federal register

THURSDAY, MAY 17, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 95

Pages 12885–13002

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federal register

Area Code 202 Phone 962-8626

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 871—OPTIONAL LIFE INSURANCE

Reduction in Optional Insurance Rates

Under 5 U.S.C. 8714a(e) pertaining to Federal Employees' Group Life Insurance, the Civil Service Commission is authorized to determine from time to time the cost of the optional insurance. Pursuant to this authority, and the authority in 5 U.S.C. 8716 to issue regulations, paragraph (c) of § 871.401 is amended, effective the first day of the first pay period which begins on or after July 1, 1973, to reduce the cost of the optional insurance, as follows:

§ 871.401 **Withholdings.**

* * * * *

(c) The biweekly full cost of the $10,000 of optional insurance (and, for a person in receipt of annuity or compensation for work injury, of optional life insurance), until determined by the Commission on the basis of experience to the otherwise, is:

For persons under age 35	$0.80
For persons ages 35 through 39	1.20
For persons ages 40 through 44	1.90
For persons ages 45 through 49	2.90
For persons ages 50 through 54	4.50
For persons ages 55 through 59	10.50
For persons 60 or over	14.00

The amount withheld from the pay of a person paid on other than a biweekly period or insured for more than $10,000 shall be determined at a proportionate rate, adjusted to the nearest cent.

* * * * *

This paragraph is effective with the first pay period which begins on or after July 1, 1973.

(5 U.S.C. 8716.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-9855 Filed 5-16-73;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 717—HOLDING OF REFERENDA

Canvassing by County Committee

On page 7467 of the FEDERAL REGISTER of March 22, 1973 (38 FR 7467), was published a notice of proposal rulemaking to amend the regulations governing the holding of referenda.

Currently, in the case of referenda held by mail ballot, paragraph (b) of § 717.21 of the regulations requires the canvassing of ballots to be in the presence of at least two members of the county committee and open to the public, at the opening of the county office on the fifth day after the close of the referendum period.

Oftentimes the number of eligible voters in a county is so limited it is impractical to call a meeting of the county ASC committee to canvass the ballots. Accordingly, it was proposed that the regulations be amended so that the State committee might designate the county executive director and a county or State ASCS office employee to canvass the ballots and report the results, instead of two members of the county ASC committee when the State ASC committee determined that the number of eligible voters was so limited in a county that having two members of the county ASC committee present for such function was impractical.

Interested persons were given 30 days after publication of the notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

Consideration has been given of the data, views, and recommendations received. Except for the following changes the proposed notice as previously published is adopted:

1. The language in paragraph (b) following the second proviso is changed to permit the State committee to authorize the State executive director to, (a) designate counties where it is impractical to require at least two members of the county committee to assist in ballot canvassing because of the limited number of eligible voters for a particular referendum, and (b) permit the State executive director to designate the county executive director and/or other ASCS office employees to canvass ballots in emergency situations precluding at least two members of the county committee to be present at the time required for canvassing.

2. The authority clause has been added.

3. An effective date provision is added immediately after the authority clause.

Signed at Washington, D.C. on May 11, 1973.

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

Paragraph (b) of § 717.21 of part 717—Holding of Referenda (33 FR 18345), is amended to read as follows:

§ 717.21 **Canvassing voted ballots.**

* * * * *

(b) *Canvassing by county committee.* The canvassing shall be in the presence of at least two members of the county committee and open to the public: *Provided,* That if two or more counties have been combined and are served by one county office, the canvassing of ballots shall be conducted by at least one member of the county committee from each county served by the county office: *Provided further,* That the State committee, or the State executive director if authorized by the State committee, may (1) designate the county executive director and a county or State ASCS office employee to canvass the ballots and report the results, as provided in paragraph (c) and § 717.22, instead of two members of the county committee, when it is determined that the number of eligible voters for the commodity for which the referendum is being conducted is so limited that having two members of the county committee present for this function is impractical and (2) designate the county Executive Director and/or another county or State ASCS office employee to canvass ballots in any emergency situation precluding at least two members of the county committee from being present to carry out the functions required in this section.

* * * * *

(Secs. 312(c), 317 (c) and (d), 336, 343, 354(b), 358(b), 375(b), 52 Stat. 46, as amended, 79 Stat. 66, 52 Stat. 55, as amended, 56, as amended, 52 Stat. 61, as amended, 55 Stat. 38, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1312(c), 1314(c) (c) and (d), 1336, 1343, 1354(b), 1358(b), 1375(b))

Effective date.—June 18, 1973.

[FR Doc.73-9815 Filed 5-16-73;8:45 am]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Basis and purpose.—The provisions of part 718 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to provide for ascertaining crop and land use acreages and compliance with program requirements.

This document is a revision of rules currently in effect under §§ 718.1 to 718.14 of this part (37 FR 12920, 20104; basic regulation with one amendment). Sections have been rewritten to incorporate changes attributable to policy deci-

sions affecting 1973 and subsequent crop years and to make editorial changes clarifying the intent of compliance regulations. Substantial changes are as follows:

Several changes in the deviations from national standards and certification dates applicable to 1973 and subsequent crop years have been added.

Section 718.2 has been expanded to include a definition of all terms used by State and county offices when determining compliance with program provisions.

Section 718.3 has been broadened to cover refusal to permit entry on farm premises for purposes of inspecting tobacco pack houses.

Section 718.4 has been revised to include provision for State committee recommendation of deviation in the national size and width requirements applicable to set-aside acreage.

Section 718.7 has been amended to provide minimum size and width requirements for set-aside acreage.

Section 718.13 has been amended to provide for plowing under or shredding peanuts after digging when the peanuts are damaged to the extent it would not be economical to thresh them for nuts.

Since farmers need to know the changes herein as soon as possible in connection with 1973 programs, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, part 718 shall become effective upon publication in the FEDERAL REGISTER.

Sec.

718.1 Applicability.
718.2 Definitions.
718.3 Farm entry authority.
718.4 Committee functions and authority.
718.5 Measurement service.
718.6 Determination of compliance by farmer certification.
718.7 Determination of crop and land use acreage by farm visit.
718.8 Reliance by producer on previously determined acreage.
718.9 Determining acreage for unusual cases.
718.10 Prevented planting and failed acreage credit.
718.11 Notice of failure to comply.
718.12 Redetermination of acreage.
718.13 Adjustment of acreage.
718.14 Certification dates.

AUTHORITY.—Secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended; 7 U.S.C. 1314, 1373, 1374, 1375, sec. 403, 61 Stat. 932, as amended; 7 U.S.C. 1153.

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for 1973 and subsequent years under any program administered by the Agricultural Stabilization and Conservation Service through State and county committees. The provisions of §§ 718.1 to 718.14 (37 FR 12920, 20104) are superseded.

§ 718.2 Definitions.

(a) *General.*—As used in this part, and in all instructions, forms, and documents issued in connection therewith, the words and phrases defined in part 719 of this chapter shall have the meanings so assigned and the terms defined in paragraph (b) of this section shall have the meanings so assigned, unless the text or subject matter otherwise requires.

(b) *Compliance terms.*—(1) *Administrative variance.*—A prescribed amount within which:

(i) The acreage certified by the farm operator is accepted as correct when such certified acreage and the measured acreage differ by not more than the prescribed amount,

(ii) A farm is considered in full compliance with an acreage requirement when the determined acreage for the crop or land use is more or less than such requirement but by not more than the prescribed amount.

(2) *Allotment crop.*—Any crop for which an acreage allotment (including a base acreage and domestic allotment), base or proportionate share is established pursuant to regulations of the Department implementing Federal law.

(3) *Certification date.*—The day by which a farm operator must designate set-aside, and report applicable program crop acreage.

(4) *Director.*—Director or Acting Director, Program Performance Division, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(5) *Disposal date.*—The date by which the farm operator must complete and report destruction of small grains or authorized row crops on set-aside or conserving acreage which require disposition and which were reported at time of certification.

(6) *Expanded sample checks.*—On-farm inspections and measurements on an additional impartially selected group of farms which were selected because of analysis of the initial random sample checks indicated that the quality of farm certifications or reports was questionable.

(7) *Failed acreage.*—An acreage of a crop which the county committee determined was planted and cared for in a workmanlike manner but which was destroyed or damaged to the extent that abandonment was necessary because of abnormal weather conditions; severe insect infestations for which normal control measures were not adequate; drifting herbicides which were not applied by any producer on the farm or a person under the control of any producer on the farm; game animals; or livestock not under the control of any producer on the farm.

(8) *Farmer certification.*—The determination of compliance with acreage allotments or other program requirements by acceptance of the farm operator's certification in lieu of a farm visit.

(9) *Field.*—A part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, permanent waterways, woodlands, croplines in cases where farming practices make it probable that such cropline is not subject to change, or other similar features.

(10) *Normal row width.*—The distance between rows of the crop in the field, but not less than four links (32 in).

(11) *Normal planting period.*—That period, as established by the State committee, during which the crop is normally planted in the county, or area within the county, with the expectation of producing a crop.

(12) *Photocopy.*—A reproduction of a portion of an aerial photographic enlargement, showing a farm or group of small farms.

(13) *Prevented planting.*—An area which the county committee determines would have been planted to the applicable crop with the expectation of producing a normal crop for harvest, but which was not planted to such crop due to quarantine, payment limitation, or due to a natural disaster.

(14) *Random sample check.*—The on-farm inspections and measurements on a farm which has been selected as a part of an impartial sample for the purpose of maintaining control of ASCS programs and evaluating the accuracy of farmers' certifications and reports of compliance.

(15) *Reporter.*—Person employed to secure the necessary information and measurements to determine the acreages for which measurement is required.

(16) *Required check.*—The on-farm inspections and measurements on a farm which is specifically selected by application of prescribed criteria.

(17) *Set-aside maintenance check.*—An inspection, in addition to and at a different time than regular control checks, which may be made at any time to determine whether farmers are continuing to maintain designated program acreages in accordance with program provisions.

(18) *Skip-row planting.*—A cultural practice in which strips or rows of the crop are alternated with strips of idle land or another crop.

(19) *Subdivision.*—A part of a field which is separated from the balance of the field by a temporary boundary such as a cropline which could be moved or which could disappear.

(20) *Turn area.*—That area perpendicular to the crop rows which is used for operating equipment necessary to the production of a row crop (also called turnrow, headland, or end row).

(21) *Workmanlike manner.*—The carrying out of all operations normal to production of the crop in the area, including application of fertilizers, seeds, herbicides, insecticides, and pesticides in amounts and at intervals needed to assure a normal crop under normal conditions.

§ 718.3 Farm entry authority.

(a) *General.*—Any authorized representative of the Agricultural Stabilization and Conservation Service shall have authority to enter any farm for the purpose of measuring or ascertaining acreage or determining compliance with any mandatory or voluntary program administered by ASCS. For voluntary programs, application of the producer to

participate in the program shall constitute his consent to the authority to enter the farm to measure or ascertain acreage or determine compliance. The person authorized to enter any farm shall present his written authorization upon request for any producer interested in the farm.

