearing issue. It was not up to WTAR to make a case against itself. The burden was on Hampton Roads, as the petitioner, to justify the addition of an issue. Cf. Phil D. Jackson, 33 FCC 2d 928, 932, 23 RR 2d 1023, 1028 (1972).

²⁵ In addition, William S. Hogan, supra, is an Initial Decision made effective without Commission review. As such, it is "not final and has no weight as precedent". Alabama Microwave, Inc., 21 FCC 2d 549, 553, 18 RR 2d 475, 480 (1970), review denied FCC 70-652, released June 26, 1970. See WFPG, Inc., 33 FCC 673, 677, 24 RR 418, 425 (1962).

shall be on WTAR Radio-TV Corp. (WTAR).

Adopted: September 26, 1972.

Released: September 28, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-17264 Filed 10-6-72; 8:52 am]

TARIFF COMMISSION

[AA1921-103]

KRAFT WRAPPING PAPER FROM CANADA

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-103 scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m. e.s.t., on November 8, 1972, has been rescheduled for 10 a.m. e.s.t., on November 9, 1972.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Anti-dumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of 30-pound MF (machine finish) kraft wrapping paper from Canada which the Assistant Secretary of the Treasury has determined is being, and is likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of September 29, 1972 (37 F.R. 20354).

Issued: October 4, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-17233 Filed 10-6-72; 8:52 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Order Designating an Additional Member

OCTOBER 3, 1972.

The Federal Power Commission by Order issued May 25, 1972, established the Distribution-Technical Advisory Task Force-Regulation and Legislation of the National Gas Survey.

1. Membership. An additional member to the Distribution-Technical Advisory Task Force-Regulation and Legislation, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Hon. Carl R. Johnson, Commissioner, Ohio Public Utilities Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17206 Filed 10-6-72;8:47 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating a New Member

OCTOBER 3, 1972.

The Federal Power Commission by Order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. Membership. A new member of the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Mr. James A. O'Neill, President, Niagara Mohawk Power Corp.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17207 Filed 10-6-72;8:47 am]

[Docket No. E-7476]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Application

OCTOBER 3, 1972.

Take notice that on September 15, 1972, Baltimore Gas and Electric Co. (Applicant), filed a supplemental application with the Federal Power Commission seeking authority to increase to \$100 million the amount of short term unsecured promissory notes including commercial paper notes which it may have outstanding, and to extend to December 31, 1975 the latest maturity date of notes to be issued pursuant thereto.

The Commission authorized the issuance of such notes by the Applicant in its order dated June 13, 1969, and supplemental order of September 24, 1970. In that supplemental order, the Com-

mission authorized the Applicant to issue short term promissory notes in face amounts of up to a maximum of \$85 million with maturities not later than December 31, 1973.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Maryland, and is engaged in the electric, gas, and steam utility businesses within the State of Maryland. The Applicant has qualified to do business also in the Commonwealth of Pennsylvania where it is participating in the ownership and operation of two mine-mouth electric generating plants.

The notes are to be issued from time to time to banking institutions and/or sold to or through dealers in commercial paper of which the aggregate amount to be outstanding at any one time as commercial paper is not to exceed 25 percent of the Applicant's gross revenues during the preceding 12 months. The notes in the form of commercial paper will mature in no more than 270 days and all other notes will have maturities of up to 1 year from the date of issuance.

The proceeds from the issuance of the notes will be used as interim financing of the Applicant's \$675 million 1972-74 construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17243 Filed 10-6-72;8:50 am]

[Docket No. CP73-71]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 3, 1972.

On September 13, 1972, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP73-71 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to increase the capacity of its portion of the Western Shore Line of the Blue Water Project in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that pursuant to Commission authorization granted by order issued March 6, 1969, in Docket No. CP68-231 (41 FPC 231), as amended, Applicant and Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), have begun joint operation of the Blue Water Project for the transportation onshore of natural gas produced in the offshore Louisiana area. The Western Shore Line and the Eastern Shore Line are its main component systems. Applicant's 30-inch pipeline, which extends from Pecan Island to a connection with Applicant's West Lateral near Egan, La., forms the northern part of the Western Shore Line. Applicant states further, that pursuant to authorization granted by the Commission's order issued April 17, 1972, in Docket No. CP72-114 (47 FPC _____), Applicant and Tennessee have commenced an exchange whereby Applicant delivers out of its West Lateral system to Tennessee through facility interconnections at Cameron and Egan, La., gas volumes which would normally be delivered to Tennessee from the Western Shore Line. In return, Tennessee makes available equal aggregate volumes of gas to Applicant at the terminus of the Western Shore Line near Egan and at the Garden City plant of Humble Oil and Refining Co. (Humble) in St. Mary Parish, La. Applicant states that this exchange of gas permitted Applicant to defer construction of facilities which otherwise would have been necessary to transport gas purchased from Humble in the Pecan Island Field to the Egan terminus of the Western Shore Line along with initial Blue Water Project volumes.

Tennessee now desires to utilize its full capacity entitlement in the Western Shore Line. In order to transport volumes purchased from Humble in the Pecan Island Field which will be displaced by Tennessee's full utilization of its entitlement and to transport an additional 50,000 Mcf of gas per day of Applicant's offshore reserves, Applicant proposes to increase the capacity of its portion of the Western Shore Line by constructing and operating approximately 12.2 miles of 30-inch pipeline loop along its 30-inch Egan-to-Pecan Island pipeline. The application indicates that the estimated cost of such construction will be \$2,742,700, which will be financed from current funds.

Applicant and Tennessee have filed a related application to amend the order of April 17, 1972, in Docket No. CP72-114.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make

the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17245 Filed 10-6-72;8:50 am]

[Docket No. CP70-137]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 3, 1972.

Take notice that on September 6, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP70-137 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing a change in its contract demand service for its Northwest Division System resale customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission orders of January 20, 1972 (43 FPC 87), and May 12, 1970 (43 FPC 723), in Docket Nos. G-8923, et al., Petitioner was authorized to import into the United States from Canada an additional 300,000 Mcf of natural gas per day. By Commission orders of May 12, 1970 (43 FPC 723), and July 28, 1971 (46 FPC 232), in Docket No. CP70-137 Petitioner was authorized to construct and operate certain facilities in order to transport and deliver such additional quantities to its Northwest Division System customers.

Petitioner states that on November 1, 1972, delivery of the final increment of 75,000 Mcf of natural gas per day of the total 300,000 Mcf is scheduled to commence. Petitioner seeks authorization to allocate 65,000 Mcf of the final 75,000 Mcf increment to its Northwest Division System resale customers in a manner identical to that used to allocate 200,000 Mcf of the first increment of 225,000 Mcf. Petitioner states that the first increment

was allocated pro rata to said resale customers based on each customer's firm contract demand compared to the total of all of such customer's firm contract demands. Petitioner further states that if a certain customer did not have need for their full allocated portion, these quantities were retendered and allocated to all customers desiring such quantities in the same pro rata manner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17179 Filed 10-6-72;8:45 am]

[Docket No. G-10426]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend Further

OCTOBER 3, 1972.

Take notice that on September 22, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed pursuant to section 7(c) of the Natural Gas Act a petition to amend further the Commission's order issued November 21, 1957, in Docket No. G-10426 (18 FPC 690), as amended, by authorizing Petitioner to sell and deliver on a firm basis a maximum daily quantity of 150,675 Mcf of natural gas to Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Colorado Interstate) (an increase of 6,965 Mcf) and a maximum daily quantity of 75,340 Mcf to Mountain Fuel Supply Co. (Mountain Fuel) (an increase of 3,485 Mcf), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of November 21, 1957, as amended, among other things, authorized Petitioner to sell and deliver, on a firm basis a maximum daily quantity of 117,500 Mcf of natural gas to Colorado Interstate and 58,750 Mcf of natural gas to Mountain Fuel. By subsequent order issued November 4, 1971, in the instant docket (46 FPC —), Petitioner was authorized to sell and deliver maximum daily quantities of 143,710 Mcf to Colorado Interstate and 71,855 Mcf of Mountain Fuel. Deliveries of such gas are made from Petitioner's Northwest Division System in Sweetwater County, Wyo. The additional quantities were allocated, Petitioner states, as a result of additional natural gas supplies received by Peti-

tioner from its Canadian supplier, Westcoast Transmission Co. Ltd. (Westcoast), at the Sumas, Wash., import point, commencing November 1, 1971.

Petitioner further states that pursuant to Commission order issued May 12, 1970, in Docket No. CP-70-138 (43 FPC 723), as amended, Petitioner is authorized and scheduled to receive from Westcoast on November 1, 1972, an additional firm daily quantity of 75,000 Mcf of natural gas at the Sumas import point. Further, the petition indicates that the proposed increase in deliveries to Colorado Interstate and Mountain Fuel results from the pro rata allocation of such additional supplies among Petitioner's Northwest Division System jurisdictional customers who are desirous of receiving additional firm supplies.

Petitioner states that both Colorado Interstate and Mountain Fuel have experienced increased requirements and have need for and can utilize the increased quantities of gas proposed herein to be allocated to them.

No additional facilities are required to render the proposed service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17208 Filed 10-6-72;8:47 am]

[Docket No. RI 73-60]

GEORGE MITCHELL & ASSOCIATES

Order Providing for Hearing on Petition for Special Relief and Granting Request for Area Rate To Be Applied to the Area of Sale Rather Than the Area of Production

OCTOBER 3, 1972.

George Mitchell & Associates (GMA) has filed two requests for special relief relating to its FPC Gas Rate Schedule No. 19 under which it makes jurisdictional sales of gas to Natural Gas Pipeline Company of America (Natural) from the Boonesville, Bend Field, Jack, Wise, and Parker Counties, Tex. On June 23, 1972, it requested that the ceiling rate at the point of sale be applied to gas produced from wells in the Texas Railroad District No. 7-B (Permian Basin Area) because such gas is commingled and processed with gas produced and

in Railroad District No. 9 (Other Southwest Area). On August 11, 1972, GMA requested that the Commission waive the moratorium on rate increase filings in the Other Southwest Area and to allow GMA to receive 30 cents per Mcf for all gas sold under its Rate Schedule No. 19.

The first request. GMA requests that gas produced from wells located in Texas Railroad District No. 7-B be subject to the area rates set forth in Opinion No. 607 for the Other Southwest Area. The current effective rate under Rate Schedule No. 19 is 17.7403 cents per Mcf, subject to refund in Docket No. RI70-858. This rate is below the area ceiling for the Other Southwest Area (19.7 cents per Mcf) and also below the area ceiling recommended by staff in Permian II (21.0 cents per Mcf) for gas sold under contracts executed in 1954. GMA requests that production from its wells located in District 7-B should be subject to the Opinion No. 607 rates in instances where such gas is commingled with gas produced in Railroad District No. 9, which is in the Other Southwest Area, prior to redelivery and sale.

Applicant's production from leases in Park, Jack, and Wise Counties, Tex., is sold under a single rate schedule. This production was uniformly priced until the geographical limits of the Permian Basin area were redefined in the order instituting Permian II. We see no valid reason to subject applicant to disparate pricing for production confined to the narrow geographical limits here involved, and accordingly the request is granted.

The second request. GMA has requested a waiver of § 154.109(f) of the Commission's regulations, relating to the moratorium on the filing for rates above the area ceilings, so as to permit it to file a notice of change in rate pursuant to § 154.94(b) of the regulations, and that the rate increase be made effective subject to refund upon the date of filing. In addition, GMA requests that the matter be set for immediate hearing.

GMA and Natural have entered into a redetermination of the rates, as provided for under the basic contract, proposed to be effective December 27, 1972.¹ GMA's proposed contract reserves that it states cannot be produced under the existing well spacing pattern. Also, GMA contends that the estimated field peak day deliverability with the additional wells of approximately 200,000 Mcf per day can be maintained until 1980.

GMA's request, if granted, would permit it to collect approximately an additional \$4 million annually for its current sales under Rate Schedule No. 19 above the revenues it would receive at

¹The basic pricing provisions of the redetermination are: For the 5-year period through December 27, 1977, the base price will be 30 cents/Mcf. For each succeeding 5-year period thereafter, the base price shall increase 1 cents/Mcf.

the applicable ceiling prescribed in Opinion No. 607.

Ordering Paragraph A (e) of Opinion No. 607 provides that a producer "may not file any rate increase in excess of the applicable area rate herein prescribed unless and until the Commission grants the petition." GMA should be afforded an opportunity to provide evidentiary support for its petition for special relief, including its allegations that a higher rate will enable it to increase its exploration and development of gas reserves, resulting in greater gas production.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change in rate filed by GMA, and to allow GMA to present evidence in support of its request for special relief for the subject sales of natural gas.

The Commission orders:

(A) The request by GMA to apply the ceiling rate at the point of sale to gas produced in Railroad District No. 7-B is granted.

(B) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning this petition for special relief and the lawfulness of the proposed change.

(C) A prehearing conference including all parties to this proceeding shall be convened in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing November 8, 1972, at 10 a.m. for the purpose of aiding and expediting the orderly conduct and disposition of this proceeding and exploring the possibility of settlement of the issues herein. The Administrative Law Judge may, in his discretion, grant continuance of the prehearing conference, or pursuant to § 1.18 of the rules of practice and procedure, convene such other conferences either before or after November 8, 1972, as he may deem useful to expedite the conclusion of the proceeding. If no settlement or stipulation can be reached by the parties hereto after reasonable time and provision has been made for the same, the procedural dates for service of rebuttal testimony and exhibits, if any, and for hearings on the issues herein shall be fixed by the Administrative Law Judge.

(D) GMA shall serve upon the staff of the Federal Power Commission and all parties to this proceeding by October 20, 1972, testimony and exhibits in support of its request for special relief to permit the filing of a rate increase in excess of the area rate in the Other Southwest Area.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-17244 Filed 10-6-72; 8:50 am]

[Docket No. CI73-222]

HYDROCARBON DEVELOPMENT CORP.

Notice of Application

OCTOBER 4, 1972.