(b) *Refusal to permit entry.*—If a farm operator refuses to permit entry for the purpose of measuring or ascertaining acreage or determining compliance with any mandatory or voluntary program for which such measurements or determination of compliance are required, the county executive director shall notify the farm operator in writing as soon as possible of the following consequences, as applicable, of the refusal to permit entry and inspection on the farm:

(1) Program benefits will be denied;

(2) For ELS cotton and rice, buyers in the vicinity will be notified that the farm is considered to be in excess of the allotment;

(3) For peanuts and tobacco (except flue-cured tobacco when acreage-poundage quotas are in effect and burley when poundage quotas are in effect), a 100 percent excess penalty card will be issued;

(4) For flue-cured tobacco when acreage-poundage quotas are in effect, no marketing card showing the farm is eligible for price support will be issued; and

(5) The farm operator shall have 14 days from the date of the written notice to notify the county office that he will permit entry to ascertain acreage or determine compliance and pay the cost thereof. If the farm operator fails to notify the county office that he will permit entry, any case (except those involving flue-cured and Burley tobacco) shall be submitted to the State committee for referral to the applicable field representative of the Office of the General Counsel.

(c) *Refusal to furnish information concerning other interested persons on the farm.*—If a farm operator refuses to furnish information concerning other interested persons on the farm, the farm operator may be denied program benefits until such information is furnished to the county committee.

§ 718.4 Committee functions and authority.

(a) *County committee.*—The county committee shall provide for determining acreages on farms and compliance with the various farm programs in accordance with this part.

(b) *State committee.*—The State committee may:

(1) Take any action required of the county committee which the county committee fails to take.

(2) Correct or require the county committee to correct any action taken by such committee which is not in accordance with this part.

(3) Require the county committee to withhold taking any action which is not in accordance with this part.

(4) Upon approval of the Deputy Administrator, prescribe deviations from standards in § 718.6, § 718.7, § 718.12, or § 718.13 as applicable, for the State so as to establish:

(i) A minimum row width for specific crops of less than 32 in;

(ii) A minimum area requirement for deduction or adjustment credit larger than 0.03 acre for tobacco or 0.1 acre for other crops and land uses;

(iii) A minimum width requirement for deduction or adjustment credit greater than 32 in;

(iv) A minimum error requirement less than 0.5 acre for remeasurement refund;

(v) A standard perimeter deduction of 3 percent of the area planted to a row crop and zero for a close-sown crop in lieu of measuring perimeter deductions on all farms visited in specified counties except that perimeter deductions shall be measured for those crops for which measurement service is provided. The State committee may recommend a different percentage when the 3 percent or zero deduction would cause undue hardship;

(vi) A standard size or width for set-aside acreage which is less than 5 acres or 2 chains, as applicable.

(c) *Approved deviations from prescribed standards.*—The following deviations from prescribed standards pursuant to paragraph (b) of this section have been recommended by the State committee and approved by the Deputy Administrator:

ALABAMA

Minimum row width.—Sixteen inches for peanuts.

ARIZONA

Standard deduction.—Eight percent for row crops and zero for close-sown crops applies to Graham.

CALIFORNIA

(1) *Deduction credit.*—(i) *Minimum area.*—Five-tenths acre for all crops.

(ii) *Minimum width.*—(a) *Perimeter of field,* 10 links for all crops; (b) Within the planted area:

(*1*) *Row crops.*—Four rows except when planted in a skip-row pattern.

(2) *Close-sown crops.*—Twenty links.

(2) *Standard deduction.*—Three percent for row crops and zero for close-sown crops.

COLORADO

Standard deduction.—Three percent for row crops and zero for close-sown crops.

DELAWARE

(1) *Minimum row width.*—Thirty inches all crops.

(2) *Deduction credit.*—Minimum width 6 links.

(3) *Remeasurement refund.*—The larger of 3 percent or 0.5 acre.

FLORIDA

(1) *Minimum row width.*—Eighteen inches for peanuts.

(2) *Standard deduction.*—Three percent for row crops and zero for close-sown crops applies to Alachua, Baker, Lake, Levy, Marion, and Union.

GEORGIA

Remeasurement refund.—The larger of 3 percent or 0.1 acre.

INDIANA

(1) *Deduction credit.*—(i) *Minimum width.*—Five links except 15 links for terraces, permanent irrigation, drainage ditches, and sod waterways.

(2) *Adjustment credit.*—(i) *Minimum area.*—Five-tenths acre for all crops and land uses except tobacco.

(ii) *Minimum width.*—Five links.

(3) *Remeasurement refund.*—One-tenth acre for tobacco.

IOWA

(1) *Deduction credit.*—(i) *Minimum width.*—Seven links.

(ii) *Minimum area.*—Five-tenths acre for all crops and land uses.

KENTUCKY

Minimum set-aside requirement.—(1) *Width.*—Two chains.

(2) *Size.*—Two acres.

LOUISIANA

Deduction credit.—Unplanted contour levees within rice fields are not eligible for deduction.

MISSISSIPPI

(1) *Deduction credit.*—(i) *Minimum width.*—Ten links.

(2) *Adjustment credit.*—(i) *Minimum area.*—Total excess or deficiency or 0.3 acre, whichever is smaller, except that if the excess or deficiency is more than 0.3 acre, one plot may be less than 0.3 acre.

(ii) *Minimum width.*—Two-tenths chain.

(3) *Standard deduction.*—Applies as follows to all counties except Forrest, Jefferson Davis, Jones, Marion, and Simpson:

(i) *Delta and prairie areas.*—Four percent for row crops and zero for close-sown crops.

(ii) *Other counties.*—Three percent for row crops and zero for close-sown crops.

MISSOURI

(1) *Deduction credit.*—(i) *Minimum width.*—Ten links.

MONTANA

Minimum row width.—Twenty-two inches for sugar beets.

NEBRASKA

Minimum row width.—Twenty-two inches for sugar beets.

NEW HAMPSHIRE

Minimum row.—Thirty inches for corn.

NEW MEXICO

(1) *Standard deduction.*—(i) *Row crops.*—Approved counties and percentage deductions are:

(a) Zero percent in Curry, Union, and communities A, B, E, F, G, and H in Quay;

(b) Three percent in all counties not listed elsewhere and communities C and D in Quay;

(c) Four and one-half percent in Dona Ana, Hidalgo, Sierra, and Eddy;

(d) Five percent in Chaves.

(ii) *Close-sown crops.*—Zero deduction in all counties.

NORTH CAROLINA

(1) *Minimum row width.*—Eighteen inches for peanuts and 30 inches for corn.

(2) *Remeasurement refund.*—One-tenth acre.

(3) *Minimum set-aside requirements.*—(i) *Width.*—Two chains.

(ii) *Size.*—Two acres.

NORTH DAKOTA

Minimum row width.—Twenty inches for sugar beets.

OHIO

(1) *Deduction credit.*—(i) *Minimum width.*—Eight links for all crops except tobacco.

(2) *Adjustment credit.*—(i) *Minimum width.*—Eight links for all crops except tobacco.

(3) *Remeasurement refund.*—(i) *Tobacco.*—Larger of 3 percent or 0.1 acre.

(ii) *Other crops.*—Larger of 3 percent or 0.5 acre.

OKLAHOMA

Remeasurement refund.—Larger of 3 percent or 0.3 acre.

OREGON

(1) *Minimum row width.*—Twenty inches for sugar beets.

(2) *Deduction credit.*—(i) *Minimum width for close-sown crops within the planted area.*—Six feet.

SOUTH CAROLINA

Minimum set-aside requirement.—(1) *Width.*—Two chains.

(2) *Size.*—Two acres.

SOUTH DAKOTA

(1) *Deduction credit.*—(i) *Minimum area.*—Five-tenths acre for all crops except sugar beets.

(2) *Adjustment credit.*—(i) *Minimum area.*—Five-tenths acre for all crops except sugar beets.

TENNESSEE

(1) *Adjustment credit.*—(i) *Minimum width.*—

(a) *Row crops other than tobacco.*—Four rows.

(b) *Tobacco.*—(*1*) Along field boundary. One row;

(2) *Within planted area.*—Two rows.

(2) *Remeasurement refund.*—One-tenth acre for tobacco.

TEXAS

(1) *Minimum row width.*—Thirty inches for sugar beets.

(2) *Deduction credit.* — (i) *Minimum width.*—Nine links.

(3) *Adjustment credit.*—(i) *Minimum width.*—Nine links.

(4) *Standard deduction.*—(i) *Row crops.*—Approved counties and percentage deductions are (a) *1 percent.*—Wilbarger;

(b) *Two percent.*—Archer, Baylor, Dickens, Fisher, Foard, Hardeman, Haskell, Kent, King, Knox, Runnels, Stonewall, Throckmorton, and Wichita;

(c) *Three percent.*—Borden, Coke, Ector, Jones, Mitchell, Schleicher, Scurry, Sterling, and Tom Green.

(ii) *Close-sown crops.*—The percentage deductions for the counties listed in (i) above shall be zero except that the percentage shall be 2.2 in Hardeman.

WEST VIRGINIA

Minimum set-aside requirement.—(1) *Width.*—Two chains.

(2) *Size.*—Two acres.

VIRGINIA

(1) *Remeasurement refund.*—The larger of 0.1 acre or 10 percent of acreage for areas less than 5 acres.

(2) *Minimum set-aside requirement.*—(i) *Width.*—Two chains.

(ii) *Size.*—Two acres.

WASHINGTON

Minimum row width.—Twenty-two inches for sugar beets.

WISCONSIN

(1) *Deduction credit.* — (i) *Minimum width.*—Ten links for all crops except tobacco.

(2) *Remeasurement refund.*—The larger of 0.1 acre or 3 percent for tobacco.

WYOMING

(1) *Minimum row width.*—Twenty inches for sugar beets.

(2) *Standard deduction.*—Three percent for row crops and zero for close-sown crops applies to all counties except Carbon, Park, and Weston.

§ 718.5 Measurement service.

(a) *Staking and referencing service.*—The county committee shall provide a staking or inspection service, as applicable, for any crop or land use if the producer requests such service and pays the cost. If action taken as a result of this service is found to be in error, and the producer has relied in good faith on such service, the acreage shall be considered as meeting program requirements for which the service was requested, except that the county committee may use the actual acreage if the producer would be adversely affected by use of the acreage for which the service is requested. Compliance with program requirements shall be guaranteed under the following conditions:

(1) *For crops.*—The acreage requested to be staked and referenced shall not exceed the farm allotment for marketing quota crops or cropland adjustment program permitted acreage. If all of the crop(s) for which the service is performed is within the staked area, the farm shall be considered in compliance with the allotment or permitted acreage.

(2) *For set-aside acreage.*—If the producer requests that not less than the farm set-aside acreage requirement be staked and referenced and the entire area within the stakes is treated as set-aside acreage in accordance with program regulations, the farm shall be considered as having designated sufficient eligible set-aside acreage which meets productivity requirements. Notwithstanding staking and referencing, any area may be inspected to ascertain productivity and eligibility prior to designation for set-aside.