Take notice that on September 22, 1972, Hydrocarbon Development Corp. (Applicant), Post Office Box 2806, Corpus Christi, TX 78403, filed in Docket No. CI73-222 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Petroleum Management, Inc., from the Lacal Field, Willacy County, Tex., to a point of interconnection with the pipeline of Texas Eastern Transmission Corp. (Texas Eastern) in Hidalgo County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petroleum Management, Inc., has filed an application in Docket No. CI72-846 for a certificate of public convenience and necessity authorizing the sale for resale of natural gas to Texas Eastern from the Lasara Field Area, Willacy County, and delivery of said gas to Texas Eastern in Hidalgo County within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing

is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-17241 Filed 10-6-72; 8:50 am]

[Docket No. CP73-65]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 3, 1972.

Take notice that on September 5, 1972, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP73-65 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the offshore transportation of additional volumes of natural gas for Texas Gas Transmission Corp. (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently transports natural gas for Texas Gas from various points in the Outer Continental Shelf Lands Area, offshore Louisiana, to a point of redelivery near Calumet, La., pursuant to authorization granted in Dockets Nos. CP69-249 (41 FPC 828) and CP70-163 (44 FPC 238). Applicant further states that Texas Gas has entered into a contract to purchase the reserves of Texaco, Inc., in Block 219, Ship Shoal Area, offshore Louisiana, and that Applicant has entered into a contract with Texas Gas to transport a contract demand volume of 10,000 Mcf of natural gas per day for Texas Gas from Block 219 to Block 204, Ship Shoal Area, for further transportation through Applicant's offshore pipeline system to Calumet, St. Mary Parish, La. Applicant states that it can provide the requested transportation service without the construction of additional facilities (when the facilities) authorized by the Commission's order of May 22, 1972 (47 FPC _____), in Docket No. CP72-87 have been installed and placed in service. Pending the completion of the facilities authorized in Docket No. CP72-87, Applicant states that it will use its best efforts to transport from Block 219 to the existing redelivery point at Calumet such gas as Texas Gas may cause to be tendered to it in Block 219 for transportation. The rate for this interim transportation service will be 5.43 cents per Mcf of natural gas delivered to it in Block 219 for the account of Texas Gas. The rate for the transportation service upon the completion of the facilities in Docket No. CP72-87 will be a demand charge of 40 cents per month for each Mcf of contract demand. In addition to the demand charge, Texas Gas will pay Applicant 1.32 cents per Mcf of gas delivered to Applicant for

Texas Gas' account in excess of the contract demand on any day.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-17246 Filed 10-6-72; 8:50 am]

[Docket No. CP72-114]

TENNESSEE GAS PIPELINE CO. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 3, 1972.

Take notice that on September 13, 1972, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, and Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, TX 77001, filed, pursuant to section 7(c) of the Natural Gas Act, a petition to amend the Commission's order issued April 17, 1972, in Docket No. CP72-114 (47 FPC _____) wherein petitioners were authorized to exchange natural gas in Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of April 17, 1972, authorized an exchange arrangement between petitioners relating to the Western Shore Line of the Blue Water Project in Louisi-

ana.¹ Petitioners state that such arrangement was necessary because Columbia Gulf was scheduled to transport through the Western Shore Line up to 192,400 Mcf per day of Tennessee's gas and 234,600 Mcf of its own gas under the Blue Water Project; additionally, Columbia Gulf was also scheduled to transport through the Western Shore Line 308,800 Mcf of gas per day purchased from Humble Oil and Refining Co. (Humble) in the Pecan Island Field. Since the available capacity of the Western Shore Line was 649,500 Mcf per day, which is less than the 735,800 Mcf capacity required to transport all the scheduled volumes, Columbia Gulf, without the exchange arrangement, would have had to provide additional capacity by constructing looping of its facilities constituting part of the Western Shore Line. The petition indicates that under the present exchange arrangement Columbia Gulf delivers to Tennessee up to 105,264 Mcf daily at the Cameron, La., point and the balance (up to a total of 255,000 Mcf) at the Egan, La., point (Egan B) and Tennessee simultaneously redelivers to Columbia Gulf up to 146,778 Mcf per day at the tailgate of Humble's Garden City Plant, St. Mary Parish, La., and the remainder at the Egan, La., point (Egan A). Petitioners state that under the existing arrangement Tennessee has been delivering 106,100 Mcf daily for exchange through the Egan "A" delivery point along the Western Shore Line and has advised Columbia Gulf that it now needs the use of its full capacity entitlement of 192,400 Mcf daily in the Western Shore Line.

Petitioners have entered into an amendatory exchange agreement, dated August 15, 1972, under which, they state, Tennessee would utilize up to its full capacity entitlement in the Western Shore Line and would take delivery of such quantity at the on-shore terminus of said Line at Egan. Additionally, it is proposed that Columbia Gulf will deliver between 70,000 Mcf and 120,000 Mcf of gas per day to Tennessee at the Cameron Delivery Point, the amount to be determined by Tennessee's use of its capacity entitlement in the Western Shore Line. The petition indicates that when Tennessee uses its full capacity entitlement, Columbia Gulf will exchange up to 70,000 Mcf per day for an equal volume of gas to be redelivered at the Garden City and/or Erath and/or other agreed-to delivery points. The petition further indicates that when Tennessee uses less than its full capacity entitlement in the Western Shore Line, Columbia Gulf's exchange gas delivery obligation to Tennessee at Cameron will increase above the 70,000 Mcf per day by an amount equal to the amount of entitlement to gas capacity in the Western Shore Line

¹ The Blue Water Project and its related facilities were authorized by Commission order issued March 6, 1969, in Docket No. CP68-231 (41 FPC 231), as amended, for the transportation onshore of natural gas produced in the offshore Louisiana area. The Western Shore Line and the Eastern Shore Line are its main component systems.

not utilized by Tennessee: *Provided, however*, Columbia Gulf shall not be obligated to deliver a volume in excess of 120,000 Mcf per day at such point. Petitioners state that the choice of re-delivery point or points is to be at Tennessee's option; however, Columbia Gulf will not be obligated to take more than 80,000 Mcf per day of exchange gas at either the Garden City or Erath delivery point, and the maximum total volume of gas which Columbia Gulf is obligated to receive as exchange gas from both such points shall not exceed 120,000 Mcf per day.

Petitioners state that the proposed exchange, as amended, will be beneficial to each in that it will provide greater operational flexibility in the gas gathering area of each company and will permit both companies to utilize more efficiently their gas supplies and facilities in the servicing of their delivery requirements.

In Docket No. CP73-71, Columbia Gulf has filed a related application to loop a portion of its Pecan Island-to-Egan pipeline (part of the Western Shore Line) to accommodate the receipts of gas from Humble at Pecan Island which would be displaced by the proposals in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17248 Filed 10-6-72; 8:50 am]

[Project No. 2401]

UTAH POWER AND LIGHT CO.

Notice of Availability of Environmental Statement for Inspection

OCTOBER 3, 1972.

Notice is hereby given that on October 2, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, Nov. 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, Apr. 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act for the constructed Grace-

Cove Project No. 2401 located on the Bear River near the town of Grace, Idaho.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, D.C. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project consists of two developments on the Bear River. The Grace Development consists of: (1) A timber crib rock filled dam, 180.5 feet long and 51 feet high; (2) a 120 foot spillway section controlled by flashboards; (3) a 200 foot earth dike; (4) a 250 acre-foot reservoir at maximum elevation of 5556 feet m.s.l.; (5) 4.8 miles of wood stave and riveted steel pipe; (6) two powerhouses with a combined capacity of 44,000 kw. The Cove Development consists of: (1) A 140-foot long, 24-foot high concrete dam; (2) a 150-foot long earth dike; (3) a small pond with high water elevation of 5,032 feet m.s.l.; (4) 1.3 miles of canal, flume, and steel penstock; (5) a plant having a capacity of 7500 kw. Both developments are basically run of the river operations.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from October 9, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17205 Filed 10-6-72; 8:47 am]

FEDERAL RESERVE SYSTEM BANK HOLDING COMPANIES

Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather privileges") with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continu-

ously engaged in since June 30, 1968 (or such subsequent date). However section 4(a)(2) requires the Board of Governors of the Federal Reserve System to determine whether such grandfather privileges should be terminated and, with respect to a company that controls a bank with assets in excess of \$60 million on or after December 31, 1970, the Board is required to make such a determination within a two year period. The Board has undertaken a review of nonbank activities of each bank holding company described in section 4(a)(2) of the statute that controls a bank with assets in excess of \$60 million.

In exercising its authority under section 4(a)(2), the Board by order, after opportunity for hearing, may terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. On the basis of the information before the Board, it appears that continuation of grandfather privileges, if any, granted by section 4(a)(2) to the companies listed below would not be inconsistent with the purposes of the Act. A Board determination not to terminate grandfather privileges would not preclude the Board from making a determination at a later date that grandfathered activities must be terminated.

Activities engaged in on, and continuously since, June 30, 1968¹

Bank holding company:	
Frank P. Doyle Trust, Article IX, Santa Rosa, Calif.	Ownership of bank premises corporation.
Sumitomo Bank, Ltd., Osaka, Japan.	None.
Hopeton Holding Corp., Chicago, Ill. Del.	None.
Financial Investments Corp., Chicago, Ill.	None.
First National Bank of Cicero Corp., Oak Park, Ill.	None.
Ribso, Inc., Rock Island, Ill.	Owner and lessor of bank premises. Owner of land and lessor of residual mineral rights.
Investment Securities Corp., Lexington, Ky.	None.
Tennessee Shares Corp., Cheverly, Md.	None.
Potomac Securities Corp., Silver Spring, Md.	Lessor of banking equipment.
Independent Bancorporation, Minneapolis, Minn.	None.
Mercantile Commerce Co., St. Louis, Mo.	None.
Barclay's Bank, Ltd., London, England.	None.
Royal Bank of Canada, Montreal, Canada.	None.

¹ Authority to engage in some of the activities listed may also be contained in other provisions of the Bank Holding Company Act, and such activities would not be subject to divestiture under section 4(a)(2) of the Act.

Industrial Bank of Japan, Ltd., Tokyo, Japan.	None.
International Equities, Inc., New York, N.Y.	Automated book-keeping services for affiliated banks.
U T Securities Corp., New York, N.Y.	None.
Southeastern Shares Corp., New York, N.Y.	None.
National Bank of Greece, S.A., Athens, Greece.	None.
Alexandria Shares Corp., Alexandria, Va.	Automated book-keeping services for affiliated banks.
Financial General Corp., Richmond, Va.	None.
Virginia Bankshares, Inc., Richmond, Va.	Automated book-keeping services for affiliated banks.
Marine Bancorporation, Seattle, Wash.	Ownership of bank premises corporation. Ownership of two Edge Act corporations.

The Board has also examined the non-banking activities and the grandfather privileges of North American Mortgage Corp., St. Petersburg, Fla. On the basis of information before the Board, it appears that continuation of grandfather privileges granted by section 4(a)(2) of the Act to North American Mortgage Corp. would not be inconsistent with the purposes of the Act.

To aid the Board in making its determinations, interested persons are hereby afforded an opportunity to submit relevant data, views, and arguments bearing on the proposed determinations by the Board concerning the continuation of grandfather privileges, if any, of the subject companies. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 30, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, September 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-17239 Filed 10-6-72;8:50 am]

HAMILTON BANCSHARES, INC.

Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tenn., 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 Hamilton Bank of Nashville, Nashville, 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 October 30, 1972. Board of Governors of the Federal Reserve System, October 2, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-17240 Filed 10-6-72;8:50 am]

TRUST COMPANY OF NEW JERSEY

Order Denying Request for Reconsideration

The Trust Company of New Jersey, Jersey City, N.J., has requested reconsideration of the order of the Board of Governors dated July 27, 1972, whereby the Board denied the application of the Trust Company of New Jersey for prior approval of the merger of that bank with a nonoperating wholly owned banking subsidiary of Wilshire Oil Co. of Texas, New York, N.Y.

Pursuant to § 262.3(f)(6) of the Board's rules, applicant requests reconsideration of its original proposal. The Board finds that the request for reconsideration does not present relevant facts that, for good cause shown, were not previously presented to the Board and that it does not otherwise appear that reconsideration would be appropriate in the public interest. Accordingly, the request for reconsideration is hereby denied.

By order of the Board of Governors,¹ effective September 28, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17189 Filed 10-6-72;8:46 am]

WESTERN BANCSHARES, INC.

Order Denying Request for Reconsideration

Western Bancshares, Inc., Stockton, Kans., has requested reconsideration of the order of the Board of Governors dated August 31, 1972, whereby the Board denied the application of Western Bancshares to retain 89.5 percent of the voting shares of Rooks County State Bank, Woodston, Kans., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)).

Pursuant to § 262.3(f)(6) of the Board finds that the request for reconsideration of its original proposal. The Board finds that the requests for reconsideration does not present substantially new facts or issues which would appear

¹ Voting for this action: Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Robertson and Daane.

appropriate in the public interest for the Board to consider. Accordingly, the request for reconsideration is hereby denied.

By order of the Board of Governors,¹ effective September 28, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17188 Filed 10-6-72;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

EHV POWER CIRCUIT BREAKERS AND EHV POWER TRANSFORMERS AND REACTORS

Investigation of Imports—Extension of Time

On August 17, 1972, notice was published in the FEDERAL REGISTER (37 F.R. 16635) that, in accordance with the provisions of section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, the Director of the Office of Emergency Preparedness has ordered an investigation to determine whether or not Extra High Voltage (EHV) Power Circuit Breakers and EHV Power Transformers and Reactors are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

The time to submit any comment, opinion, or data relative to the investigation is extended to October 23, 1972. Rebuttal to material so submitted is extended to November 23, 1972. Any additional data or comments must be filed by December 7, 1972.

Dated: October 5, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-17318 Filed 10-6-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[811-964]

BCC INDUSTRIES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 29, 1972.

Notice is hereby given that BCC Industries, Inc. (BCC), 911 Investment Plaza, Cleveland, Ohio 4414, a Massachusetts corporation registered as a closed-end, nondiversified investment company under the Investment Company

¹ Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Robertson and Daane.

Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that BCC has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of the investors, may be made upon appropriate conditions, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines an investment company as any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 3(a)(3) of the Act further defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of U.S. Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except U.S. Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

BCC (initially incorporated as Boston Capital Corp.) was incorporated on July 26, 1960, and registered as a closed-end, nondiversified investment company under the Act on July 28, 1960. On September 8, 1960, BCC was licensed as a small business investment company under the Small Business Investment Act of 1958. In the latter part of 1968, BCC transferred a portion of its assets and its license as a small business investment company to a wholly-owned subsidiary company which registered as a closed-end, nondiversified investment company under the Act on May 6, 1968.

At a special meeting of Stockholders of BCC held on July 22, 1970, the vote of a majority of BCC's outstanding voting securities was cast in favor of a proposal to change the nature of BCC's business from that of an investment company to that of a company operating businesses directly or through subsidiaries and authorizing management to file an application with the Commission for an order declaring that BCC has ceased to be an investment company. Since stockholder approval of such action, BCC has disposed of its holdings of stock of its former small business investment company subsidiary as well as a substantial amount of other investment securities and it has acquired some controlled companies.

BCC represents that it is not an investment company as defined in the Act. BCC's board of directors has made a determination of the value of BCC's assets as of August 30, 1972, which indicates that the value of BCC's assets (exclusive of \$8,459,365 of U.S. Government securities and cash items) totalled \$30,904,057. On the basis of such determination the value of BCC's holdings of investment securities aggregated \$2,800,733 or 9 percent of such total assets. On the same basis the value of BCC's holdings of securities of its majority-owned subsidiaries aggregated \$26,899,595 or 87 percent of such total assets.

BCC has four majority-owned subsidiaries: Invacare Corp., Ohio-Nuclear, Inc., Waukesha Industries Corp. and Chayes Virginia, Inc., BCC owns 78 percent of the outstanding voting securities of Waukesha Industries Corp. and 100 percent of the outstanding voting securities of each of the other majority-owned subsidiaries. Waukesha Industries Corp. in turn, owns 100 percent of the outstanding voting securities of Waukesha Bearings Corp. and Astro-Metalurgical Corp.; and Chayes Virginia, Inc. owns 100 percent of the outstanding voting securities of Chayes Dental Instruments Corp. and of Virginia Corp.

BCC represents that it manages the businesses of the above companies (hereinafter referred to collectively as BCC's majority-owned subsidiaries). The majority-owned subsidiaries, as a group, are engaged in the manufacture and sale of dental equipment, wheelchairs, walkers, traction stands, and other patient products. Such companies, as a group, are also engaged in the manufacture and sale of radioisotope imaging devices for medical diagnosis and cardiac monitoring, heavy load film lubricated bearings, mechanical seals and clutches, and titanium and other reactive products. BCC also represents that its officers, directors, personnel, and designees who are connected with the majority-owned subsidiaries in the capacities noted in the application participate extensively in the management, administration and affairs of each of the majority-owned subsidiaries and that BCC and its officers, directors, personnel, and designees intend hereafter to participate extensively in the management, administration and affairs of each of the present majority-owned subsidiaries and any company which may hereafter become a majority-owned subsidiary of BCC.

BCC states that its interests in the majority-owned subsidiaries are not being held for the purpose of resale and that any company which may hereafter become a majority-owned subsidiary will not be held for the purpose of resale. BCC also states that it has invested in securities issued by the U.S. Government and that it may continue to invest in securities issued by the U.S. Government and, in a limited number of instances, may invest in securities of other than majority-owned subsidiaries. However, BCC represents that any holding of or any trading in such securities will be incidental to BCC's cash-management program and will be minor in all respects as compared to BCC's primary interest

in the businesses of its majority-owned subsidiaries. BCC further represents that under no circumstances does it intend to own or acquire securities having a value (after deducting the value of securities issued by the U.S. Government and by majority-owned subsidiaries of BCC which are not investing companies) equal to as much as 20 percent of the value of BCC's total assets (exclusive of securities issued by the U.S. Government and cash items).

Notice is further given that any interested person may, not later than October 20, 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 shall be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by airmail (airmail if the person being served is located more than 500 miles from the point of mailing) upon BCC at the address set forth above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated 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 said 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.72-17225 Filed 10-6-72; 8:48 am]

[70-5244]

DELMARVA POWER & LIGHT CO.
Notice of Proposed Sale of Common
Stock by Holding Company at Competitive Bidding

OCTOBER 2, 1972.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, DE 19899, a registered holding company and also a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1,250,000 shares of its authorized but unissued common stock, par value \$3.375 per share. At August 31, 1972, Delmarva had 12,298,446 shares of common stock outstanding.

The net proceeds received from the proposed issue and sale of common stock will be applied toward the cost of the 1972-73 construction program of Delmarva and its subsidiary companies, including the retirement of all or a portion of unsecured short term notes issued prior to such sale. On September 25, 1972, such unsecured short term notes outstanding amounted to \$14,100,000. Construction expenditures for the last 4 months of 1972 and the year 1973 are estimated at \$136,338,000 including an allowance for funds used during construction of \$13,330,000. It is stated that Delmarva contemplates the sale of additional securities during 1973 to finance, in part, its said construction program.

A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. The filing indicates that the Public Service Commission of Delaware has jurisdiction over the proposed issue and sale of common stock by Delmarva and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 30, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rules 20(a) and 100 thereof or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-17223 Filed 10-6-72; 8:48 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

SEPTEMBER 29, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science 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 sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 30, 1972, through October 9, 1972.

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-17224 Filed 10-6-72; 8:48 am]

[812-3230]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Notice of Filing of Application for Order

SEPTEMBER 29, 1972.

Massachusetts Mutual Life Insurance Co. (the "Insurance Company"), 1295 State Street, Springfield, MA 01101, and MassMutual Corporate Investors, Inc. (Fund), 1295 State Street, Springfield, MA 01101, a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 (Act) (hereinafter collectively referred to as "Applicants"), have filed an application for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, and pursuant to section 17(b) of the Act, to permit an arrangement whereby the Insurance Company and the Fund would each invest in an issue of 7 percent 12-year convertible subordinated notes (the Notes) of Richard Abel & Co., Inc. (Abel). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Pursuant to an Order of the Commission issued on August 19, 1971, the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general

account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights at the same time. This Order is subject to several conditions. One condition generally requires purchases at direct placement of securities which would be consistent with the investment policies of the Fund to be shared equally by the Insurance Company and the Fund. Another condition limits the Order to situations in which neither the Insurance Company nor the Fund have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person, other than interests in all respects identical.

The Notes were offered at private placement, through a securities dealer as intermediary, to the Insurance Company and other investors. As sponsor and investment adviser for the Fund, the Insurance Company believed that the Notes would be an attractive investment for the Fund and within its investment objective and policies, and Abel was willing to include the Fund as one of the purchasers of the Notes.

It was, therefore, the intention of each of the Applicants to acquire \$1 million principal amount of the notes. However, the acquisition of the notes by the Insurance Company and the Fund would not have come within the terms of the aforementioned order because the Insurance Company held Abel's 7 percent Senior Notes (the Senior Notes), with contingent interest due in 1977, in the original principal amount of \$400,000. Since the Fund owned no securities of Abel, the interests of the Insurance Company and the Fund were not in all respects identical and would not have been so prior to the purchase of the notes. Applicants have therefore applied for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting the acquisition by each of the Applicants of \$1 million principal amount of the notes.

Due to the fact that the closing date for the purchase and sale of the notes, and the issuance date thereof, occurred prior to the granting of an Order pursuant section 17(d) of the Act and Rule 17d-1 thereunder, the Insurance Company acquired \$2 million principal amount of the notes subject to an obligation to transfer \$1 million principal amount to the Fund at cost plus accrued interest if, within 3 months after the acquisition by the Insurance Company of the notes, an order of the Commission permitting such transaction was granted. If such an order is not received, the \$2 million principal amount of the notes will be retained for investment by the Insurance Company.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated investment company . . . , acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such

registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Section 17(a) of the Act, as here pertinent, prohibits the Insurance Company as an affiliated person of the Fund from selling the Fund any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of Fund and with the general purposes of the Act.

Applicants represent that they will be participating in the proposed joint enterprise on a basis no different from that of the other participant. Both will acquire the same amount of the notes at the same price. Applicants also represent (1) that the terms of the transfer of \$1 million principal amount of the notes from the Insurance Company to the Fund would be reasonable and fair and would not involve overreaching on the part of either the Insurance Company or the Fund since the consideration paid by the Fund would equal the price paid by the Insurance Company for the notes, plus accrued interest; (2) that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement; and (3) that the proposed transaction is consistent with the general purposes of the Act. Applicants further represent that any subsequent transaction concerning the notes would be subject to the terms of the order of August 19, 1971.

Applicants request (a) an order of the Commission pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting the Insurance Company and the Fund to each acquire \$1 million principal amount of the notes; and (b) an Order of the Commission pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the transfer from the Insurance Company to the Fund of one-half of the \$2 million principal amount of the notes acquired by the Insurance Company: *Provided*, That such transfer is made at a time within 3 months of the acquisition of the notes by the Insurance Company and at a price equal to one-half of the price paid by the Insurance Com-

pany for the notes together with any interest accrued on the notes to be transferred from the date such notes were purchased by the Insurance Company to the date of transfer.

Notice is further given that any interested person may, not later than October 25, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of attorney at law, by certificate) shall be filed contemporaneously with the request. At any time later than said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said 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.72-17226 Filed 10-6-72; 8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 93]

ASSIGNMENT OF HEARINGS

OCTOBER 4, 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. No Amendments will be entertained after the date of this publication.

MC 67996 Sub 5, Distillery Transfer Service, Inc., now being assigned December 11, 1972 (1 week), at Bardstown, Ky., in the Holiday Inn, U.S. Highway 31E south.

No. 35720, American Petrofina Company of Texas, et al. V-Williams Brothers Pipe Line Co., et al., now being assigned hearing December 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 29850 Sub 7, Trenton-Philadelphia Coach Co., now being assigned October 10, 1972, at the Public Utilities Commission, Trenton Trust Building, 28 West State Street, Trenton, N.J.

MC-136187, Contract Carrier Corp., now assigned October 10, 1972, at Washington, D.C., is canceled and application dismissed.

MC 134082 Sub 6, K. H. Transport, Inc., now assigned October 10, 1972, at Washington, D.C., hearing is postponed to October 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124904 Sub 1, Gibney Distributors, Inc., now assigned October 30, 1972, at New York City, N.Y., hearing will be held in Room F-2220, 26 Federal Plaza.

MC-60196 Sub 7, Auto Express, Inc., now assigned hearing October 24, 1972, at Scranton, Pa., will be held in Federal Courtroom No. 2, Post Office Building, Scranton, Pa.

MC 61396 Sub 234, Herman Bros., Inc., now being assigned October 30, 1972, at St. Paul, Minn., hearing will be held in the Judge Larson's Courtroom No. 4, 730 Federal Court Building, 318 Robert Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17273 Filed 10-6-72; 8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 4, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42540—*Joint water-rail container rates—United States Lines, Inc.* Filed by United States Lines, Inc. (No. 4), for itself and interested rail carriers. Rates on general commodities, from ports in the Far East, to rail stations in Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, and Texas.

Grounds for relief—Water competition.

Tariff—United States Lines, Inc., Freight Tariff No. 8, ICC No. 8, FMC No. 48. Rates are published to become effective on November 1, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17274 Filed 10-6-72; 8:52 am]

[Notice No. 137]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211,

312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73901. By order of September 27, 1972, the Motor Carrier Board approved the transfer to Taylor William Holt, Jr., Ruth Holt, Wanda Phillips, and Hilda Williams, a partnership, doing business as Holt Transfer Co., Greeneville, Tenn., of certificates Nos. MC-106305 and MC-106305 (Sub. No. 1) issued to Taylor Holt, doing business as Holt Transfer Co., Greeneville, Tenn., authorizing the transportation of: Household goods as defined by the Commission, between points in specified counties in Tennessee, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia. O. C. Armitage, Jr., attorney, Post Office Box 255, Greeneville, TN 37743.

No. MC-FC-73905. By order entered September 26, 1972, the Motor Carrier Board approved the transfer to J. E. Lammert Transfer, Inc., Grand Island, Nebr., of the operating rights set forth in Certificate No. MC-125407 and sub numbers 1, 2, 3, 6, and 7, thereunder, issued between May 1, 1964, and August 18, 1967, to Charles E. King, Jr., and Harold A. Scott, doing business as King & Scott, Gray, Iowa, authorizing the transportation of: Malt beverages, general commodities, with the usual exceptions, livestock and agricultural commodities, feed, lumber, agricultural machinery, wire fencing and fencing posts or fencing materials, and new furniture, uncrated, from, to, or between points and places in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501, representative for applicants.

No. MC-FC-73917. By order of September 26, 1972, the Motor Carrier Board approved the transfer to John Arthur Fabrizio and Mary Elizabeth Fabrizio, a partnership, doing business as Norwalk Auto Transit Co., 4 Magnolia Avenue, Norwalk, CT., of Certificate No. MC-33361 issued May 7, 1942, to

John J. Fabrizio, doing business as Norwalk Auto Transit Co., 4 Magnolia Avenue, Norwalk, CT., authorizing the transportation of: Passengers and their baggage, in charter operations, from Norwalk, Conn., and points within 25 miles, to points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Illinois, and Michigan.

No. MC-FC-73959. By order of September 27, 1972, the Motor Carrier Board approved the transfer to Merchants Fast Motor Lines, Inc., a Delaware corporation, Abilene, Tex., of the operating rights in Certificate No. MC-2228 and subs thereunder to Merchants Fast Motor Lines, Inc., Abilene, Tex., authorizing the transportation of general commodities, with certain exceptions, including Classes A and B explosives, carbon black, compressed gases, and Government-owned compressed gas trailers, empty or loaded with compressed gases other than liquefied petroleum gas, between various specified points in Texas.

Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767, attorney for applicants.

[SEAL] ROBERT L. OSWALD
Secretary.