(b) *Other measurement services.*—The county committee shall provide other measurement services if the producer requests such service and pays the cost. An acreage measured under this paragraph shall be considered an official acreage. A producer shall not be adversely affected by an error made by an ASCS employee in performing a measurement service when such producer has relied in good faith on such service.

§ 718.6 Determination of compliance by farmer certification.

(a) *Certification by farm operator.*—A report of acreage and land use on farms shall be furnished to the county committee by the farm operator on a prescribed form for applicable crops and land uses not later than the applicable certification date in § 718.14, except that for:

(1) *Set-aside acres.*—Farms enrolled in the wheat, feed grain, or cotton set-aside program shall designate and certify set-aside acreage not later than the latest certification date in § 718.14 applicable to the farm, except that the State committee may recommend for approval by the Deputy Administrator that such designation and certification shall be not later than the earliest certification date applicable to the farm or county. The following exceptions have been recommended by the State committee and approved by the Deputy Administrator:

CALIFORNIA

(1) *Imperial and Riverside.*—Earliest certification date applicable to the county.

(2) *All other counties.*—Earliest certification date applicable to the farm.

NEW MEXICO

(1) *All counties.*—Earliest certification date applicable to the county.

(2) *Peanuts.*—(i) *Initial certification.*—Certification shall be furnished not later than the latest certification date for feed grain in the county, unless a different date is recommended by the State committee and approved by the Deputy Administrator. Georgia and South Carolina are authorized to use the certification date established for cotton in all counties. Texas is authorized to use the date established for cotton in all counties except that August 1 shall be the certification date in Bosque, Brown, Burnet, Callahan, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Denton, Eastland, Erath, Grayson, Hamilton, Hood, Jack, Lampasas, Llano, Mason, McCulloch, Mills, Montague, Palo Pinto, Parker, Rockwall, San Saba, Shackelford, Somervell, Stephens, Tarrant, and Wise Counties. Florida is authorized to use June 10 in counties west of the Apalachicola River.

(ii) *Final certificaiton.*—In cases where the initially certified peanut acreage exceeded the allotment, a final certification shall be furnished after the peanuts are dug, but not later than the date recommended by the State committee and approved by the Deputy Administrator. The following dates under this subdivision have been recommended by the State committee and approved by the Deputy Administrator:

OCTOBER 1

Georgia.

OCTOBER 15

(1) Florida. All counties north and west of Alachua, Gilchrist, Levy, Putnam, and St. Johns.

(2) Alabama, California, Louisiana, Mississippi, Missouri, and South Carolina.

NOVEMBER 1

(1) Florida. Alachua, Gilchrist, Levy, Putnam, St. Johns, and counties located to the south of these counties. See October 15 for other counties.

(2) Arizona, Arkansas, New Mexico, North Carolina, Tennessee, and Virginia.

DECEMBER 1

Oklahoma.

DECEMBER 15

Texas.

(3) *Sugar crops.*—(i) *Initial certification for sugarbeets.*—Certification shall be furnished not later than 30 days after normal completion of planting or such later date approved by the State committee.

(ii) *Initial certification for sugarcane.*—Certification shall be furnished not later than 45 days prior to the earliest harvest date or such earlier date approved by the State committee.

(iii) *Final certification for sugarbeets and sugarcane.*—If the sugar crop acreage initially certified exceeded the farm proportionate share and the farm operator adjusts the acreage, the farm operator shall notify

the county office of his intention to adjust not later than 15 days prior to start of harvest of the crop. Upon completion of the acreage adjustment or completion of harvest of an acreage within the farm proportionate share, whichever is earlier, the farm operator shall report such completion to the county office. Where the excess acreage is disposed of prior to harvest, the farm operator shall file the report after completion of acreage adjustment and prior to start of harvest. Where the excess acreage will be disposed of after harvest, the farm operator shall file the report after completion of harvest but prior to disposition of any of the crop.

(b) *Consequences of failure to file a timely certification.*—(1) *General.*—Except as provided in paragraphs (c) and (d) of this section, the producer on the farm shall be deemed ineligible for any benefits under the program for which the certification was not timely filed.

(2) *Additional consequences for allotment crops.*—Except as provided in paragraphs (c) and (d) of this section, the acreage of an allotment crop for which the farm operator failed to file a certification, shall be considered to be zero for purposes of establishing future allotments. In addition:

(i) *For ELS cotton and rice.*—Buyers of the crop in the area shall be notified that the farm is considered in excess of the farm marketing quota.

(ii) *For peanuts.*—A 100-percent excess penalty card shall be issued.

(iii) *For all tobacco, except Burley and Flue-cured.*—A 100-percent excess penalty card shall be issued, unless the farm operator disposes of all excess tobacco in accordance with § 718.12.

(c) *Failure to file a certification.*—If the farm operator failed to file a certification under this section but requests the county committee to measure the crop and pays the cost thereof, the county committee shall determine the acreage if it is possible to accurately measure the acreage within 15 days after such request. In such case, the measured acreage, except as provided in § 718.13 for tobacco, shall be used to determine whether a marketing quota penalty is applicable, the amount of any such penalty, and the appropriate action to be taken with respect to collection of penalties or issuance of marketing cards, and whether producers on the farm shall be eligible for any benefits under the program for which the certification was not timely filed.

(d) *Late filed certification.*—The county committee may accept a certification under this section after the final date if it determines that the farm operator was prevented from timely filing because of reasons beyond his control.

(e) *Consequences of failure to file an accurate certification.*—(1) *Marketing quota crops.*—In the absence of evidence to the contrary, a producer of a crop specified in paragraphs (e)(1) (i) and (ii) of this section on a farm for which a certification under this section is furnished and for which acreages are subsequently measured shall be presumed not to have knowingly exceeded the farm acreage allotment for the crop for purposes of price support programs except that excess tobacco must be disposed of pursuant to § 718.13 (but the farm, except in the case of tobacco, other than Flue-cured, for which the operator disposed of excess tobacco pursuant to § 718.13, shall not be considered in compliance with the allotment for the crop for purposes of determining any marketing quota penalty) when the acreage of the crop on the farm determined by measurement does not exceed the allotment by more than the amount set forth in paragraphs (e)(1) (i) and (ii) of this section. In any case in which the acreage determined by measurement exceeds the allotment by more than the amount set forth in paragraphs (e)(1) (i) and (ii) of this section, the allotment shall be considered to have been knowingly exceeded: *Provided*, That the allotment shall not be considered to have been knowingly exceeded for price support purposes except that excess tobacco must be disposed of pursuant to § 718.13 (but the farm, except a farm having excess tobacco, other than Flue-cured, which is disposed of by the operator pursuant to § 718.13 shall not be considered in compliance for purposes of determining any marketing quota penalty) if it is shown to the satisfaction of the Deputy Administrator that the farm operator did not knowingly exceed the farm acreage allotment.

(i) *Peanuts on farms with an effective allotment of more than 1 acre, rice, and ELS cotton.*—The larger of 0.5 acre or 5 percent of the allotment not to exceed 15 acres.

(ii) *Tobacco.*—In the case of Flue-cured tobacco, the larger of 0.1 acre or 10 percent of the allotment not to exceed 2 acres. In the case of all other types of tobacco, the larger of 0.03 acre or 5 percent of the allotment not to exceed 1 acre.

(2) *Other crops and programs.*—The failure to file an accurate certification in the case of other applicable crops and programs not covered under paragraph (e)(1) of this section shall render the producers on the farm ineligible for program benefits for such crops and programs except as may be authorized in accordance with the provisions of part 791 of this chapter.

(f) *Revised certification.*—A final certification may be revised except that a revised certification shall not be allowed if it would enable a producer to regain program compliance or escape the consequences of an erroneous certification after the farm is found out of compliance under § 718.7.

§ 718.7 Determination of crop and land use acreage by farm visit.

(a) *Applicability.*—A representative number of farms as prescribed by the Deputy Administrator shall be visited to determine the accuracy of farmer certifications.

(b) *Equipment and materials.*—The Deputy Administrator shall prescribe the basic equipment and materials to be used in the determination of crop and land use acreages. The use of other equipment and materials is not authorized.

(c) *Administrative variance.*—(1) *General.*—Crop and land use acreages determined in accordance with this section shall be deemed to be in compliance with program requirements when such acreages do not deviate from such program requirements by more than the applicable amount in paragraphs (c)(1) (i), (ii), and (iii) of this section. Such administrative variance shall not apply in the case of adjusted acreage or staking and referencing service.

(i) *Tobacco.*—The larger of 0.01 acre or 2 percent of the allotment not to exceed 0.09 acre.

(ii) *Other crop and land use.*—The larger of 0.1 acre or 2 percent of the applicable crop or land use acreage limitation or other requirement for the program, not to exceed 0.9 acre.

(iii) *Rural environmental assistance program.*—When the difference between the acreage reported by the farmer and the measured acreages does not exceed the larger of 0.1 acre or 2 percent of the reported acreage, not to exceed 0.9 acre.

(2) *Farmer certification.*—If the crop or land use acreage certified by the farm operator and the acreage determined by measurement do not differ by more than the applicable amount in paragraphs (c)(2) (i) and (ii) of this section, the acreage certified by the operator shall be considered as the crop or land use acreage.

(i) *Tobacco.*—The larger of 0.01 acre or 2 percent of the certified acreage not to exceed 0.09 acre.

(ii) *Other crop and land use.*—The larger of 0.1 acre or 2 percent of the certified acreage not to exceed 0.9 acre.

(d) *Official acreages.*—If an acreage has been determined for an area delineated on an aerial photograph, such acreage may be recognized by the county committee as the official acreage for the area as delineated for purposes of acreage determinations until such time as the boundaries of such area are changed.

(e) *Measurement of row crops.*—Measurements of any row crop shall extend beyond the planted area to a point equal to the larger of (1) 16 inches, or (2) one-half the distance between the rows.

(f) *Workmanlike manner.*—Notwithstanding other provisions of this part, to be considered as devoted to production of upland cotton, feed grain, or wheat, as applicable, an acreage of such crop must be cared for in a workmanlike manner.

(g) *Rule of fractions.*—(1) *Tobacco.*—Each field or subdivision computed for tobacco shall be recorded in acres and hundredths of an acre, dropping all thousandths of an acre, except where such field or subdivision is less than one-hundredth (0.01) acre, in which case the computation shall be carried to five decimal places and the acreage recorded in acres and thousandths of an acre. The total farm acreage of each kind of tobacco shall be the sum of the field and subdivision acreage of each kind of tobacco and shall be recorded in acres and hundredths of an acre, dropping all thousandths of an acre.

(2) *Other crop and land uses.*—For crops and land uses not covered by paragraph (g)(1) of this section, each field or subdivision acreage shall be computed in acres and tenths of an acre, dropping all hundredths of an acre.