[FR Doc.72-17271 Filed 10-6-72; 8:52 am]

[Notice No. 133]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 29, 1972.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 82063 (Sub-No. 40 TA), filed September 22, 1972. Applicant: KLIPSCH

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

HAULING CO., Mailing: 112 North Fourth Street 63102, 119 East Loughborough Avenue, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentachlorophenol*, dry, in bulk, in tank vehicles, from Memphis, Tenn., to De Queen, Ark., and Wiggins, Miss., for 180 days. Supporting shipper: Dow Chemical Co., 7733 Forsyth Boulevard, St. Louis, MO 63501. Sent protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 109847 (Sub-No. 12 TA), filed September 21, 1972. Applicant: BOSS-LINCO LINES, INC., 1 West Genesee Street, Suite 450, Genesee Building, Buffalo, NY 14240. Applicant's representative: Harold G. Heryn, Jr., 2030 Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Mobil Chemical Distribution Center at or near Williamson, N.Y., in connection with the carrier's regular route operations, between Rochester and Syracuse, N.Y., for 180 days. Applicant states it does intend to tack with the authority sought. Supporting shipper: Mobil Chemical Co., Plastics Division, Macedon, N.Y. 14502. Sent protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 111729 (Sub-No. 359 TA), filed September 19, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds; proofs, cuts, copy, manuscripts, first copies of publication, advertising material, and matters pertaining thereto*, between West Pittson, Pa., and New York, N.Y.; and (2) *agricultural commodity samples for testing purposes; including cottonseed samples, cottonseed meal samples, cottonseed oil samples, soybean meal samples, soybean samples, soybean oil samples, poultry and livestock feed samples*, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, between Forrest City, Helena, Little Rock, Newport, Osceola, Pine Bluff, Stuttgart, and Wilson, Ark.; Sikeston, Mo.; Amory, Clarksdale, Corinth, Greenwood, Greenville, Jones-town, Marks, Minter City, Tunica, and Tupelo, Miss.; Tiptonville, Tenn.; and Decatur, Ala., on the one hand, and, on

the other, Memphis, Tenn., for 180 days. Supporting shippers: Suburban Publishers, 1212 Avenue of the Americas, New York, NY 10036; Tenent and Associates Laboratory, Post Office Box 161050, Memphis, TN 38116. Send protests to: Thomas W. Hopp, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 113666 (Sub-No. 68TA), filed September 18, 1972. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicone carbide and aluminum oxide*, from the ports of entry on the international boundary between the United States and Canada located in New York and Michigan to points in New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, and Minnesota, for 180 days. Supporting shipper: Gano, Moore Co., Inc., 37 East Wynnewood Road, Wynnewood, PA 19096. Send protests to: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 113666 (Sub-No. 69 TA), filed September 20, 1972. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, in bulk, in tank vehicles, from Willow Island, W. Va., to points in Kansas, Iowa, Illinois, Georgia, Arkansas, Missouri, and Montana, for 180 days. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC-113832 (Sub-No. 67 TA), filed August 30, 1972. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, brass, bronze, copper, steel, nickel and nickel alloy materials and products; foundry alloys; refrigeration equipment and supplies; welding equipment and supplies; fasteners and fittings; and supplies and materials*, used in the operation and maintenance of the office and warehouse activities of Williams & Co., Inc., restricted against the transportation of commodities in bulk, between the facilities of Williams & Co., Inc., in Pittsburgh, Pa., on the one hand, and, on the other, the facilities of Williams & Co., Inc., in Columbus and Cleveland, Ohio, and Buffalo,

N.Y., on the other, under contract with Williams & Co., Inc., for 180 days. Supporting shipper: Williams & Co., Inc., 901 Pennsylvania Avenue, Pittsburgh, PA 15233 (M. C. Young, Vice President-Operations). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 114989 (Sub-No. 16 TA), filed September 19, 1972. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., Post Office Box 623, 1910 South Walnut Street, Hopkinsville, KY 42240. Applicant's representative: Richard D. Gleaves, 601 Stahlman Building, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from the plantsite of the Miller Brewing Co. warehouse at Bensenville, Ill., and from the plantsites of the Carling Brewing Co. and the Stag Brewing Co., both at Belleville, Ill., to United of Lexington, Inc., at Lexington, Ky., and to John Hoyer, doing business as Cravens Distributing Co., at points in Christian County, Ky., for 180 days. Supporting shipper: John G. Hoyer, Owner, Cravens Distributing Co., Pembroke, Ky., President, United of Lexington, Inc., Lexington, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 117119 (Sub-No. 465 TA), filed September 18, 1972. Applicant: WILLS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plantsite and warehouse facilities of Jenos, Inc., Duluth, Minn., to points in Kansas, Nebraska, Missouri, Oklahoma, Arkansas, Tennessee, Mississippi, Louisiana, Texas, Nevada, New Mexico, Arizona, California, Colorado, Utah, Idaho, Washington, and Oregon for 180 days. Supporting shipper: Jenos, Inc., 525 Lake Avenue S., Duluth, MN 55801. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117799 (Sub-No. 42 TA), filed September 14, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural fermentation compounds and ingredients thereof*; (2) *fertilizer and ingredients thereof*; (3) *animal minerals and vitamins*; and (4) *supplies, signs and advertising materials* used in the sale of (1), (2), and (3) above (except commodities in bulk), from the plantsite and warehouse facilities of Custom Services, Inc., at or near Carson City, Nev., to

points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Im-Pruv-All Agriculture, Inc., 93-2021 Vera Cruz Drive, Modesto, CA 95350. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 125985 (Sub-No. 11 TA), filed September 18, 1972. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, IL 60604. Applicant's representative: David L. Steinhagen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Motor homes*, in initial and secondary movements by drive-away service, between points in Cincinnati, Ohio, and Minnesota, Missouri, Iowa, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Washington, D.C., Maryland, Ohio, Pennsylvania, Delaware, Rhode Island, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Thomas M. Parnell, Sale Manager, Wayfarer Motor Homes, Inc., 2530 Spring Grove Avenue, Cincinnati, OH 45214. Send protests to: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126899 (Sub-No. 58 TA), filed September 20, 1972. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental material and premiums* when shipped with malt beverages and on the reverse haul *empty containers* used in transporting malt beverages, from Evansville, Ind., to points in Illinois, Missouri, and Michigan (Lower Peninsula), Ohio, Kentucky (except Hopkinsville), Pennsylvania, West Virginia, New York, New Jersey, Maryland, North Carolina, Virginia, and the District of Columbia, also *empty containers* used in transporting malt beverages, from points in Illinois, Michigan (Lower Peninsula), Indiana, New York, Ohio, Pennsylvania, New Jersey, and Tennessee to Newport, Ky., for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, WI 54601. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 133065 (Sub-No. 24 TA), filed September 18, 1972. Applicant: ECKLEY TRUCKING AND LEASING, INC., Post Office Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen,

Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air handling units, makeup air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems, and equipment, materials and supplies* used in the manufacture and production thereof, from Hastings, Nebr., to points in Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, Washington, D.C., and West Virginia, under continuing contract with Hastings Industries, Inc., for 180 days. Supporting shipper: Charles I. Magee, Traffic Supervisor, Hastings Industries, Inc., 108 South Colorado Avenue, Hastings, NE 68901. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 135845 (Sub-No. 4 TA), filed September 20, 1972. Applicant: CATER, INC., 920 Holiday Drive, Moorhead, MN 56560. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* exempt from economic regulation under section 203-(b)(6) of Part II of the Interstate Commerce Act when moving at the same time and in the same vehicle with commodities named below and (2) *Such merchandise* as is dealt in by retail and wholesale food and grocery business houses for the account of Big Red Grocery Co., from points in Iowa, Illinois, Minnesota, Wisconsin, and Idaho to Fargo, N. Dak., for 180 days. Supporting shipper: Big Red Grocery Co., Post Office Box 1656, Fargo, ND 58102. Send protests to: J. H. Ambbs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135871 (Sub-No. 11 TA), filed September 19, 1972. Applicant: H.G.M. TRANSPORT COMPANY, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, for the account of S. E. Nichols, Inc., between Jersey City, N.J., on the one hand, and, on the other, Annyville, Chambersburg, Ephrata, Hanover, Lancaster, Reading, and Shillington, Pa., for 180 days. Supporting shipper: S. E. Nichols, Inc., 500 Eighth Avenue, New York, NY 10018. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136008 (Sub-No. 4 TA), filed September 19, 1972. Applicant: JOE

BROWN COMPANY, INC., 20 Third Street, NE., Post Office Box 1669, Ardmore, OK 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from the plant-site of Sooner Rock Quarry near Davis, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, and Texas, for 180 days. Supporting shipper: Henry McCabe, president, Industrial Minerals Corp., Ardmore, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136008 (Sub-No. 5 TA), filed September 19, 1972. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., Post Office Box 1669, Ardmore, OK 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from the plant-site of Delta Mining, Ryder Station, located approximately 5 miles from Mill Creek, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, and Texas, for 180 days. Supporting shipper: Henry McCabe, president Delta Mining Corp., Ardmore, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136911 (Sub-No. 2 TA), filed September 18, 1972. Applicant: PACKAGE EXPRESS, INC., 22 Tyler Street, Springfield, MA 01109. Applicant's representative: David M. Marshall, 135 State Street, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies* sold, used or distributed by a manufacturer of cosmetics, between the terminal and facilities of Package Express, Inc., Springfield, Mass., on the one hand, and, on the other, points in Hampden, Hampshire, Franklin, Berkshire and Worcester Counties, Mass., Litchfield, Tolland, Windham and Hartford Counties, Conn., and Columbia, Rensselaer, Washington, Saratoga, Dutchess, Ulster, Montgomery, Schenectady and Albany Counties, N.Y. Restriction: Transportation under the above authority shall be limited to parcels and packages not exceeding fifty (50) pounds per package or parcel and not exceeding two hundred fifty (250) pounds per shipment from one consignor to one consignee, for 150 days. Supporting shipper: Avon Products, Inc. Rye, N.Y. Send protests to: District Supervisor, Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Court House, 436 Dwight Street, Springfield, MA 01103.

No. MC 136947 (Sub-No. 1 TA), filed September 22, 1972. Applicant: CUOMO & SON CARTAGE COMPANY, 2631 South Hillock Street, Chicago, IL 60608. Applicant's representative: Phillip A. Lee, 33 North Dearborn Street, Suite 1801, Chicago, IL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compost*, used as a growth medium used for mushrooms, from Brighton, Ind., and Glenn, Mich., to West Chicago, Ill. (Prince Crossing), for 180 days. Supporting shipper: Albin J. Budash, Campbell Soup Co., Campbell Place, Camden, N.J. 08101. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138006 (Sub-No. 1 TA), filed September 18, 1972. Applicant: KANSAS ELECTRIC COOPERATIVES, INC., 5709 West 21st Street, Topeka, KS 66604. Applicant's representative: Gordon Lowry, Post Office Box 82, Valley Falls, KS 66088. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers, meters, and circuit breakers*, from Topeka, Kans., to points in Missouri, Iowa, Nebraska, Wyoming, Colorado, Oklahoma, Kansas, and Texas, for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Arkansas Electric Cooperatives, Inc., 8000 Interstate Drive, Little Rock, AR 72208. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 138006 (Sub-No. 1 TA), filed September 18, 1972. Applicant: KANSAS ELECTRIC COOPERATIVES, INC., 5709 West 21st Street, Topeka, KS 66604. Applicant's representative: Gordon Lowry, Post Office Box 82, Valley Falls, KS 66088. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers, meters, and circuit breakers*, from Topeka, Kans., to points in Missouri, Iowa, Nebraska, Wyoming, Colorado, Oklahoma, Kansas, and Texas, for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Arkansas Electric Cooperatives, Inc., 8000 Interstate Drive, Little Rock, AR 72208. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 138027 (Sub-No. 1 TA), filed September 21, 1972. Applicant: BANNER, INC., 1205 South Denver Avenue, Tulsa, OK 74119. Applicant's representative: Wayne Case (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Coal, from the Mining Facilities of Sierra Coal Co., Inc. located approximately 3 miles northeast of Porum, Okla., to the loading facilities of Sierra Coal Co., Inc., located on the Arkansas River at or near Webbers Falls, Okla., for 180 days. Supporting shipper: Sierra Coal Co., Frank Podpechan, President, Claremore, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138044 TA, filed September 20, 1972. Applicant: F. H. STEEDLEY, doing business as F. H. STEEDLEY PRODUCE COMPANY, 1914 State Street, Waycross, GA 31501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ice, from Waycross, Ga., to Jacksonville, Fla., for 180 days. Supporting shipper: Atlantic Refrigerated Warehouse, a division of Munford, Inc., 68 Brookwood Drive NE., Post Office Box 7701, Station C, Atlanta, GA 30309. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138045 TA, filed September 19, 1972. Applicant: INTERCONTINENTAL DISTRIBUTION SYSTEMS, a corporation, 1140 Ala Moana Boulevard, Honolulu, HI 96813. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. 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 Hawaii, restricted to traffic originating at or destined to points beyond Hawaii, for 180 days. NOTE: Applicant requests that the usual restriction against tacking and combining be deleted. Supporting shippers: Acme Fast Freight, Inc., Post Office Box 3247, Terminal Annex, Los Angeles, CA 90051; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, GA 31901; Dillingham Marine Division Hawaii, Post Office Box 3288, Honolulu, HI 96801; Garrett Forwarding Co., Post Office Box 4048, Pocatello, ID 83201; and Interstate World Forwarders, Inc., Post Office Box 4168, Torrance, CA 90510. Send protests to: Acting District Supervisor A. J. Rodriguez, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138049 TA, filed September 22, 1972. Applicant: R & S TRUCK SERVICE, INC., Market and Fourth Avenue, Lexington, NC 27292. Applicant's representative: John H. Smith (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trucks, tractors, buses, and trailers (except trailers designed to be drawn by passenger automobiles) as replacement vehicles for wrecked disabled trucks, tractors, buses, and trailers, in interstate or foreign commerce, from Davidson,

Randolph, and Rowan Counties, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and wrecked and disabled trucks, tractors, buses and trailers, from points in the above named destination States to points in Davidson, Randolph, and Rowan Counties, N.C., for 180 days. Supported by: There are approximately six statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

No. MC 138052 TA, filed September 21, 1972. Applicant: GOLD COAST TRUCKING, INC., 140 North Hill Street, Albany, OR 97321. Applicant's representative: Robert G. Simpson, 12th Floor Standard Plaza, Portland, OR. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, containers, cartons, bottle openers, advertising and brewery products moving incidentally to the movement of malt beverages, from Los Angeles and San Francisco, Calif., to Coos Bay, Medford, Grants Pass, Roseburg, Klamath Falls, Bend, Albany, Eugene, Springfield, Salem, Hillsboro, Tillamook, Astoria, The Dalles, Pendleton, and La Grande, Oreg.; and return movement from the same points in Oregon to Los Angeles and San Francisco, Calif., of empty containers, pallettes, spoiled and rejected malt beverages; and wine, containers, and cartons, bottle openers, advertising and winery products moving incidentally to the movement of wine, from Madera, Italian Swiss Colony, Ripon, St. Helena, Elk Grove, Thoman, Asti, San Martin, Culter and Las Gatos, Calif., to Coos Bay, Medford, Grants Pass, Roseburg, Klamath Falls, Bend, Albany, Eugene, Springfield, Salem, Hillsboro, Tillamook, Astoria, The Dalles, Pendleton, and La Grande, Oreg.; and return movement from the same points in Oregon to the same points in California, of empty containers, pallettes, spoiled and rejected wine, for 180 days. Supported by: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17276 Filed 10-6-72; 8:51 am]

[Notice No. 138]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 4, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74003. By application filed October 2, 1972, BRIAN DOYLE HORSE TRANSPORT LIMITED R.R. No. 4, Dundas, ON Canada, seeks temporary authority to lease the operating rights of LYLE M. GARNETT, 7785 Buckhorn Lake Road, Holly, MI 48442, under section 210a(b). The transfer to BRIAN DOYLE HORSE TRANSPORT LIMITED, of the operating rights of LYLE M. GARNETT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17272 Filed 10-6-72; 8:52 am]

[No. MC-116947 (Sub-No. 22)]

SCOTT TRANSFER CO., ATLANTA, GA.

Application for Contract Carrier Application

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 22d day of September 1972.

It appearing, that by application filed August 19, 1971, Hugh H. Scott, doing business as Scott Transfer Co., of Atlanta, Ga., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of metal containers and metal container parts and accessories and equipment, used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from the plantsite of National Can Corp. at Madisonville, Ky., on the one hand, and, on the other, the points indicated below, under contract with National Can Corp. of Chicago, Ill.;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant T.I.M.E.-DC, Inc., has filed a verified statement in opposition to the application; and that applicant has filed a statement in rebuttal;

It further appearing, that applicant's proposed service will meet the distinct needs of the supporting shipper and thus the proposed operation meets the criteria of contract carriage as defined in section 203(a)(15) of the Interstate Commerce Act;

It further appearing, that our required consideration of section 209(b) of the Act demonstrates: (1) That applicant meets the requirement of serving only a limited number of shippers, as he presently holds authority to serve the supporting shipper and the grant of authority will not increase the number of

shippers which applicant serves which will remain at two; (2) that applicant will be able to satisfy shipper's distinct need for a motor carrier capable of providing specialized high-cube van trailers and tractors and of effecting truckload deliveries to customers whose locations frequently change and who are scattered throughout the sought destination area; that shipper National Can Corp. requires the use of extra high-cube 45-foot vans equipped with flat floors, minimum rear door opening heights of 110 inches, rollerbeds, and other specialized equipment to protect freight and facilitate unloading; that customers require exact-time deliveries to meet production needs; (3) that protestant does not operate trailers with sufficient rear door opening height to meet shipper's loading requirements and is otherwise limited territorially in the number of destination or origin points it may serve; that protestant has participated in the involved traffic, but the impact upon protestant's operations will be minor and will be far outweighed by the benefits which will accrue to shipper; (4) that a denial of the application would deprive applicant of expanding its services to an existing contracting shipper and would deprive shipper of an efficient distribution system which is necessitated by the nature of its product; and (5) that the changing character of the shipper's requirements does not appear to be a significant factor here;

It further appearing, that the shipper describes certain items of equipment, materials, and supplies used in the manufacture and distribution of metal containers; that the application as filed seeks no inbound authority; that the application does request authority from the shipper's plant to various States (rather than between such points as is implied by the use of the limitation "on the one hand, and, on the other"); that, accordingly, the authority granted should be rephrased to more concisely describe shipper commodities and to reflect movements between the points involved; and that because the application as published is ambiguous in describing the true nature of the service required, we will require that notice of the authority granted be published as provided below;

It further appearing, that applicant holds, in addition to its outstanding permits, certificates issued in No. MC-117957 and subnumbers thereunder; that inasmuch as the commodities to be transported herein are different from the commodities authorized to be transported under the above-noted certificate, there does not appear to be an opportunity for engaging in any of the discriminatory or undesirable practices against which section 210 of the Interstate Commerce Act is aimed;

And it further appearing, that the evidence submitted in the form of verified statements demonstrates that applicant is experienced in performing the type of service proposed, and is in compliance with the rules and regulations governing motor carrier operations, has suitable and available equipment, and is able, financially and otherwise, to conduct the proposed service, and that the application should be granted as set forth below;

Wherefore, and good cause appearing therefor:

We find, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of metal containers, and equipment, materials, and supplies used in the manufacture, sale, and distribution of metal containers and metal container ends, between the facilities of National Can Corp., at Madisonville, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kansas, Missouri, Oklahoma, and Texas, under a continuing contract or contracts with National Can Corp., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a notice of the authority actually granted herein should be published in the FEDERAL REGISTER and issuance of a permit in the proceeding shall be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest who would be prejudiced by the lack of proper notice of the actual origin of the traffic

involved herein, may file an appropriate petition for intervention or other relief, setting forth in detail the precise manner in which it has been so prejudiced; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate permit should be issued; and that the application in all other respects should be denied.

We further find, that the holding by applicant of the permit authorized to be issued in this proceeding, and the holding of the certificates in No. MC-117957 and subnumbers thereunder, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act.

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

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 218, and 221(c) of the Act, with the Commission's rules and regulations thereunder, and with the requirements established in Contracts of Contract Carriers, 1 M.C.C. 628, within the time specified in the next succeeding paragraph, and with the condition respecting publication in the FEDERAL REGISTER, a permit be issued to applicant authorizing the operations described above.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17275 Filed 10-6-72;8:52 am]

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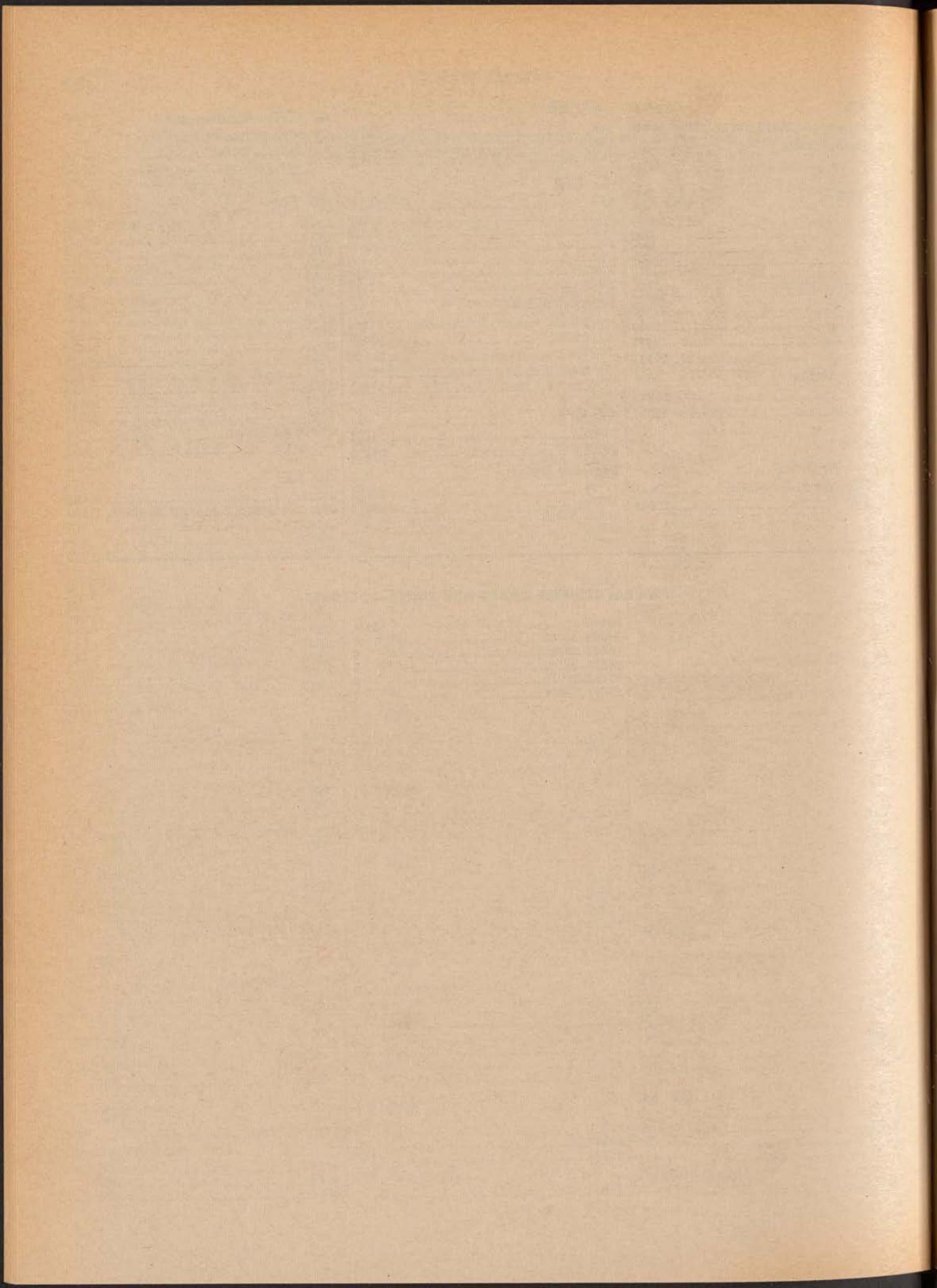
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PART II



DEPARTMENT OF TRANSPORTATION

COAST GUARD

■

BOATING SAFETY

Reporting of Casualties
and Accidents;
Numbering of Vessels

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER S—BOATING SAFETY

[CGD 72-54R]

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

The purpose of this revision of Subchapter S of Title 33, Code of Federal Regulations, is to prescribe requirements for numbering vessels and for reporting casualties and accidents to implement the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

A notice of proposed rule making was published in the April 19, 1972, issue of the FEDERAL REGISTER (37 F.R. 7751) proposing the establishment of a standard numbering system for vessels required to be numbered under the Act and a uniform reporting system of casualties and accidents involving vessels subject to the Act to be published in Parts 170 and 171 of Subchapter S of Title 46, Code of Federal Regulations.

On May 17, 1972, a public hearing was held in Washington, D.C. to receive the views of interested persons on the proposed regulations. Both before and after the public hearing, written comments from interested persons were received. The Coast Guard has considered all oral and written comments before final action was taken on the proposal.

Subsequent to the notice of proposed rule making and the public hearing, a rule was published in the July 7, 1972, issue of the FEDERAL REGISTER (37 F.R. 13346) which established Subchapter S of Title 33, Code of Federal Regulations. It was stated in that document that the new Subchapter S will eventually contain the regulations implementing the Federal Boat Safety Act of 1971. The regulations in this document are codified in Parts 173 and 174 of Subchapter S of Title 33, instead of Parts 170 and 171 of Title 46, as proposed. In addition, by a document published on page 21404 of this issue of the FEDERAL REGISTER, Parts 171, 172, and 173 of Title 46 are revoked because they are replaced by the regulations promulgated in this document.

The Coast Guard received 15 written comments on the proposed regulations. Two oral statements were made at the public hearing on the proposals.

One written comment supported the proposal. Two written comments recommended changing the style of several sections of the proposed regulations but not the substance. The style of the proposed regulations follows generally accepted drafting principles and conforms with all the requirements for publication in the FEDERAL REGISTER. Since the sug-

gested changes did not follow these standards, they were not adopted.

Four written comments suggested changes to the proposed § 170.3. Three of the comments proposed new definitions for the phrase, "State of principal use," in paragraph (h). One commenter suggested that the test for the definition should be the use of a State's waters for more than 90 consecutive days during a calendar year. This test was rejected since it is unlikely that all vessels will be used in a single State for 90 consecutive days and some vessels may not be used for 90 consecutive days during a calendar year. Operators of vessels used in waters which serve as boundaries between States may readily break the string of consecutive days by using the vessel solely in the waters of one State for a day or so. Accordingly, the test was found to be impractical.

One commenter recommended that the definition of "State of principal use" be changed to read: "State of principal use and State in which the vessel is principally used are synonymous and mean (1) the State on whose waters a vessel is berthed or used or to be berthed or used most during a calendar year; or (2) the State determined to be the State of principal use pursuant to the provision of reciprocal agreements, arrangements or declarations with other States." The definition as proposed was submitted to each State authority and each member of the Boating Safety Advisory Council for consideration, comment, and suggested changes. The Boating Advisory Council and the majority of the comments received supported the proposed definition.

One commenter requested that the definition of the word "Use" in § 170.3(i) be changed to be more specific. The proposed definition of this word is taken from section 3(4) of the Federal Boat Safety Act of 1971 (85 Stat. 214; 46 U.S.C. 1452), and could not be changed. For these reasons, no changes were made to the definition of the word "Use" or of the phrase "State of principal use."

Five written comments were received concurring in the proposed § 170.11. One commenter suggested that the proposed exception in § 170.11(b) be changed to read: "Military or public vessels of the United States, except public vessels used for recreational purposes." The reason for the suggested change was that recreational-type public vessels are often used as work boats but no datum or evidence was submitted to support the suggestion that this occasional employment should exempt such vessels from the requirements of the law. Since recreational-type vessels were specifically exempted from the exemption granted to military and public vessels and § 170.11(b) repeats this exemption and exception verbatim from section 4(c)(2) of the Federal Boat Safety Act of 1971 (85 Stat. 215, 46 U.S.C. 1453(c)(2)), no change was made.