(h) *Acreage considered as devoted to crop or land use.*—The entire acreage in an area devoted to a crop or land use shall be considered as devoted to the crop or land use subject to any allowable deductions or adjustments under this paragraph except as otherwise provided in this part.

(1) *Acreages of row crops planted in skip-row pattern.*—(i) *Crops planted in strips of two or more rows alternating with idle land.*—(a) *Peanuts.*—The entire area shall be considered as devoted to peanuts where (*1*) the peanuts are planted in strips which are less than eight normal rows in width or (2) the strips of idle land are less than eight normal rows in width. However, if the strips of peanuts and the strips of idle land are at least as wide as eight normal rows, the larger of one-half the distance between the rows of peanuts or 16 inches beyond the last rows in the strip shall be considered as peanuts.

(*b*) *Other row crops.*—The entire area shall be considered as devoted to the crop where (*1*) the crop being measured is planted in strips of two or more rows alternating with idle land, and (2) the distance from plant row to plant row of the crop between strips of the crop is not more than 63 inches. However, if the distance from plant row to plant row between strips of the crop is more than 63 inches, the larger of one-half the distance between rows of the crop in the strip or 16 inches shall be considered as devoted to the crop.

(ii) *Crop being measured alternating with another crop.*—The entire area shall be considered as devoted to the crop where: (*a*) the crop being measured is planted in strips of one or more rows alternating with another crop, and (*b*) the distance from plant row to plant row between the strips of the crop being measured is not more than 63 inches. However, if the distance from plant row to plant row between the strips of the crop being measured is more than 63 inches, one-half the distance between the crops but not to exceed 32 inches shall be considered as devoted to the crop being measured; except that if the crop alternating with the crop being measured does not have substantially the same growing season or is not cared for in a workmanlike manner, the crop being measured shall be treated as alternating with idle land in accordance with paragraphs (h)(1)(i) and (iii) of this section, as applicable.

(iii) *Single wide rows.*—The entire area shall be considered as devoted to the crop where: (*a*) such crop is planted in single wide rows and (*b*) the distance from plant row to plant row is not more than 63 inches. However, when the distance from plant row to plant row is more than 63 inches, 32 inches beyond the row shall be considered as devoted to the crop.

(2) *Minimum size and width requirements for set-aside acreage.*—Any area offered for designation as set-aside must in addition to meeting other eligibility requirements in part 792, be not less than 5.0 acres in size and not less than 2.0 chains wide except that areas which do not meet these minimums may be accepted when:

(i) An entire field is offered;

(ii) The area offered is devoted to a special conserving use which will promote highway safety, wildlife, pollution abatement, or other uses recommended by the State committee and approved by the Deputy Administrator.

(iii) The area offered is designated across either the entire width or length of a field and represents the total set-aside requirement, or the balance of the set-aside requirement after other designations have been made which meet the 5.0 acres–2.0 chains requirement or are otherwise excepted in paragraphs (h)(2)(i) or (ii) of this section.

(3) *Deductions.*—Any continuous area which is not devoted to the crop or land use being measured shall be deducted from the acreage of the crop or land use if such area meets the following minimum requirements:

(i) *Minimum width requirement.*—Thirty-two inches.

(ii) *Minimum area requirement.*—(*a*) *Tobacco.*—Three-hundredths (0.03) acre except that a minimum of one-hundredth (0.01) acre shall apply to turn areas and other noncropland areas which could not be planted to tobacco. Terraces, permanent irrigation and drainage ditches, and sod waterways of at least 32 inches width may be combined to meet the 0.03-acre minimum requirement.

(*b*) *All other crops and land uses.*—One-tenth (0.1) acre. Terraces, permanent irrigation and drainage ditches, and sod waterways of at least 32 inches width which contain 0.1 acre or more may be combined to meet any larger minimum prescribed for a State under a State committee option in § 718.4.

(4) *Adjustment credit.*—(i) *General.*—Any area of land which is not eligible for deduction under paragraph (h)(3) of this section shall not be eligible for adjustment credit except that an area ineligible because of size may be enlarged to meet the minimum adjustment requirements. Otherwise, adjustment credit may be permitted under paragraph (h)(4)(ii) of this section. Adjustment credit shall be given only for areas of reasonable shape and for a reasonable number of such areas. If a crop is disposed of in alternating pattern so that a single wide row or skip-row pattern of the crop is left standing within the adjusted area, adjustment credit shall not exceed the acreage reduction obtained by recomputing the standing crop acreage of the adjusted area in the same manner as applicable for an initial acreage determination.

(ii) *Crops and land uses.*—Subject to the conditions of paragraph (h)(4)(i) of this section, adjustment credit shall be given for any area in which the crop or land use is adjusted in accordance with applicable regulations and which meets one of the following criteria:

(*a*) The area is 32 inches or more in width, and contains at least 0.1 acre for crops other than tobacco, and contains at least 0.03 acre for tobacco, or

(*b*) An entire field or subdivision is adjusted, or

(*c*) The area being adjusted constitutes the total excess or deficient acreage of the crop or land use for the farm or is the remaining area required for adjustment after adjusting entire fields or subdivisions.

§ 718.8 Reliance by producer on previously determined acreage.

If a producer relies in good faith on an acreage for an identical area previously determined by the county committee, and the acreage is subsequently determined by the county committee to be incorrect, the county committee shall consider the acreage on which the producer relied to be correct for that program year upon obtaining satisfactory proof from the producer of the circumstances showing his good faith reliance.

§ 718.9 Determining acreage for unusual cases.

The Deputy Administrator shall determine the method of determining acreage in the following groups of unusual cases which require equitable treatment and cannot be equitably handled under this part:

(a) *Reliance by farm operator on erroneous advice.*—The farm operator has acted in good faith in reliance upon advice, which is not in accordance with this part, given by a representative of the State or county committee who is authorized to furnish information concerning the determination of acreage.

(b) *Practices which defeat program intent.*—The method of planting the crop or the method of adjusting the crop or land use acreage has the effect of defeating program provisions or is contrary to the intent of the program involved.

(c) *Cases not otherwise provided for.*—Other situations or planting patterns which are not otherwise provided for in this part.

§ 718.10 Prevented planting and failed acreage credit.

(a) A producer may request that an acreage be considered as devoted to production of a crop when such crop (1) is not planted because of natural disaster, quarantine, or payment limitation; or (2) is destroyed or abandoned for reasons beyond the control of any producer on the farm or any person under the direction of a producer on the farm.

(b) Requests shall be filed and handled in accordance with instructions issued by the Deputy Administrator.

§ 718.11 Notice of failure to comply.

The county committee shall furnish written notice to the farm operator of program determinations for the farm when there is failure to comply with program provisions. Such notice shall be on a prescribed form and shall constitute notice to all producers on the farm.

§ 718.12 Redetermination of acreage.

(a) *General.*—A redetermination of crop and land use acreage for a farm may be initiated by the county committee, State committee, or Deputy Administrator at any time; or by any producer with an interest in the farm upon filing a request within 15 days from the date of the notice of failure to comply with program provisions and upon payment of the cost of making a redetermination. Redetermination shall be accomplished as prescribed by the Deputy Administrator, and the acreage of crop or land use determined under this section shall be used in lieu of any prior determination of acreage in all cases where such acreage differs from the prior determination.

(b) *Late filed request.*—The county committee may accept a late filed request when such request is filed within a reasonable length of time after the final date and the county executive director is satisfied that the late filed request was due to conditions beyond the control of producers on the farm.

(c) *Notice to farm operator.*—The county committee shall notify the farm operator of the acreage on the farm as redetermined under this section in the manner prescribed under § 718.11.

(d) *Refund of deposit.*—The county committee shall refund the deposit for cost of redetermination of an initially determined acreage or of an adjusted acreage where because of an error made in the determination of such acreage;

(1) The redetermined acreage is considered to be within program requirements, or

(2) The redetermination of acreage results in a change from the initially determined acreage of as much as 3 percent or 0.5 acre, whichever is larger.

§ 718.13 Adjustment of acreage.

(a) *General.*—If the farm operator or other producer on a farm elects to adjust the acreage of a crop or land use in accordance with applicable regulations, the farm shall be visited for the purpose of determining the adjusted acreage. The adjusted acreage shall be used for program purposes except that if requirements of this section are not met, the acreage initially determined shall be considered as the crop or land use acreage for the farm.

(b) *Farmer certification.*—No adjustment of crop or land use acreage is permitted after certification has been furnished to the county committee except that:

(1) *Set-aside acres.*—(i) *Adjustment of a deficiency.*—An adjustment of a deficiency in set-aside acreage will be permitted when there is additional eligible land on the farm which does not require disposition of a crop to make it eligible. If a producer elects to designate additional set-aside acreage, he must file a notification of intent to adjust within 15 days from the date of notice of failure to comply.

(ii) *Substitution.*—Substitution of set-aside acres will be permitted under conditions prescribed by the Deputy Administrator. If a producer elects to substitute set-aside acres, he must notify the county office of his intention.

(2) *Peanuts.*—The farm operator may dispose of excess peanuts, which are included in the initial certification under § 718.6, prior to combining any peanuts of the same type. Such disposition of excess peanuts may be accomplished by: (i) Leaving peanuts in the ground (peanuts disposed of in this manner may be hogged off); (ii) harvesting as green peanuts for boiling when the excess acreage is designated for disposal as green peanuts and measured before any peanuts of the same type are combined; (iii) plowing peanuts under before any peanuts are dug. Peanut acreage shall be measured and destruction witnessed when timing is such that peanuts could be harvested as nuts; (iv) plowing under or shredding excess peanuts after digging when damaged to extent it would not be economical to thresh them for nuts. Destruction must be witnessed.

(3) *Sugar.*—The farm operator may dispose of excess sugar acreage under conditions prescribed by the Deputy Administrator. Such disposal may take place before, during, or after harvesting any acreage for delivery to the processor. The producer shall notify the county office of his intention prior to adjusting excess acreage.

(4) *Tobacco*—(i) *General.*—The farm operator may dispose of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing satisfactory proof to the county committee that such excess tobacco will not be marketed. Such disposition of excess tobacco may take place before, during, or after harvesting (but no credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee determines that such tobacco is representative of the entire crop from the farm of the kind of tobacco involved) of the kind of tobacco involved from the farm to avoid marketing quota penalty, and regain eligibility for price support when the excess acreage is within the limitation prescribed in § 718.6.

(ii) *Timing requirements.*—Except as provided in paragraph (b)(5) of this section, when the operator or other producer on a farm elects to adjust an acreage, he shall notify the county executive director not later than 15 days from the date of the notice of failure to comply for price support purposes or before any notice of marketing quota penalty that he intends to adjust the acreage. A request for remeasurement will extend the date sufficient to allow such request to be serviced.

(iii) *Extension of time for adjustment.*—If producers on a farm are unable to adjust an acreage within the time limit specified on the notice of failure to comply, any producer having an interest in the crop or program involved, may request an extension of time. Upon determination that such producers were prevented from adjusting the acreage in the specified time by reasons beyond their control, the date may be extended to provide a reasonable period of time to make the adjustment.