One comment concerning the exceptions to the applicability listed in § 170.11 was that all undocumented vessels should

be numbered and suggested that such numbering could be accomplished without cost to the Government. Another comment concerning §§ 170.11 and 170.71 requested that recreational-type vessels owned by nonappropriated fund activities of the Armed Forces be exempted from numbering fees. Both comments were rejected for the following reasons: Section 17 of the Federal Boat Safety Act of 1971 requires an undocumented vessel equipped with propulsion machinery of any type to have a number issued by the proper issuing authority in the State in which the vessel is principally used, but section 4(c) of the Act excepts from the applicability of the act—

1. Foreign vessels temporarily using waters subject to the United States jurisdiction;
2. Military or public vessels of the United States, except recreational-type public vessels;
3. A vessel, whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such; and
4. Ships' lifeboats.

The exceptions listed in § 170.11 follow section 4(c) of the Act. Although the Act and the proposed regulations require the numbering of certain mechanically propelled vessels, the States may require the numbering of vessels not specifically excepted, such as vessels without propulsion machinery. A fee may be waived without exempting a vessel or class of vessels from numbering by the provisions of section 19(a) of the Act. The provisions of section 19(b) of the Act permit a State, but do not require it, to exempt the same class of vessels exempted by the Coast Guard. The Coast Guard does not intend to collect a fee for numbering vessels owned by nonappropriated fund activities of the Armed Forces in States where the Coast Guard is the issuing authority. The States may also issue numbers to such vessels at no cost.

The above comments did not mention the number of recreation-type vessels owned by nonappropriated fund activities of the Armed Forces, where they are principally used, or the magnitude of the problem, if one exists. If further experience under these regulations shows a substantial problem, it may be necessary to propose further regulations concerning the approval of State numbering systems.

One comment suggested the deletion of § 170.11(c) on the basis that vessels belonging to a State or political subdivision of a State should not be exempted from the numbering requirements. Since § 170.11 follows the exemption in section 4(c)(3) of the Act, the suggestion was not adopted.

One written comment suggested that the wording "required to be documented" be deleted in §§ 170.11(e) and 170.77(b) (1) because this requirement is based on admeasurement. Certain vessels of 5 net tons and over are required by existing law and regulation to be documented due to their employment or use. Since section 17 of the Act applies to undocumented

vessels, documented vessels should not be subject to both a requirement to be documented and a requirement to be numbered. Accordingly, no change was made to § 170.11(e) or to § 170.77(b)(1).

One written comment recommended that § 170.13(a) be changed to read, "A motorboat that is used exclusively for racing." The change was recommended to eliminate from the exemption sailing vessels equipped with propulsion machinery which were not being used exclusively for racing. The exemption from numbering as proposed is effective only where the Coast Guard issues numbers to vessels. A State under the provisions of section 19(b) of the Act and § 171.11(b) and (c) of the proposed regulations may number such vessels. For this reason no change was made to § 170.13(a).

One written comment submitted in support of an oral comment objected to the exemption for yacht tenders in the proposed § 170.13(b) on the basis that it is contrary to the intent of Congress. The objection was considered in light of the legislative history of the Federal Boat Safety Act of 1971. In the Committee on Commerce report of July 8, 1971 (Senate Committee Report 92-248, 92d Congress, 25(1971)), the following is stated: "During the course of the Committee's consideration of the bill, it was suggested that this section be amended to provide that a dinghy or similar boat which is auxiliary to a larger numbered boat carry an identical number to the larger boat, perhaps using a prefix or suffix to distinguish it from the mother vessel. The purpose of such a provision would be to reduce the burden on the boatman of obtaining more than one number for what is essentially a single boat and ancillary equipment. In a letter dated June 11, 1971, the Coast Guard recommended that this purpose be accomplished by regulations rather than by amendment to the bill. The Committee adopted the Coast Guard's recommendation in this regard and anticipates that regulations accomplishing this objective will be promulgated as part of the standard numbering system established by the Secretary under this section." Since Congress approved this exemption, no change was made to § 170.13(b).

A written comment requested that an additional exemption from the numbering requirements be added to the proposed § 170.13 for training vessels loaned by manufacturers for a 10-day period to a national nonprofit organization. The reason given for requesting the exemption is that numbering of consigned craft would create a number of difficulties when transferring them back to the manufacturers. The requested amendment to § 170.13 was not approved for the following reasons: First, the exemption requested by this organization would apply only when the Coast Guard is the issuing authority since a State is under no requirement to exempt from their numbering provisions any vessel or class of vessel that has been exempted by the Coast Guard. Second, any difficulties involved in transferring such consigned

vessels back to the manufacturer could be eliminated by the use of the temporary certificate, as provided in § 170.75, with the permission of the issuing authority.

One comment was directed to §§ 170.15(a) and 170.19 to add a requirement that the certificate of number be current. The requirement that the certificate be valid is provided in § 170.21 and inclusion of this requirement in other sections of the regulations would be redundant. For this reason the suggested change to §§ 170.15(a) and 170.19 was not adopted.

One comment suggested that § 170.17 be rewritten as submitted by the commenter. The proposed section quotes 18 (c) and (d) of the Act for the reciprocity requirements. This permits the States to implement the requirements within the framework of the law. For this reason no change was made to § 170.17.

Six written comments and one oral comment were directed to § 170.27(b) which provides that a vessel being used by a manufacturer or by a dealer for testing or demonstrating could have the number "available to be shown upon demand," as an alternative to having the number permanently attached or having the number painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel. One of the comments recommended retention of the provision and the others recommended its deletion. The comments pointed out the enforcement difficulties where such vessels are involved and the public relations problems. The Coast Guard has found merit in these contentions. In addition, the Coast Guard has found that the proposed regulation is contrary to the requirements of section 21 of the Act. Accordingly, § 170.27(b) is amended to delete the words, "or be available to be shown upon demand."

One written comment suggested the addition of a new paragraph (e) to § 170.27 to read as follows: "This section does not apply to canoes, kayaks, or other small boats equipped with electric motors or engines less than 5 horsepower." This suggestion was not adopted because it is in conflict with section 17 of the Federal Boat Safety Act of 1971, which requires the numbering of an undocumented vessel equipped with propulsion machinery.

One comment suggested an addition to the proposed § 170.33 to require the validation sticker be removed from a vessel when removal of the number was required. The change was recommended to prevent the unlawful use of validation stickers. The comment was adopted and insertion of the recommended requirement has been made in § 170.33.

One comment concerned a problem created in the proposed § 170.35 by the required fastening of the validation sticker on inflatable boats. The commenter pointed out that stickers on such boats become wrinkled and torn, not being able to withstand the repeated foldings of the hull. The comment suggested that inflatable vessels have validation stickers affixed to the transom. The problem was considered by the Coast

Guard in view of the comment made and the problem that would be created for law enforcement forces by affixing the validation sticker on inflatable vessels in a different location than other vessels. The validation sticker and the vessel number must be readily visible to identify the vessel. As manufacturers of some inflatable boats already make provision for oar locks, handrails, mounting of windshields, and other features which are not inflatable, a provision for the placement of a validation sticker on an inflatable vessel on an attached plate or molded panel on the bow is more acceptable to the Coast Guard. Accordingly, the recommended change to § 170.35 was not adopted.

Eight written comments and one oral comment objected to the proposed §§ 170.35 and 171.15 that required validation stickers issued with the certificate of number to be displayed within 3 inches aft of the number and in line with the number. The commenters pointed out that the proposed requirement if adopted would necessitate the changing of validation stickers on a large number of boats currently numbered. The Coast Guard accepted the comments and changed §§ 170.35 and 171.15 to require the validation sticker to be displayed within 6 inches of the number.

One comment was directed to the wording of § 170.51(b) suggesting that "certificate of inspection" should be defined. A definition of "certificate of inspection" was not included in these regulations since the term is defined in each part of the regulations where it is applied. In general, only commercial vessels and very large seagoing vessels are inspected by the Coast Guard, and "certificate of inspection" is a well-known term in the maritime community. Table 2.01-7(a) of Title 46, Code of Federal Regulations lists the classes of vessels examined or inspected under various Coast Guard Regulations. This table is repeated in other sections of title 46 in the regulations concerning the inspection of tank vessels, passenger vessels, small passenger vessels, and cargo and miscellaneous vessels. A repetition of the detailed regulations and tables covering the inspection of vessels in these regulations, which primarily relate to small recreational vessels that are not inspected by the Coast Guard or issued a certificate of inspection, is not considered necessary or appropriate. For this reason, the comment was not adopted.

One written comment questioned the requirement in §§ 170.53(a)(3) and 170.57 that the name of a vessel in addition to the number be listed in a casualty or accident report. The commenter's position was that the name is superfluous when a vessel is numbered. The casualty reporting system as proposed requires reports from both numbered and unnumbered vessels. The requirement for the involved vessel's name will provide additional identification of a numbered vessel and the only identification of an unnumbered vessel. For this reason the suggestion was not adopted.

One written comment recommended that the reporting requirement in § 170.55(a)(3) exclude damage due to vandalism. The Coast Guard decided not to change the word "occurrence" to a more restrictive word since the reporting of casualties and accidents must encompass a great variety of "occurrences." In addition, a vandalism of a vessel that results in damages in excess of \$100 should be reported so the authorities may take appropriate and necessary action.

Two written comments and one oral comment proposed an increase of the reportable property damage from \$100 to \$200 in § 170.55(a)(3). The reporting of property damage over \$100 is required by existing regulations which have been in force for a number of years. It has been demonstrated that the minimum reporting requirement for property damage in order to administer effective boating safety programs is at least \$100. The need for reports of lesser amounts of property damage is demonstrated by the requirements of several States, of reports of damage of \$25 or more. Accordingly, the Coast Guard determined the higher limit would not be conducive to the intended results of the requirement and rejected the suggestion.

Three written comments proposed amending § 170.55 (a)(2) and (b)(2). Two of the comments requested the deletion of the requirement to submit an accident report when as a result of an accident that involves the vessel or its equipment a person loses consciousness. The other comment requested clarification. The Coast Guard has determined that the individual States have the need for reports of serious injuries to supply statistics on aid and medical attention. This need has been expressed in the past to the Coast Guard by a group of State boating law administrators. Although the States could still require such reports, even if the proposed requirement for such reports were deleted, the suggested amendment to § 170.55 (a)(2) and (b)(2) was not adopted in order to promote uniformity in reporting requirements and accident statistics.

One comment suggested that the words "medical treatment" in § 170.55 (a)(2) and (b)(2) be defined. The proposed regulations were developed to insure that all injuries other than very minor injuries would be reported. The development of a definition for these words would be superfluous since they have no other meaning than their common usage. In general, all injuries requiring aid or attention by a physician or other person trained to practice medicine or administer treatment is required to be reported. For this reason the comment was not adopted.

Three written comments proposed changing §§ 170.57 and 171.103 to simplify the accident report form for minor accidents. For uniformity, only one accident reporting form has been prescribed. The information contained in the form, as proposed in the regulations and the casualty reporting system, is intended to be a major source of information for

the determinations that must be made as to promulgation of standards or regulations, or other appropriate action to be taken to promote boating safety. The report form prescribes only the minimum information necessary to fulfill all requirements of an effective boating safety program and the suggestions were not adopted.

One written comment suggested that the examples of the type of vessel operation to be listed on the accident report in § 170.57(u) include "skiing or racing." The operation of the vessel at the time of an accident or casualty is of importance in determining causative factors. For this reason, the comment was adopted.

One written comment directed to §§ 170.59 and 170.29 suggested the addition of a requirement that notification be made to the issuing authority of the "destruction or abandonment of the vessel." The provision for this notification exists in § 170.29 to assure that the issuing authority is properly notified of changes affecting the administration of its numbering system. Section 170.59 requires notification to the proper reporting authority when an accident or casualty occurs and there is damage to a vessel and other property damage totaling more than \$100. Since the suggested change is already incorporated in both sections, no amendment was made.

One comment pointed out a typographical error in § 170.73(a) and the phrase "prescribed or the issuing authority" was corrected by changing the word "or" to the word "by".

One written comment proposed changing § 170.77 to invalidate the certificate of number when the person whose name appears on the certificate involuntarily loses his interest in a vessel by legal process. This proposed amendment was adopted and included in a new paragraph (e) in § 170.77.

One written comment objected to fees for numbering of small boats using propulsion machinery of less than 10 horsepower. Since the Federal Boat Safety Act of 1971 requires the numbering of an undocumented vessel equipped with propulsion machinery and authorizes the issuing authority to establish fees to carry out the intent of the Act, the comment could not be acted upon. The fees charged by the Coast Guard under § 170.85 are \$6 for a number and two validation stickers for a 3-year period and cover only the administrative costs of the Coast Guard numbering program.

One written comment proposed changing § 171.13 by adding the requirements prescribed in § 170.77 validity of certificate of number to the requirements of a State numbering system. The proposed suggestion was approved and a new paragraph (k) was added to § 171.13 incorporating § 170.77 by reference.

Two written comments and one oral statement were directed to § 171.17. The suggestions included that the name of the engine manufacturer be eliminated and the place of manufacture and the name and address of the person from whom the vessel was purchased be added.

One comment suggested the deletion of State of principal use and citizenship. The comments were considered in light of the wide dissemination of the proposed regulations and prior development work with each State and the members of the Boating Safety Advisory Council. The Coast Guard considered the information on the application to be the minimum necessary for administration of the Federal boating safety program and determined that none of the items in question should be eliminated. It was also determined that the information requested to be added is available from other sources; however, each approved State may add additional information considered to be necessary. Accordingly, none of the suggestions were adopted.

Three comments objected to the information requirement in § 171.17(a)(3) of the date of birth of the owner of a vessel applying for a certificate of number. Since this requirement is one of the methods of verification of identity, the suggestion to delete this requirement was rejected.

One comment recommended that the different types of commercial usage listed in § 171.17(a)(8) be eliminated in favor of just one term, "commercial." The ordinary commercial uses of a vessel were included in the proposed regulations as examples of the specificity required. The need to identify vessels or classes of vessels, together with their use or employment is important for law enforcement and for determining problem areas in boating safety that may require preventative measures. Accordingly, the suggested substitution was rejected.

Two written comments suggested that the information in § 171.17(a)(10) include "model year." The suggestion was adopted.