(5) *Late notification of intent or completion of adjustment*—(i) *Report of adjustment.*—A report of an acreage adjustment filed after the applicable date specified in this § 718.13 may be accepted if it is determined that the adjustment was made by the prescribed disposal date.

(ii) *Notice of intention.*—A late notification of intention to adjust an acreage, when such notification is required, may be accepted upon determination that the notification was late due to reasons beyond the producer's control.

§ 718.14 Certification dates.

(a) *General.*—The final dates for designation and certification of set-aside acreage and reporting program crop acreage for compliance when applicable under the cotton, rice, tobacco, wheat, and feed grain programs shall be the dates specified in paragraph (b) of this section except as otherwise provided in this part.

(b) *Certification dates.*

ALABAMA

(1) *Wheat and barley—April 15.*—All counties.

(2) *Tobacco—June 1.*—All counties.

(3) *Other crops—July 1.*—All counties.

ARIZONA

(1) *Wheat and barley—May 1.*—All counties.

(2) *Corn, cotton, grain sorghums, and rice—July 1.*—All counties.

ARKANSAS

(1) *Wheat and barley—May 1.*—All counties.

(2) *Corn, cotton, grain sorghums, rice, and tobacco—July 15.*—All counties.

CALIFORNIA

(1) *Wheat and barley*—(i) *May 15.*—All counties not otherwise provided for in this subparagraph (1).

(ii) *August 15.*—Del Norte, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, and Trinity.

(2) *Corn, cotton, and grain sorghums—August 1.*—All counties except that the certification date for early-planted corn and grain sorghums shall be May 15 in Imperial and Riverside.

(3) *Rice—September 1.*—All counties.

COLORADO

All crops—July 1.—All counties.

CONNECTICUT

(1) *Wheat and barley—June 1.*—All counties.

(2) *Corn, grain sorghums, and tobacco types 51 and 52—August 1.*—All counties.

DELAWARE

All crops—June 1.—All counties.

FLORIDA

(1) *Wheat and barley—April 15.*—All counties.
(2) *Sugarcane—May 1.*—All counties.
(3) *Corn, cotton, and flue-cured tobacco—*(i) *June 1.*—All counties except those listed in subdivision (ii) below.
(ii) *June 10.*—Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington.
(4) *Grain sorghums—August 1.*—All counties.
(5) *Rice—October 15.*—All counties.

GEORGIA

(1) *Wheat and barley.—May 1.*—All counties.
(2) *Corn, cotton, and Flue-cured tobacco.—June 10.*—All counties.
(3) *Grain sorghums.—July 15.*—All counties.

IDAHO

All crops.—July 1.—All counties.

ILLINOIS

All crops.—July 1.—All counties.

INDIANA

(1) *All crops except tobacco.—June 15.*—All counties.
(2) *Tobacco.—July 15.*—All counties.

IOWA

(1) *Wheat and barley.—June 10.*—All counties.
(2) *Corn and grain sorghums.—July 1.*—All counties.

KANSAS

(1) *Wheat and barley.—May 15.*—All counties.
(2) *Corn, cotton, and grain sorghums.—July 20.*—All counties.

KENTUCKY

(1) *Wheat and barley.—June 1.*—All counties.
(2) *Corn, cotton, and grain sorghums.—July 15.*—All counties.

LOUISIANA

(1) *Wheat and barley.—April 1.*—All parishes.
(2) *Surgarcane.—June 30.*—All parishes.
(3) *Corn, cotton, grain sorghums, and rice.—July 15.*—All parishes.

MAINE

All crops.—July 1.—All counties.

MARYLAND

All crops.—(1) *June 1.*—All counties except those listed in subdivision (ii) below.
(ii) *June 15.*—Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington.

MASSACHUSETTS

All crops.—July 15.—All counties.

MICHIGAN

All crops.—June 30.—All counties.

MINNESOTA

All crops.—July 15.—All counties.

MISSISSIPPI

(1) *Wheat and barley.—May 15.*—All counties.
(2) *Corn, cotton, grain sorghums, and rice.—July 1.*—All counties.

MISSOURI

All crops.—July 1.—All counties.

MONTANA

All crops.—July 1.—All counties.

NEBRASKA

All crops.—June 25.—All counties.

NEVADA

All crops.—June 15.—All counties.

NEW HAMPSHIRE

All crops.—August 1.—All counties.

NEW JERSEY

All crops.—June 20.—All counties.

NEW MEXICO

(1) *Wheat and barley.—June 1.*—All counties.

(2) *Corn, cotton, grain sorghums, and spring-seeded wheat and barley.—August 1.*—All counties.

NEW YORK

All crops.—July 1.—All counties.

NORTH CAROLINA

(1) *All crops.*—(1) *June 20.*—Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitts, Richmond, Robeson, Sampson, Scotland, Tyrrell, Washington, Wayne, and Wilson.
(ii) *June 30.*—All other counties.

NORTH DAKOTA

All crops.—July 15.—All counties.

OHIO

(1) *All crops except tobacco.—July 1.*—All counties.
(2) *Tobacco.—August 1.*—All counties.

OKLAHOMA

(1) *Wheat and barley.—May 15.*—All counties.
(2) *Corn, cotton, grain sorghums, and rice.—August 1.*—All counties.

OREGON

(1) *All crops.*—(1) *June 15.*—Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill.
(ii) *July 1.*—Baker, Crook, Deschutes, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler.

PENNSYLVANIA

(1) *All crops except type 53 tobacco.—June 15.*—All counties.
(2) *Type 53 tobacco.—July 10.*—All counties.

RHODE ISLAND

All crops.—July 15.—All counties.

SOUTH CAROLINA

(1) *Wheat and barley.—April 30.*—All counties.
(2) *Cotton, corn, and tobacco.—June 10.*—All counties.
(3) *Rice.—July 15.*—All counties.
(4) *Grain sorghums.—August 15.*—All counties.

SOUTH DAKOTA

All crops.—July 1.—All counties.

TENNESSEE

(1) *Wheat and barley.—May 15.*—All counties.
(2) *Corn, cotton, grain sorghums, rice, and tobacco.—July 15.*—All counties.

TEXAS

(1) *Wheat and barley.—May 1.*—All counties.
(2) *Corn, cotton, and spring-seeded grain sorghums.*—(i) *May 15.*—Cameron, Hidalgo, Starr, and Willacy.
(ii) *June 10.*—Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brooks, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Fayette, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Hardin, Harris, Hays, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, La Salle, Lavaca, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Montgomery, Nueceses, Orange, Refugio, San Patricio, Travis, Uvalde, Val Verde, Victoria, Waller, Webb, Wharton, Wilson, Zapata, and Zavala.
(iii) *July 1.*—Anderson, Angelina, Bandera, Bell, Blanco, Bosque, Bowie, Brazos, Brown, Burleson, Burnet, Callahan, Camp, Cass, Cherokee, Clay, Coke, Coleman, Collin, Comanche, Concho, Cooke, Coryell, Crockett, Dallas, Delta, Denton, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fisher, Franklin, Freestone, Gillespie, Grayson, Gregg, Grimes, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jack, Jasper, Johnson, Jones, Kaufman, Kendall, Kent, Kerr, Kimble, Lamar, Lampasas, Lee, Leon, Limestone, Llano, McCulloch, McLennan, Madison, Marion, Mason, Menard, Milam, Mills, Mitchell, Montague, Morris, Nacogdoches, Navarro, Newton, Nolan, Palo Pinto, Panola, Parker, Polk, Rains, Real, Red River, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Williamson, Wise, and Wood.
(iv) *August 1.*—Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Sherman, Swisher, Terrell, Terry, Throckmorton, Upton, Ward, Wheeler, Wichita, Wilbarger, Winkler, Yoakum, and Young.
(3) *Summer-seeded grain sorghums—September 1.*—All counties.
(4) *Rice.*—(i) *June 10.*—Austin, Brazoria, Calhoun, Colorado, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Victoria, Waller, and Wharton.
(ii) *July 1.*—Bastrop, Chambers, Hardin, Jefferson, Liberty, Montgomery, Orange, Travis, and Washington.
(iii) *July 15.*—Jasper, Newton, Polk, and Walker.
(iv) *September 1.*—Bowie.

UTAH

All crops—June 20.—All counties, except July 20 for grain sorghums in Washington.

VERMONT

All crops—July 20.—All counties.

VIRGINIA

All crops—June 30.—All counties.

WASHINGTON

(1) *Wheat and barley—June 20.*—All counties.

(2) *Corn and grain sorghums—July 20.*—All counties.

WEST VIRGINIA

All crops—June 20.—All counties.

WISCONSIN

All crops—July 15.—All counties.

WYOMING

All crops—July 1.—All counties.

Effective date May 17, 1973. Signed at Washington, D.C. on May 11, 1973.

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

[FR Doc.73-9816 Filed 5-16-73;8:45 am]

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

[Valencia Orange Reg. 432]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 18-24, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.732 Valencia Orange Regulation 432.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges has improved somewhat reflecting preholiday buying interest. Prices, f.o.b. for Valencia oranges averaged $3.44 per carton on a sales volume of 789 cars for the week ended May 10, 1973, compared with $3.63 per carton on a sales volume of 716 cars for the previous week. Track and rolling supplies at 360 cars were down 66 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation 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 regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Valencia oranges, retaining the same effective date, and such information is being disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation 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 May 15, 1973.

(b) *Order.*—(1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 18, 1973, through May 24, 1973, are hereby fixed as follows:

(i) District 1: 271,000 cartons;

(ii) District 2: 481,000 cartons;

(iii) District 3: 123,000 cartons.

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

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

Dated May 16, 1973.

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

[FR Doc.73-10000 Filed 5-16-73;11:20 am]

[Plum Reg. 9]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This regulation requires that all California plums grade at least U.S. No. 1 grade with additional tolerances for defects not considered serious, healed cracks, and gum spots for specified varieties. It also establishes minimum sizes for certain specified varieties in terms of the number of plums contained in an 8-pound sample.

Findings.—(1) Pursuant to the amended marketing agreement and order No. 917, as amended (7 CFR pt. 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Plum Commodity Committee reflects its appraisal of the California plum crop and the current and prospective market conditions. Shipments of earlier varieties of California plums are expected to begin on or about May 19, 1973. The regulation would terminate the existing grade regulation (effective June 6, 1972, through May 31, 1973). The grade and size requirements provided herein are necessary to prevent the handling, on and after May 19, 1973, through June 18, 1973, of any California plums of a lower grade or smaller size than specified herein for such plums, so as to assure consumers of an appropriate supply of quality fruit during the 1973 season and

is in keeping with the objective of maintaining grower returns at a level consistent with the public interest.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 19, 1973. A reasonable determination as to the supply of, and the demand for, such plums, which are currently regulated pursuant to Plum Regulation 8 (37 FR 9205, 10915) must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until April 25, 1973, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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 was promptly submitted to the Department on April 26, 1973; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.431 Plum Regulation 9.

(a) Order: Plum Regulation 8 (37 FR 9205, 10915) is hereby terminated as of the effective date hereof.

(b) During the period May 19, 1973 through June 18, 1973, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (c) of this section, unless such plums grade at least U.S. No. 1.

(c) During the period May 19, 1973 through June 18, 1973, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade at least U.S. No. 1, with a total tolerance of 10 percent of defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Angelino, Andy's Pride, Bee Gee, Casselman, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, and Swall Rosa plums unless such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums unless such plums grade at least U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(d) During the period May 19, 1973, through June 18, 1973, no handler shall ship any package or other container of any variety of plums listed in column A of the following table I unless such plums are of a size that an 8-lb sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in column B of said table.

TABLE I

Column A variety	*Column B plums-per-sample*
Ace	55
Amazon	64
Andy's Pride	69
Angelino	67
Beauty	91
Bee Gee	65
Burmosa	60
Casselman	63
Durate	62
El Dorado	68
Elephant Heart	53
Emily	59
Empress	57
Friar	56
Frontier	61
Grand Rosa	54
July Santa Rosa	64
Kelsey	47
Larodа	58
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Late Tragedy	93
Linda Rosa	63
Mariposa	61
Nubiana	56
President	57
Queen Ann	48
Red Beaut	91
Red Rosa	64
Red Roy	58
Rosa Grande	63
Santa Rosa	69
Sim-ka, Arrosa, New Yorker	48
Standard	83
Tragedy	114
Wickson	51

(e) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated May 14, 1973.

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

[FR Doc.73-9878 Filed 5-16-73;8:45 am]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Handling Regulation for 1973 Crop Year

Notice was published in the April 30, 1973, issue of the FEDERAL REGISTER (38 FR 10640) regarding proposed handling requirements for the 1973 crop of Irish potatoes grown in the Virginia-North Carolina production area. The regulation is based on the unanimous recommendation of the Southeastern Potato Committee and other available information in accordance with the applicable provisions of Marketing Agreement No. 104 and Order No. 953, regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal not later than May 7, 1973. None was received.

The handling regulation, hereinafter set forth, requires production area potatoes shipped to fresh market outlets during the period June 5 through July 31, 1973, to be at least U.S. No. 2 grade, 1½-inches minimum diameter. Considering normal weather conditions, shipments are expected to begin about June 5 and continue through July. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the size and quality of potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of 1973 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers and consumers, this regulation should apply to as many shipments as possible, (3) information regarding the provisions of this regulation has been available to producers and handlers in the production area since April 12, 1973, and (4) this regulation will not require any preparation on the part of producers or handlers which cannot be completed by June 5, 1973.

The regulation is as follows:

§ 953.313 Limitation of shipments.

During the period June 5 through July 31, 1973, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.*—All varieties U.S. No. 2, or better grade, 1½-inches minimum diameter.

(b) *Inspection.*—Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.*—The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, other processing as hereinafter defined, livestock feed or charity: *Provided*, That the handler thereof compiles with the safeguard requirements of paragraph (d) of this section: *Further provided*, That shipments of potatoes for canning, freezing, and other processing shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.*—Each handler making shipments of potatoes for canning, freezing, other processing, livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a certificate of privilege applicable to such special purpose shipments;

(2) Obtain an approved certificate of privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's certificate of privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.*—Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.*—The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Public Law 92–233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute other processing. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.*—Pursuant to § 608e–1 of the act and §980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

Dated May 14, 1973, to become effective June 5, 1973.

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

[FR Doc.73-9877 Filed 5-16-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.3]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Housing Loan Policies, Procedures, and Authorizations

Subpart B of part 1822, title 7, Code of Federal Regulations (35 FR 14913), is amended to correspond to changes made in Farmers Home Administration regulations prior to the Secretary of Agriculture's policy statement of July 20, 1971 (36 FR 13804), requiring compliance with 5 U.S.C. 553 (b) and (c), and for that reason general notice of proposed rulemaking is not being published. This subpart is further amended to expand the title to include policies, procedures, and authorizations for section 504, rural housing loans, and is effective May 17, 1973.

As amended, subpart B of part 1822 will read as follows:

Subpart B—Section 504 Rural Housing Loan Policies, Procedures, and Authorizations

Sec.
1822.21 General.
1822.22 Objectives.
1822.23 Amount of section 504 loan.
1822.24 Eligibility requirements.
1822.25 Loan purposes.
1822.26 Evaluating application and determining need for section 504 loans.
1822.27 Limitations.
1822.28 Evidence of ownership.
1822.29 Terms and rates.
1822.30 Security.
1822.31 Approval of loan.
1822.32 Supervised bank accounts.
1822.33 Subsequent section 504 loan.

AUTHORITY.—Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

Subpart B—Section 504 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1822.21 General.

This subpart is supplemented by parts 1890a, 1890f, 1890o, and 1890n. This subpart sets forth the policies and procedures and delegates authority for making initial and subsequent rural housing (RH) loans under section 504(a) of the Housing Act of 1949 (section 504 loans). A section 504 loan will be made in accordance with the provisions of subpart A of part 1822 of this chapter regarding direct RH loans to other than senior citizens and disaster victims, as supplemented and modified by this subpart.

§ 1822.22 Objectives.

The basic objective of the Farmers Home Administration (FHA) in making section 504 loans is to assist owner-occupants in rural areas who do not qualify for section 502 loans to: Repair or improve their dwellings in order to make such dwellings safe and sanitary and remove hazards to the health of the occupants, their families, or the community; and repair their farm buildings in order to remove hazards and make such buildings safe.

§ 1822.23 Amount of section 504 loan.

No section 504 loan may be made which will cause the total amount of 504 loan or grant assistance, including any prior section 504 loan or grants, extended to an applicant for improvement of the applicant's home or farm service buildings to exceed $2,500, except that up to an additional $1,000 may be included for a water supply or waste disposal system or bathroom or kitchen plumbing facilities. All funds in excess of $2,500 must be used to repair, buy, or install kitchen or bathroom plumbing facilities or a water or waste disposal system for the home and will not be used to finance structural changes. In no case, however, will the total loan and grant assistance exceed $3,500.

§ 1822.24 Eligibility requirements.

To be eligible for a section 504 loan, an applicant must own and occupy a farm or rural nonfarm tract and meet the other eligibility requirements of subpart A of part 1822 of this chapter, except that he must:

(a) Be without sufficient income to qualify for a section 502 loan and have no reasonable prospect of improving his income to the extent that a section 502 loan to improve his housing could be repaid.

(b) Have sufficient income, including any welfare-type payments, to repay the section 504 loan and have a good reputation for paying his debts promptly, except that if his income is not sufficient to pay the loan, he may qualify for the loan by obtaining a cosigner or cosigners in accordance with § 1822.4(a)(4)(ii) and § 1822.12(d).

(c) Need to make minor repairs and improvement to:

(1) The dwelling which he owns and occupies in order to make it safe and sanitary and remove hazards to the health of the applicant, his family, or the community, or

(2) Essential farm buildings which are owned and used by him in order to make the buildings safe and remove hazards.

§ 1822.25 Loan purposes.

Section 504 loan funds may be used for the purposes stated in § 1822.4(c) by paying the cost of such things as:

(a) Repairing roofs.

(b) Supplying screens.

(c) Repairing or providing structural supports.

(d) Providing a convenient and sanitary water supply.

(e) Providing toilet facilities.

(f) Providing other similar repairs or improvements.

(g) Adding a room to an existing dwelling in special cases when clearly necessary to remove hazards to the health of the family.

(h) Paying fees and expenses in accordance with § 1822.6(a)(10).

§ 1822.26 Evaluating application and determining need for section 504 loans.

(a) Before a loan may be made, the county supervisor must document the evidence that the applicant meets all requirements of eligibility to receive such loan.

(b) The county supervisor will visit the home of each applicant who appears to be eligible to determine whether the applicant can meet the requirements of § 1822.24. During his visit the county supervisor will obtain information on the following items and any additional pertinent facts. His findings will be recorded in the loan docket.

(1) The nature of the health or safety hazard and how the proposed loan will remove such hazard.

(2) The specific repairs to be made and a list of items of materials and labor to be provided with the proposed loan.

(c) Itemized cost estimates will be obtained for all work to be performed. If in the judgment of the county supervisor the cost estimate is not reasonable, additional cost estimates will be obtained.

(d) Information about cosigners will be obtained in accordance with § 1822.12(d).

§ 1822.27 Limitations.

(a) A section 504 loan may not be made to:

(1) Assist in the construction of new dwellings or farm buildings.

(2) Improve the appearance of a building or make facilities in the building more convenient unless such changes are directly associated with removing hazards to health or safety.

(3) Make repairs to a building of such poor condition and quality that when the repairs are completed the building would likely continue to be a substantial hazard to the health and safety of the family.

§ 1822.28 Evidence of ownership.

Each applicant will be required to submit evidence of ownership of his farm or nonfarm tract. This may be the original or a certified or photostatic copy of his deed, purchase contract, or other instrument evidencing ownership. When the county supervisor is uncertain as to whether or not the applicant is a qualified owner, the county supervisor will take such actions as he considers necessary, such as requiring the applicant to furnish additional information or obtaining the advice of the office of the general counsel regarding the evidence of ownership submitted and any further information or action that may be needed. Proof of ownership need not be as much as that required by part 1807 of this chapter. It may consist of evidence which, considered altogether, would be sufficient to convince a reasonably well-informed and prudent person that the applicant is probably the owner. It may include, for example, such evidence as the levy and payment in the applicant's name of taxes on the real estate and affidavits by others in the community to the effect that the applicant has applied the property as the apparent owner for a given length of time and is believed and generally reputed to be the owner.

§ 1822.29 Terms and rates.

A section 504 loan will be scheduled for repayment in accordance with the applicant's ability to pay, over a period not to exceed 10 years from the date of the note, and bear interest at the rate of 1 percent per annum.

§ 1822.30 Security.

Section 504 loans that exceed $1,500 will be secured by a mortgage on the borrower's real estate. Real estate security also will be taken for loans of less than $1,500 whenever the loan approval official determines that such security may be needed to reasonably assure repayment of the loan. The title requirements of part 1807 of this chapter will not be applicable; however, the county supervisor will use all practical means to verify that title and lien information furnished by the applicant is complete and accurate. If the loan approval official determines that other security is needed to assure repayment of the loan or to accomplish the purposes of the loan, a mortgage may be taken on the applicant's chattels or other assets. Section 1831.32(w) of this chapter will be followed when chattels are taken as security for the loan.

§ 1822.31 Approval of loan.

Section 504 loans may be approved in accordance with current loan approval authorizations. Information as to current authorizations may be obtained from any county or State office of the FHA or from its national office at 14th and Independence Avenue SW., Washington, D.C. 20250.