Two written comments from State Boating Administrators suggested that the authorization in § 171.19(b) to omit information from a certificate of number if the manufacturers hull identification number is plainly marked on the certificate be deleted. The information that may be omitted is available on the application for a certificate of number and may be referenced or found through the use of the manufacturers hull identification number. Nevertheless, a State may require the additional information on the certificate of number. Accordingly, the suggestion was not approved.

One comment directed to § 171.19 suggested the deletion of "State of principal use," "year vessel was manufactured," and "Type of vessel." Section 17 of the Federal Boat Safety Act of 1971 provides that a vessel shall have a number issued in the State in which the vessel is principally used. Difficulties would be created in law enforcement if no information on the certificate of number was available to show the State of principal use. A provision has been provided by § 171.19(b) to permit the omission of certain items of information from the certificate if the vessel has a manufacturers hull identification number which is plainly marked on the certificate. This provision would enable an issuing authority to omit

the other information desired to be deleted. For this reason, the suggestion was rejected.

One comment recommended the size of the certificate in § 171.25 be left up to the individual States, and one comment suggested that due to the amount of information required to be on the certificate, the size of the certificate should be reconsidered. The size of the certificate is unchanged from that required by existing regulations which have been in effect for a number of years. Subsection 20(a) of the Federal Boat Safety Act of 1971 requires that the certificate of number be pocket size. The contents of the certificate has been expanded from earlier requirements to include the manufacturers hull identification number and the type of vessel. In consideration of this additional information, a provision was included in § 171.19(b) to permit the omission of certain information from the certificate if the manufacturers hull identification number is plainly marked on the certificate. Accordingly, the suggestions were rejected.

The proposed regulations were provided to each State for review and comment before publishing them in the FEDERAL REGISTER as a notice of proposed rule making. Each comment was considered in preparing the proposed regulations. The Boating Safety Advisory Council has been consulted and its opinion and advice have been considered in the formulation of these regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council during which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council, at this address.

After consideration of all relevant matters, the amendments proposed in the April 19, 1972, issue of the FEDERAL REGISTER (37 F.R. 7751) are hereby adopted, subject to the following changes:

(1) The regulations in this document are codified in Parts 173 and 174 instead of, as proposed, in Parts 170 and 171, and contained in Subchapter S of Title 33, Code of Federal Regulations instead of Subchapter S of Title 46, Code of Federal Regulations.

(2) In paragraph (b) of § 173.27 (proposed as § 170.27), the words "or be available to be shown upon demand" are deleted.

(3) In § 173.33 (proposed as § 170.33), the words "remove the number from the vessel when * * *" are changed to read "remove the number and validation sticker from the vessel when * * *"

(4) In § 173.35 (proposed as § 170.35), the words "within 3 inches aft of the number and in line with the number" are changed to read "within 6 inches of the number".

(5) In paragraph (u) of § 173.57 (proposed as § 170.57(u)), the words "(cruis-

ing, drifting, fishing, hunting, or other)" are changed to read "(cruising, drifting, fishing, hunting, skiing, racing, or other)."

(6) In paragraph (a) of § 173.73 (proposed as § 170.73(a)), the word "or" is changed to "by."

(7) In § 173.77 (proposed as § 170.77), a new paragraph (e) is added to read as follows:

"(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest by legal process."

(8) In § 174.13 (proposed as § 171.13), paragraph (k) is added to read as follows: "(k) Section 173.77 Validity of certificate of number."

(9) In paragraph (a) of § 174.15 (proposed as § 171.15), the words "displayed aft of the number" are changed to read "displayed within 6 inches of the number."

In consideration of the foregoing, Subchapter S, of Title 33 Code of Federal Regulations, is amended by adding Parts 173 and 174 to read as follows:

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173.1	173.3 Definitions.
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173.85	Appendix A—Issuing authorities and reporting authorities.

173.11 Applicability.
173.13 Exemptions.
173.15 Vessel number required.
173.17 Reciprocity.
173.19 Other numbers prohibited.
173.21 Certificate of number required.
173.23 Inspection of certificate.
173.25 Location of certificate of number.
173.27 Numbers: Display; size; color.
173.29 Notification to issuing authority.
173.31 Surrender of certificate of number.
173.33 Removal of number.
173.35 Coast Guard validation sticker.

173.51 Applicability.
173.53 Immediate notification of death or disappearance.
173.55 Report of casualty or accident.
173.57 Casualty or accident report.
173.59 Where to report.

173.71 Application for certificate of number.
173.73 Duplicate certificate of number.
173.75 Temporary certificate.
173.77 Validity of certificate of number.
173.79 Expiration of Coast Guard certificate of number.
173.81 Coast Guard forms for numbering and casualty reporting.
173.83 Availability of Coast Guard forms.
173.85 Coast Guard fees.

Appendix A—Issuing authorities and reporting authorities.

AUTHORITY: The provisions of this Part 173 issued under sections 18 and 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o) (1).

Subpart A—General

§ 173.1 Purpose.

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 17, 18, and 37 of the Federal Boat Safety Act of 1971.

§ 173.3 Definitions.

As used in this part:
(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Issuing authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a number system has not been approved. Issuing authorities are listed in Appendix A of this part.

(c) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(d) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(e) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

(f) "Reporting authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of this part.

(g) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(h) "State of principal use" means the State on whose waters a vessel is used or to be used most during a calendar year.

(i) "Use" means operate, navigate, or employ.

Subpart B—Numbering

§ 173.11 Applicability.

This subpart applies to each vessel equipped with propulsion machinery of any type used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States except—

(a) Foreign vessels temporarily using waters subject to U.S. jurisdiction;

(b) Military or public vessels of the United States, except recreational-type public vessels;

(c) A vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ships' lifeboats;

(e) A vessel which has or is required to have a valid marine document as a vessel of the United States.

§ 173.13 Exemptions.

Where the Coast Guard issues numbers, the following classes of vessels are exempt, under section 19(a) of the Act, from the numbering provisions of the Act and this part:

(a) A vessel that is used exclusively for racing.

(b) A vessel equipped with propulsion machinery of less than 10 horsepower that—

(1) Is owned by the owner of a vessel for which a valid certificate of number has been issued;

(2) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed in § 173.27; and

(3) Is used as a tender for direct transportation between that vessel and the shore and for no other purpose.

§ 173.15 Vessel number required.

(a) Except as provided in § 173.17, no person may use a vessel to which this part applies unless—

(1) It has a number issued on a certificate of number by the issuing authority in the State in which the vessel is principally used; and

(2) The number is displayed as described in § 173.27.

(b) This section does not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the State in which the vessel is principally used.

§ 173.17 Reciprocity.

(a) Subsection 18(c) of the Act states:

When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(b) Subsection 18(d) of the Act states:

When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least 60 days before requiring numbering in the new State.

§ 173.19 Other numbers prohibited.

No person may use a vessel to which this part applies that has any number that is not issued by an issuing authority for that vessel on its forward half.

§ 173.21 Certificate of number required.

(a) Except as provided in §§ 173.13 and 173.17, no person may use a vessel to which this part applies unless it has on board—

(1) A valid certificate of number or temporary certificate for that vessel issued by the issuing authority in the State in which the vessel is principally used; or

(2) For the vessel described in paragraph (b) of this section, a copy of the lease or rental agreement, signed by the owner or his authorized representative and by the person leasing or renting the vessel, that contains at least—

(i) The vessel number that appears on the certificate of number; and

(ii) The period of time for which the vessel is leased or rented.

(b) Section 20(a) of the Act states in part:

The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

§ 173.23 Inspection of certificate.

Each person using a vessel to which this part applies shall present the certificate or lease or rental agreement required by § 173.21 to any Federal, State, or local law enforcement officer for inspection at his request.

§ 173.25 Location of certificate of number.

No person may use a vessel to which this part applies unless the certificate or lease or rental agreement required by § 173.21 is carried on board in such a manner that it can be handed to a person authorized under § 173.23 to inspect it.

§ 173.27 Numbers: Display; size; color.

(a) Each number required by § 173.15 must—

(1) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by paragraph (b) or required by paragraph (c) of this section;

(2) Be in plain vertical block characters of not less than 3 inches in height;

(3) Contrast with the color of the background and be distinctly visible and legible;

(4) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF); and

(5) Read from left to right.

(b) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(c) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(d) Each number displayed on a tender exempted under § 173.13 must meet the requirements of paragraph (a) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number. (Example: DC 5678 EF 1 or DC-5678-EF-1.)

§ 173.29 Notification to issuing authority.

A person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the issuing authority in a manner prescribed by the issuing authority of—

(a) Any change in his address;

(b) The theft or recovery of the vessel;

(c) The loss or destruction of a valid certificate of number;

(d) The transfer of all or part of his interest in the vessel; and

(e) The destruction or abandonment of the vessel.

§ 173.31 Surrender of certificate of number.

A person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate in a manner prescribed by the issuing authority within 15 days after it becomes invalid under paragraph (b), (c), (d), or (e) of § 173.77.

§ 173.33 Removal of number.

The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation sticker from the vessel when—

(a) The vessel is documented by the Coast Guard;

(b) The certificate of number is invalid under paragraph (c) of § 173.77; or

(c) The vessel is no longer principally used in the State where the certificate was issued.

§ 173.35 Coast Guard validation sticker.

No person may use a vessel except a vessel exempted in § 173.13 that has a number issued by the Coast Guard unless it has the validation sticker issued with the certificate of number displayed within 6 inches of the number.

Subpart C—Casualty and Accident Reporting

§ 173.51 Applicability.

(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States that—

(1) Is used by its operator for recreational purposes; or

(2) Is required to be numbered under this part.

(b) This subpart does not apply to a vessel required to have a certificate of inspection under Chapter I of Title 46, Code of Federal Regulations.

§ 173.53 Immediate notification of death or disappearance.

(a) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, by the quickest means available, notify the nearest reporting authority listed in Appendix A of this part of—

(1) The date, time, and exact location of the occurrence;

(2) The name of each person who died or disappeared;

(3) The number and name of the vessel; and

(4) The names and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice required by paragraph (a) of this section, each person on board the vessel shall notify the casualty reporting authority or determine that the notice has been given.

§ 173.55 Report of casualty or accident.

(a) The operator of a vessel shall submit the casualty or accident report prescribed in § 173.57 to the reporting authority prescribed in § 173.59 when, as a result of an occurrence that involves the vessel or its equipment—

- (1) A person dies;
- (2) A person loses consciousness or receives medical treatment or is disabled for more than 24 hours;
- (3) Damage to the vessel and other property damage totals more than \$100; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

(b) A report required by this section must be made—

(1) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;

(2) Within 48 hours of the occurrence if a person loses consciousness or receives medical treatment or is disabled for more than 24 hours or disappears from a vessel; and

(3) Within 5 days of the occurrence or death if an earlier report is not required by this paragraph.

(c) When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report.

§ 173.57 Casualty or accident report.

Each report required by § 173.55 must be in writing, dated upon completion, and signed by the person who prepared it and must contain, if available, at least the following information about the casualty or accident:

- (a) The numbers and names of each vessel involved.
- (b) The name and address of each owner of each vessel involved.
- (c) The name of the nearest city or town, the county, the State, and the body of water.

(d) The time and date the casualty or accident occurred.

(e) The location on the water.

(f) The visibility, weather, and water conditions.

(g) The estimated air and water temperatures.

(h) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.

(i) The name and address of each operator of each vessel involved.

(j) The number of persons on board or towed on skis by each vessel.

(k) The name, address, and date of birth of each person injured or killed.

(l) The cause of each death.

(m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(n) The name and address of each owner of property involved.

(o) The availability and use of personal flotation devices.

(p) The type and amount of each fire extinguisher used.

(q) The nature and extent of each injury.

(r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(s) A description of each equipment failure that caused or contributed to the cause of the casualty.

(t) A description of the vessel casualty or accident.

(u) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).

(v) The opinion of the person making the report as to the cause of the casualty.

(w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.

(x) The name, address, and telephone number of each witness.

(y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.

(z) The name, address, and telephone number of the person submitting the report.

§ 173.59 Where to report.

A report required by § 173.55 must be submitted to—

(a) The reporting authority listed in Appendix A of this part where the vessel number was issued, or, if the vessel has no number, where the vessel is principally used; or

(b) The reporting authority where the casualty or accident occurred, if it occurred outside the State where the vessel is numbered or principally used.

Subpart D—Issue of Certificate of Number

§ 173.71 Application for certificate of number.

Any person who is the owner of a vessel to which § 173.11 applies may apply for a certificate of number for that vessel by submitting to the issuing authority, listed in Appendix A of this part, where the vessel will principally be used—

(a) An application on a form and in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority.

§ 173.73 Duplicate certificate of number.

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting to the issuing authority that issued the certificate—

(a) An application on a form or in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority, if any.

§ 173.75 Temporary certificate.

A temporary certificate valid for not more than 60 days after it is issued may be issued by an issuing authority pending the issue of a certificate of number. A temporary certificate is not valid after the date that the owner receives the certificate of number from the issuing authority.

§ 173.77 Validity of certificate of number.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, a certificate of number is valid until the date of expiration prescribed by the issuing authority.

(b) A certificate of number issued by an issuing authority is invalid after the date upon which—

(1) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations;

(2) The person whose name appears on the certificate of number as owner of the vessel transfers all of his ownership in the vessel; or

(3) The vessel is destroyed or abandoned.

(c) A certificate of number issued by an issuing authority is invalid if—

(1) The application for the certificate of number contains a false or fraudulent statement; or

(2) The fees for the issuance of the certificate of number are not paid.

(d) A certificate of number is invalid 60 days after the day on which the vessel is no longer principally used in the State where the certificate was issued.

(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal process.

§ 173.79 Expiration of Coast Guard certificate of number.

A certificate of number issued by the Coast Guard expires 3 years from the date it is issued.

§ 173.81 Coast Guard forms for numbering and casualty reporting.

(a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:

(1) Each application for a certificate of number or renewal must be made on two-part Form CG-3876 and 3876A, Application for Number and Temporary Certificate.

(2) Each notification required by § 173.29(b) must be made on Form CG-2921, Notification of Change in Status of Vessel.

(3) Each notification required by § 173.29(a) must be made on Form CG-3920, Change of Address Notice.

(4) Each notification required by § 173.29(c) must be made in writing.

(5) Each application for a duplicate certificate of number must be made on

two-part Form CG-3919 and CG-3919A, Application for Duplicate Certificate of Number and Temporary Duplicate Certificate.

(6) Each vessel casualty required to be reported by § 173.55 must be made on Form CG-3865.

(b) Each surrender of a certificate of number required by § 173.31 may be made in any form but must contain a written statement as to why the certificate is being surrendered.

§ 173.83 Availability of Coast Guard forms.

In a State where the Coast Guard is the issuing authority, forms required by § 173.81 are available at all manned Coast Guard shore units, except light and loran stations and except for Form CG-3865, at all first- and second-class and some third- and fourth-class post offices.

§ 173.85 Coast Guard fees.

(a) In a State where the Coast Guard is the issuing authority the fees for numbering are—

- (1) Original number and two validation stickers—\$6;
- (2) Renewal of number and two validation stickers—\$6;
- (3) Duplicate certificate of number—\$1; and
- (4) Replacement of lost or destroyed validation sticker—\$0.25 each.

(b) Fees must be paid by check or money order made payable to the "U.S. Coast Guard," except when the application is made in person by the owner, the fee may be paid in cash.

APPENDIX A—ISSUING AUTHORITIES AND REPORTING AUTHORITIES

(a) The State is the issuing authority and reporting authority in:

STATE

Alabama—AL.	Nebraska—NB.
Arizona—AZ.	Nevada—NV.
Arkansas—AR.	New Jersey—NJ.
California—CA.	New Mexico—NM.
Colorado—CO.	New York—NY.
Connecticut—CT.	North Carolina—NC.
Delaware—DE.	North Dakota—ND.
Florida—FL.	Ohio—OH.
Georgia—GA.	Oklahoma—OK.
Hawaii—HI.	Oregon—OR.
Idaho—ID.	Pennsylvania—PA.
Illinois—IL.	Puerto Rico—PR.
Indiana—IN.	Rhode Island—RI.
Iowa—IA.	South Carolina—SC.
Kansas—KA.	South Dakota—SD.
Kentucky—KY.	Tennessee—TN.
Louisiana—LA.	Texas—TX.
Maine—ME.	Utah—UT.
Maryland—MD.	Vermont—VT.
Massachusetts—MS.	Virginia—VA.
Michigan—MI.	Virgin Islands—VI.
Minnesota—MN.	West Virginia—WV.
Mississippi—MS.	Wisconsin—WI.
Missouri—MO.	Wyoming—WY.
Montana—MT.	

(b) The Coast Guard is the issuing authority and reporting authority in:

STATE

Alaska—AK.	Guam—GM.
American Samoa—AS.	New Hampshire—NH.
District of Columbia—DC.	Washington—WN.

(c) The abbreviations following the names of the State listed in paragraphs (a) and (b) are the two capital letters that must be used in the number format to denote the State of principal use as prescribed in § 174.23 of this chapter.

Subpart A—General

Sec. 174.1	Applicability.
174.3	Definitions.
174.5	Requirements for approval.
174.7	Approval procedure.

Subpart B—Numbering System Requirements

174.11	Applicability of State numbering system.
174.13	Owner or operator requirements.
174.15	Validation stickers.
174.17	Contents of application for certificate of number.
174.19	Contents of a certificate of number.
174.21	Contents of temporary certificate.
174.23	Form of number.
174.25	Size of certificate of number.
174.27	Duration of certificate of number.
174.29	Temporary certificate of number.
174.31	Terms and conditions for numbering vessels.

Subpart C—Casualty Reporting System Requirements

174.101	Applicability of State casualty reporting system.
174.103	Administration.
174.105	Owner or operator casualty reporting requirements.
174.107	Contents of casualty or accident report.

Subpart D—State Reports

174.121	Forwarding of casualty or accident reports.
174.123	Annual report of numbered vessels.
174.125	Coast Guard address.

AUTHORITY: The provisions of this Part 174 issued under sections 18 and 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o) (1).

Subpart A—General

§ 174.1 Applicability.

This part establishes a standard numbering system for vessels and a uniform vessel casualty reporting system for vessels by prescribing requirements applicable to the States for the approval of State numbering systems.

§ 174.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(c) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(d) "Reporting authority" means a State where a numbering system has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of Part 173 of this chapter.

§ 174.5 Requirements for approval.

The Commandant approves a State numbering system if he finds, after examination of the information submitted by a State, that the State numbering system and vessel casualty reporting system meet the requirements in this part and the provisions of sections 18 through 24 and section 37 of the Act relating to numbering and casualty reporting.

§ 174.7 Approval procedure.

To obtain approval by the Commandant of a numbering system or of any revision to a numbering system, an authorized representative of the State must submit three copies of the State laws, regulations, forms, and policy statements, if any, that pertain to the numbering system or revision to U.S. Coast Guard (GBL/62), 400 Seventh Street SW., Washington, DC 20590.

Subpart B—Numbering System Requirements

§ 174.11 Applicability of State numbering system.

(a) Except as allowed in paragraph (c) of this section, a State numbering system must require the numbering of vessels to which § 173.11 of this chapter applies.

(b) A State numbering system may require the numbering of any vessel subject to the jurisdiction of the State unless prohibited by the regulations in Part 173 of this chapter.

(c) A State numbering system may exempt from its numbering requirements any vessel or class of vessels to which § 173.13 of this chapter applies.

§ 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173 of this chapter:

(a) Paragraph (a) of § 173.15 *Vessel number required of this chapter.*

(b) Section 173.19 *Other numbers prohibited of this chapter.*

(c) Paragraph (a) of § 173.21 *Certificate of number required of this chapter.*

(d) Section 173.23 *Inspection of certificate of this chapter.*

(e) Section 173.25 *Location of certificate of number of this chapter.*

(f) Section 173.29 *Notification to issuing authority of this chapter.*

(g) Section 173.31 *Surrender of certificate of number of this chapter.*

(h) Section 173.33 *Removal of number of this chapter.*

(i) Section 173.71 *Application for certificate of number of this chapter.*

(j) Section 173.73 *Duplicate certificate of number of this chapter.*

(k) Section 173.77 *Validity of certificate of number of this chapter.*

§ 174.15 Validation stickers.

(a) If a State issues validation stickers, its numbering system must contain the requirements that stickers must be

displayed within 6 inches of the number and the stickers must meet the requirements in paragraphs (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1973.

§ 174.17 Contents of application for certificate of number.

(a) Each form for application for a certificate of number must contain the following information:

- (1) Name of the owner.
- (2) Address of the owner, including ZIP code.
- (3) Date of birth of the owner.
- (4) Citizenship of the owner.
- (5) State in which vessel is or will be principally used.
- (6) The number previously issued by an issuing authority for the vessel, if any.
- (7) Whether the application is for a new number, renewal of a number, or transfer of ownership.
- (8) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.
- (9) Make of vessel.
- (10) Year vessel was manufactured or model year.
- (11) Manufacturer's hull identification number, if any.
- (12) Overall length of vessel.
- (13) Type of vessel (open, cabin, house, or other).
- (14) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.
- (15) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail and name of engine manufacturer if available.
- (16) Whether the fuel is gasoline, diesel, or other.
- (17) The signature of the owner.

(b) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 9 through 16 of paragraph (a) of this section.

(c) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit items 15 and 16 of paragraph (a) of this section.

§ 174.19 Contents of a certificate of number.

(a) Except as allowed in paragraphs (b), (c), and (d) of this section, each certificate of number must contain the following information:

- (1) Number issued to the vessel.
- (2) Expiration date of the certificate.
- (3) State of principal use.
- (4) Name of the owner.
- (5) Address of owner, including ZIP code.
- (6) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial pas-

senger carrying commercial fishing or other commercial use.

(7) Manufacturer's hull identification number (if any).

(8) Make of vessel.

(9) Year vessel was manufactured.

(10) Overall length of vessel.

(11) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.

(12) Hull material.

(13) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.

(14) Whether the fuel is gasoline, diesel, or other.

(15) A quotation of the State regulations pertaining to change of ownership or address; documentation, loss, destruction, abandonment, theft, or recovery of vessel; carriage of the certificate of number on board when the vessel is in use; rendering aid in a boat accident; and reporting of vessel casualties and accidents.

(b) A certificate of number issued to a vessel that has a manufacturer's hull identification number assigned, may omit items 8 through 14 of paragraph (a) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(c) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items 7 through 14 of paragraph (a) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(d) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit items 13 and 14 of paragraph (a) of this section if the words "livery vessel" are plainly marked on the certificate.

§ 174.21 Contents of temporary certificate.

A temporary certificate issued pending the issuance of a certificate of number must contain the following information:

- (a) Make of vessel.
- (b) Length of vessel.
- (c) Type of propulsion.
- (d) State in which vessel is principally used.
- (e) Name of owner.
- (f) Address of owner, including ZIP code.
- (g) Signature of owner.
- (h) Date of issuance.
- (i) Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

§ 174.23 Form of number.

(a) Each number must consist of two capital letters denoting the State of the issuing authority, as specified in Appendix A of Part 173 of this chapter, followed by—

- (1) Not more than four numerals followed by not more than two capital letters (example: NH 1234 BD); or
- (2) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(b) A number suffix must not include the letters "I", "O", or "Q," which may be mistaken for numerals.

§ 174.25 Size of certificate of number.

Each certificate of number must be approximately 2½ by 3½ inches.

§ 174.27 Duration of certificate of number.

A certificate of number must not be valid for more than 3 years.

§ 174.29 Temporary certificate of number.

A State may issue a temporary certificate of number that is effective for not more than 60 days.

§ 174.31 Terms and conditions for vessel numbering.

A State numbering system may condition the issuance of a certificate of number on—

- (a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States; or
- (b) The payment of State or local taxes, except for a recreational-type public vessel of the United States.

Subpart C—Casualty Reporting System Requirements

§ 174.101 Applicability of State casualty reporting system.

(a) A State casualty reporting system must require the reporting of vessel casualties and accidents involving vessels to which §173.51 of this chapter applies.

(b) The State casualty reporting system may require vessel casualty or accident reports resulting in property damage of less than \$100.

§ 174.103 Administration.

The State casualty reporting system must be administered by a State agency that—

- (a) Will provide for the reporting of all casualties and accidents prescribed in § 173.55 of this chapter;
- (b) Receives reports of vessel casualties or accidents required in § 174.101;
- (c) Reviews accident and casualty reports to assure accuracy and completeness of reporting;
- (d) Determines the cause of casualties and accidents reported;
- (e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together, with corrective measures instituted or recommended; and
- (f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

§ 174.105 Owner or operator casualty reporting requirements.

A State vessel casualty reporting system must contain the following requirements of Part 173 of this chapter applicable to an owner or a person operating a vessel:

- (a) Section 173.55 Report of casualty or accident of this chapter.

(b) Section 173.59 *Where to report of this chapter.*

(c) Section 173.53 *Immediate notification of death or disappearance of this chapter.*

(d) Section 173.57 *Casualty or accident report of this chapter.*

(e) Section 173.61 *Rendering of assistance in casualties of this chapter.*

§ 174.107 *Contents of casualty or accident report form.*

Each form for reporting a vessel casualty or accident must contain the information required in § 173.57 of this chapter.

Subpart D—State Reports

§ 174.121 *Forwarding of casualty or accident reports.*

Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commander of the Coast Guard District in which the State Capitol is located, except that Ohio and Minnesota must forward reports to the Commander, Ninth Coast Guard District, and Vermont to the Commander, Third Coast Guard District.

§ 174.123 *Annual report of numbered vessels.*

Before March 1 of each year, each State that has an approved numbering system must prepare and submit Coast Guard Form CGHQ-3923, Report of Certificates of Number Issued to Boats, to the Coast Guard.

§ 174.125 *Coast Guard address.*

The report required by § 174.123 must be sent to U.S. Coast Guard (GBD/62), 400 Seventh Street SW., Washington, DC 20590.

Effective date. These amendments are effective on July 1, 1973.

(Secs. 18, 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o)(1))

Dated: September 29, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-17046 Filed 10-6-72;8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-176R]

SUBCHAPTER 5—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

PART 171—STANDARDS FOR NUMBERING

PART 172—INTERPRETIVE RULINGS—FEDERAL BOATING ACT AND ACT OF APRIL 25, 1940, AS AMENDED

PART 173—BOATING ACCIDENTS, REPORTS, AND STATISTICAL INFORMATION

Revocation

The purpose of the amendments in this document is to revoke Parts 171, 172, and 173 of Subchapter S of Title 46, Code of Federal Regulations.

A notice of proposed rule making was published in the April 19, 1972, issue of the FEDERAL REGISTER (37 F.R. 7751) proposing the establishment of a standard numbering system for vessels required to be numbered by the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.) and a uniform reporting system of casualties and accidents involving vessels subject to the Federal Boat Safety

Act of 1971. The Coast Guard issued the notice as a proposed revision of Subchapter S of Title 46, Code of Federal Regulations.

On page 21396 of this issue of the FEDERAL REGISTER, a rule is published based on the notice of proposed rule making of April 19, 1972. In that document, it is explained that the amendments are made to Subchapter S of Title 33, Code of Federal Regulations, which was established in the July 7, 1972, issue of the FEDERAL REGISTER (37 F.R. 13346) to contain the regulations implementing the Federal Boat Safety Act of 1971.

The amendments in this document revoke Parts 171, 172, and 173 of Subchapter S, Title 46, Code of Federal Regulations because they are superseded by the regulations promulgated on page 21396 of this issue of the FEDERAL REGISTER. Since the explanation in the April 19, 1972, notice of proposed rule making fully explained the proposed revision of Subchapter S of Title 46, Code of Federal Regulations and the public participated in that rule making by submitting oral and written comments, and additional notification of the change in codification is considered unnecessary because there has been no substantive change in the regulations as proposed.

In consideration of the foregoing, Subchapter S of Title 46, Code of Federal Regulations is amended as follows:

1. By revoking Parts 171, 172 and 173.

Effective date. These amendments are effective on July 1, 1973.

(Sec. 39, 85 Stat. 213, 228; 46 U.S.C. 1488; 46 CFR 1.46(o)(1))

Dated: September 29, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-17045 Filed 10-6-72;8:45 am]

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