§ 1822.32 Supervised bank accounts.

A supervised bank account will be used for each section 504 loan.

§ 1822.33 Subsequent section 504 loan.

Subsequent section 504 loans may be made to a person who previously received a section 504 loan provided the total amount of initial and subsequent section 504 loans plus any previous section 504 RH grants will not exceed $3,500, subject to the limitations contained in § 1822.23 to any one person or, in case of multiple owners, for improvement of any one farm or nonfarm tract.

Dated May 9, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-9876 Filed 5-16-73;8:45 am]

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; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Holt County in Nebraska, and Jim Wells and Uvalde Counties in Texas.

The following counties were deleted from the list of modified certified brucellosis areas on the specified dates: Nuckolls County in Nebraska, and Garvin County in Oklahoma on April 12, 1973; and Tulsa County in Oklahoma on February 10, 1973. Since said dates, it has been determined that these counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as modified certified brucellosis areas.

Therefore, pursuant to § 78.16 of the regulations in part 78, as amended, title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis,

under sections 4, 5, and 13 of the act of May 29, 1884, as amended; sections 1 and 2 of the act of February 2, 1903, as amended; and section 3 of the act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama: the entire state.
Alaska: the entire State.
Arizona: the entire State.
Arkansas: the entire State.
California: the entire State.
Colorado: the entire State.
Connecticut: the entire State.
Delaware: the entire State.
Florida: the entire State.
Georgia: the entire State.
Hawaii: the entire State.
Idaho: the entire State.
Illinois: the entire State.
Indiana: the entire State.
Iowa: the entire State.
Kansas: the entire State.
Kentucky: the entire State.
Louisiana: the entire State.
Maine: the entire State.
Maryland: the entire State.
Massachusetts: the entire State.
Michigan: the entire State.
Minnesota: the entire State.
Mississippi: the entire State.
Missouri: the entire State.
Montana: the entire State.
Nebraska: Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Brown, Boyd, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties.
Nevada: the entire State.
New Hampshire: the entire State.
New Jersey: the entire State.
New Mexico: the entire State.
New York: the entire State.
North Carolina: the entire State.
North Dakota: the entire State.
Ohio: the entire State.
Oklahoma: Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tilman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties.
Oregon: the entire State.
Pennsylvania: the entire State.
Rhode Island: the entire State.
South Carolina: the entire State.
South Dakota: the entire State.
Tennessee: the entire State.
Texas: Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Calahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hookley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zalava Counties.
Utah: the entire State.
Vermont: the entire State.
Virginia: the entire State.
Washington: the entire State.
West Virginia: the entire State.
Wisconsin: the entire State.
Wyoming: the entire State.
Puerto Rico: the entire area.
Virgin Islands of the United States: the entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 37 FR 28464, 28477, 9 CFR 78.16(a).)

Effective date.—The foregoing amendment shall become effective on May 17, 1973.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provision of 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 the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., May 11, 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-9819 Filed 5-16-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 302—DESIGNATION OF AREAS

Indian Lands

On January 23, 1973, the Economic Development Administration completely revised title 13, chapter III of the Code of Federal Regulations. That revision expanded, reorganized, and brought current the rules and regulations of the Economic Development Administration.

The purpose of this amendment is to reflect a change in the Economic Development Administration's policy as it relates to designation of areas.

Therefore, part 302 of title 13 of Code of Federal Regulations is amended as follows:

1. Section 302.4(a)(3) is deleted and a new § 302.4(a)(3) is inserted as follows:

§ 302.4 Standards for designation on the basis of Indian lands.

(a) * * *

(3) Restricted Indian-owned land areas shall consist of land areas owned by Indian tribes, but subject to restrictions on alienation or use imposed by Federal or State Governments.

* * * * *

RICHARD L. SINNOTT,
Acting Assistant Secretary for Economic Development.

MAY 15, 1973.

[FR Doc.73-9944 Filed 5-15-73;3:34 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-NW-03]

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

Alteration of Transition Area

On March 27, 1973, a notice of proposed rulemaking was published in the FEDERAL

REGISTER (38 FR 8004) 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 Twin Falls, Idaho, transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., July 19, 1973.

(Sec. 307(a), Federal Aviation Act of 1968, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Seattle, Wash., on May 3, 1973.

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

In § 71.181 (38 FR 435) the description of the Twin Falls, Idaho, transition area is amended to read as follows:

TWIN FALLS, IDAHO

That airspace extending upward from 700 ft above the surface within 9.5 mi north and 5 mi south of the Twin Falls VORTAC 086° and 281° radials extending from the VORTAC to 30 mi east and 18.5 mi west; within 5 mi each side of the Twin Falls 156° radial extending from the VORTAC to 9.5 mi southeast of the VORTAC; that airspace extending upward from 1,200 ft above the surface within a 14-mi radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 173° radial to the VORTAC 311° radial; within that airspace southeast of Twin Falls bounded on the north by V-269, on the east by a 21-mi arc centered on the VORTAC and on the southeast by V-484; within that airspace north of Twin Falls bounded on the north by V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293; that airspace northwest of Twin Falls bounded on the north by V-330, on the east by V-293, and on the south by V-4; that airspace within 9 mi southwest and 6 mi northeast of the Twin Falls VORTAC 311° radial extending from the VORTAC to 30 mi northwest of the VORTAC.

[FR Doc.73-9754 Filed 5-16-73;8:45 am]

[Airspace Docket No. 72-WA-69]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Area High Routes and Waypoints

The purpose of this amendment to part 75 of the Federal Aviation regulations is to combine waypoints where one waypoint can serve in the place of two or more, also to relocate waypoints and routes to conform to present terminal procedures in the Great Lakes region.

This action simply redescribes the location of waypoints and their associated RNAV routes, reducing chart clutter and computer storage requirements without substantive change to the regulations. This amendment is therefor minor in nature and may be made effective immediately, however, in order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective on July 19, 1973.

Action is taken herein to accomplish the following changes:

a. The Vermontville, Mich., waypoint is relocated to a point at latitude 42°-37'50" N., longitude 84°40'50" W. so that it may be used on its present route (J989R) and also on J819R to replace the Sunfield, Mich., waypoint.

b. The point of origin of J939 is relocated from the O'Hare, Ill., waypoint to the Morrison, Ill., waypoint to conform to revised terminal procedures at Chicago.

c. The northwest arrival waypoint in the Chicago area is moved from Lakewood, Ill., to Woodstock, Ill., and becomes the terminal for J822R, J846R, J866R, J937R and J940R to conform to revised terminal procedures at Chicago.

d. The Kamrar, Iowa, waypoint is relocated to a point at latitude 42°25'45" N., longitude 93°43'56" W., so that it may be used on its present route (J937R) and also on J991R to replace the Woolstock, Iowa, waypoint.

e. The Elberon, Iowa, waypoint is used on its present route (J939R) and to replace the Bertram, Iowa, waypoint on J938R without being relocated from its present position.

f. The Minerva, Ky., waypoint is relocated to a point at latitude 38°42'28" N., longitude 83°54'20" W., so that it may be used on its present route (J951R) and also on J959R to replace the Foxport, Ky., waypoint and on J881R to replace the Greentree, Ky., waypoint.

In consideration of the foregoing, part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700) is amended as follows:

1. In J989R "Vermontville, Mich., 42°38'21" N., 84°55'27" W., South Bend, Ind.", is deleted and "Vermontville, Mich., 42°37'50" N., 84°40'50" W., Carleton, Mich.," is substituted therefor.

2. In J819R "Sunfield, Mich., 42°42'07" N., 84°53'12" W., Carleton, Mich.," is deleted and "Vermontville, Mich., 42°37'-50" N., 84°40'50" W., Carleton, Mich.," is substituted therefor.

3. In J939R "O'Hare, Ill., 41°59'16" N., 87°54'17" W., Joliet, Ill.," is deleted and "Morrison, Ill., 41°55'53" N., 89°47'00" W., Bradford, Ill.," is substituted therefor.

4. In J822R, J846R, J866R, and J937R "Lakewood, Ill., 42°12'21" N., 88°18'53" W., Milwaukee, Wis.," is deleted and "Woodstock, Ill., 42°21'21" N., 88°24'13" W., Milwaukee, Wis.," is substituted therefor.

5. In J937R "Kamrar, Iowa 42°25'43" N., 93°38'52" W., Des Moines, Iowa," is deleted and "Kamrar, Iowa, 42°25'45" N., 93°43'56" W., Fort Dodge, Iowa," is substituted therefor.

6. In J940R "Dickeyville, Wis. 42°45' 30" N. 90°31'36" W. Dubuque, Iowa" and "O'Hare, Ill. 41°59'16" N. 87°54'17" W. Joliet, Ill." are deleted and "Woodstock, Ill. 42°21'21" N. 88°24'13" W. Milwaukee, Wis." is substituted therefor.

7. In J938R "Bertram, Iowa 41°59'43" N. 91°35'23" W. Iowa City, Iowa" is deleted and "Elberon, Iowa 42°00'53" N. 92°15'40" W. Dubuque, Iowa" is substituted therefor.

8. In J951R "Minerva, Ky. 38°42'23" N. 83°57'21" W. Rosewood, Ohio" is deleted and "Minerva, Ky. 38°42'28" N. 83°54'20" W. Louisville, Ky." is substituted therefor.

9. In J959R "Foxport, Ky. 38°30'45" N. 83°50'02" W. Louisville, Ky." is deleted and "Minerva, Ky. 38°42'28" N. 83°54'20" W. Louisville, Ky." is substituted therefor.

10. In J881R "Greentree, Ky. 38°09' 46" N. 83°54'23" W. Louisville, Ky." is deleted and "Minerva, Ky. 38°42'28" N. 83°54'20" W. Louisville, Ky." is substituted therefor.

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

Issued in Washington, D.C., on May 10, 1973.

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

[FR Doc.73-9756 Filed 5-16-73;8:45 am]

[Docket No. 11934; Amdt. No. 91-115]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Helicopters at Heliports Over Water; Operating Limitations

The purpose of these amendments to part 91 of the Federal Aviation regulations is to permit helicopters, under certain prescribed conditions, to make transient flights through the prohibited range of the limiting height-speed envelope when taking off or landing at certain heliports constructed over water.

These amendments are based on notice of proposed rulemaking No. 72-13, published in the FEDERAL REGISTER on May 18, 1972 (37 FR 10005). These amendments and the reasons therefor are the same as those contained in the subject notice.

The comments received in response to notice 72-13 generally supported the proposal. However, one commentator questioned the rationale for the amendment. In this regard, we wish to further explain that § 29.79 requires that a limiting height-speed envelope be established for any combination of height and forward speed under which a safe landing cannot be made under specified power failure conditions. Compliance with that regulation is shown by demonstrating that a safe landing can be made when an engine failure is simulated at various combinations of heights and speeds which represent the boundary of the limiting height-speed envelope established for the helicopter. The nature of the flight test demonstrations results in a limiting height-speed envelope which

is conservative; consequently, some margin of safety exists between the envelope established for the helicopter and some smaller envelope defined by the combination of heights and speeds at which a safe landing cannot actually be made.

As was pointed out in the notice, the heliports to which this amendment to § 91.31 applies may be constructed over any body of water; however, as stated in new paragraph (d) of this section, the transient flight through the prohibited range must occur while the helicopter is over water on which a safe ditching can be accomplished in the event that an engine failure does occur.

In the light of the foregoing, and for the reasons given in notice 72–13, we are of the opinion that a safe emergency ditching can be made in the event of a hazardous flight condition requiring such action if the helicopter is amphibious or is equipped with adequate flotation gear.

(Secs. 313(a), 601, and 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).)

In consideration of the foregoing, and for the reasons given in notice 72–13, § 91–31 of part 91 of the Federal Aviation regulations is amended, effective May 17, 1973, by amending paragraph (a) and adding a new paragraph (d) to read as follows:

§ 91.31 Civil aircraft operating limitations and marking requirements.

(a) Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without compliance with the operating limitations for that aircraft prescribed by the certificating authority of the country of registry.

* * * * *

(d) Any person taking off or landing a helicopter certificated under part 29 of this chapter at a heliport constructed over water may make such momentary flight as is necessary for takeoff or landing through the prohibited range of the limiting height-speed envelope established for that helicopter if that flight through the prohibited range takes place over water on which a safe ditching can be accomplished, and if the helicopter is amphibious or is equipped with floats or other emergency flotation gear adequate to accomplish a safe emergency ditching on open water.

Issued in Washington, D.C., on May 10, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-9758 Filed 5-16-73;8:45 am]

[Docket No. 12811; Amdt. No. 864]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in amendment No. 97–696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAP's, effective June 28, 1973.

Auburn, Ind.—Auburn-DeKalb Airport, VOR–A, amendment 4.
Auburn, Ind.—Auburn-DeKalb Airport, VOR runway 9, amendment 3.
Brownsville, Tex.—Brownsville International Airport, VOR runway 26, amendment 13.
Chesterfield, Va.—Chesterfield County Airport, VOR runway 15, original.
Enid, Okla.—Enid Woodring Municipal Airport, VOR runway 17, amendment 3.
Enid, Okla.—Enid Woodring Municipal Airport, VOR runway 35, amendment 4.
Grand Canyon, Ariz.—Grand Canyon National Park Airport, VOR runway 3, amendment 1.
Grand Rapids, Minn.—Grand Rapids Itasca County Airport, VOR runway 34, amendment 2.
Houston, Texas—Spaceland Airpark, VOR runway 31, amendment 2, canceled.
Kalamazoo, Mich.—Kalamazoo Municipal Airport, VOR runway 23, amendment 7.
Kenosha, Wis.—Kenosha Municipal Airport, VOR runway 14, amendment 2.
San Antonio, Tex.—San Antonio International Airport, VOR runway 17, amendment 21.
Texarkana, Ark.—Texarkana Municipal-Webb Field, VOR runway 13, amendment 9.
Tulsa, Okla.—Tulsa International Airport, VOR runway 26, amendment 17.
Wabash, Ind.—Wabash Municipal Airport, VOR–A, amendment 3.

* * * effective May 3, 1973:

Fremont, Mich.—Fremont Municipal Airport, VOR–A, amendment 5.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAP's, effective June 28, 1973.

Charlottesville, Va. — Charlottesville-Albemarle Airport, LOC runway 3, amendment 6, canceled.
San Antonio, Tex.—San Antonio International Airport, LOC (BC) runway 30L, amendment 4.
Texarkana, Ark.—Texarkana Municipal-Webb Field, LOC/DME (BC) runway 4, amendment 2.

* * * effective May 24, 1973:

Cleveland, Ohio—Cuyahoga County Airport, LOC runway 23, original.
Sarasota (Bradenton), Fla.—Sarasota-Bradenton Airport, LOC runway 31, original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective June 28, 1973.

Broken Bow, Nebr.—Broken Bow Municipal Airport, NDB runway 14, amendment 2.
Brownsville, Tex.—Brownsville International Airport, NDB runway 17L, original.
Brownsville, Tex.—Brownsville International Airport, NDB runway 13R, amendment 4.
Kenosha, Wis.—Kenosha Municipal Airport, NDB runway 14, amendment 5.
Keokuk, Iowa—Keokuk Municipal Airport, NDB runway 13, amendment 6.
LaCrosse, Wis.—LaCrosse Municipal Airport, NDB runway 18, amendment 3.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, NDB runway 4, amendment 9.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, NDB runway 11L, amendment 2, canceled.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, NDB runway 29L, amendment 16.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport, NDB runway 29R, amendment 4.
San Antonio, Tex.—San Antonio International Airport, NDB runway 3R, amendment 29.
San Antonio, Tex.—San Antonio International Airport, NDB runway 12R, amendment 13.
San Antonio, Tex.—San Antonio International Airport, NDB runway 30L, amendment 4.
Sedalia, Mo.—Sedalia Memorial Airport, NDB runway 23, amendment 1.
Texarkana, Ark.—Texarkana Municipal-Webb Field, NDB runway 22, amendment 3.
Tulsa, Okla.—Tulsa International Airport, NDB runway 17L, amendment 4.
Tulsa, Okla.—Tulsa International Airport, NDB runway 35R, amendment 15.
Wabash, Ind.—Wabash Municipal Airport, NDB runway 27, amendment 3.

* * * effective June 21, 1973:

Bradford, Pa.—Bradford Regional Airport, NDB runway 32, amendment 10.

* * * effective May 10, 1973:

Mattoon-Charleston, Ill.—Coles County Memorial Airport, NDB runway 6, amendment 6.

* * * effective May 1, 1973:

Majuro Atoll, Marshall Islands—Majuro Airport, NDB runway 6, original, canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective June 28, 1973.

Brownsville, Tex.—Brownsville International Airport, ILS runway 13R, amendment 1.
Charlottesville, Va.—Charlottsville-Albemarle Airport, ILS runway 3, original.
Honolulu, Haw.—Honolulu International Airport, ILS runway 4R, original.
LaCrosse, Wis.—LaCrosse Municipal Airport, ILS runway 18, amendment 2.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, ILS runway 4, amendment 14.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, ILS runway 11R (BC), amendment 2.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, ILS runway 22 (BC), amendment 2.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold-Chamberlain Airport, ILS runway 29L, amendment 32.
San Antonio, Tex.—San Antonio International Airport, ILS runway 12R, amendment 6.
San Antonio, Tex.—San Antonio International Airport, ILS runawy 12R, amendment 2.
Texarkana, Ark.—Texarkana Municipal-Webb Field, ILS runway 22, amendment 3.
Tulsa, Okla.—Tulsa International Airport, ILS runway 17L, amendment 5.
Tulsa, Okla.—Tulsa International Airport, ILS runway 35R, amendment 21.

* * * effective May 9, 1973:

Dubuque, Iowa—Dubuque Municipal Airport, ILS runway 31, amendment 3.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective June 28, 1973.

Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport, Radar-1, amendment 23.
San Antonio, Tex.—San Antonio International Airport, Radar-1, amendment 17.
Tulsa, Okla.—Tulsa International Airport, Radar-1, amendment 11.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective June 28, 1973.

Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport, RNAV runway 29R, amendment 1.
San Angelo, Tex.—Mathis Field, RNAV runway 18, original.
San Angelo, Tex.—Mathis Field, RNAV runway 36, original.
San Antonio, Tex.—San Antonio International Airport, RNAV runway 30L, amendment 3.
Tulsa, Okla.—Tulsa International Airport, RNAV runway 17L, amendment 1.
Tulsa, Okla.—Tulsa International Airport, RNAV runway 17R, amendment 1.
Tulsa, Okla.—Tulsa International Airport, RNAV runway 35L, amendment 1.
Tulsa, Okla.—Tulsa International Airport, RNAV runway 35R, amendment 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

Issued in Washington, D.C., on May 10, 1973.

F. O. WILDER,
Acting Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-9755 Filed 5-16-73;8:45 am]

[Docket No. 11860; Amdt. No. 135-35]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Flotation Gear for Land Aircraft Operated Over Water

The purpose of this amendment to part 135 of the Federal Aviation regulations is to permit the use of land helicopters to carry passengers over water when equipped with helicopter flotation devices. A minor editorial change is also being made to update a reference in § 135.75(b)(2)(ii) to a section in part 91.

This amendment is based on a notice of proposed rule making (notice No. 72-11) issued on April 10, 1972, and published in the FEDERAL REGISTER April 15, 1972 (37 FR 7529). Except for an editorial change, and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in notice 72-11.

Public comment in response to notice 72-11 was generally in favor of the proposed regulation. One commentator recommended that any land helicopter to be used for the carriage of persons in overwater operations be equipped with a full instrument panel and that the pilot be instrument rated and have a 6-month proficiency check and a sea helicopter rating. While the recommendation may have merit, we believe it goes beyond the scope of notice 72-11 and cannot be adopted in this amendment. Another commentator expressed concern about the ability of the flotation device to survive an engine-out descent and water impact. In this regard it should be pointed out that the FAA considers the helicopter flotation devices involved to be equipment that must be approved in accordance with § 135.143. We believe the approval requirement will insure that flotation devices used will be capable of adequately performing their function in the event of an emergency ditching involving an engine-out descent.

This amendment also changes the reference to § 91.117(f) in § 135.175(b)(2)(ii) to § 91.116(f). Since this is merely an editorial correction, I find that notice and public procedure thereon are unnecessary.

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

In consideration of the foregoing, part 135 of the Federal Aviation regulations is amended, effective May 17, 1973, as follows:

§ 135.75 [Amended]

1. By changing the reference to § 91.117(f) in § 135.75(b)(2)(ii) to § 91.116(f).

2. By amending § 135.147 to read as follows:

§ 135.147 Performance requirements: Land aircraft operated over water.

No person may operate a land aircraft carrying passengers over water unless—

(a) It is operated at an altitude that allows it to reach land in the case of engine failure;

(b) It is necessary for takeoff or landing;

(c) It is a multiengine aircraft operated at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute, at an altitude of 1,000 feet above the surface; or

(d) It is a helicopter equipped with helicopter flotation devices.

Issued in Washington, D.C., on May 10, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-9757 Filed 5-16-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER X—OFFICE OF FOREIGN DIRECT INVESTMENTS, DEPARTMENT OF COMMERCE

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Transfer of Capital; Export Credit Exemption

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. The abbreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national."

The Office of Foreign Direct Investments (the Office) has adopted certain amendments to the Foreign Direct Investment Regulations (the Regulations).

On March 5, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 5906) with respect to certain proposed amendments to the Regulations designed to implement an export credit exemption policy announced on January 2. After consideration by the Office of all comments and suggestions presented by interested persons, the amendments are hereby adopted in final form. The only change from the amendments as published in

proposed form is the addition of subparagraph (C) to section 312(c)(13)(vi). These amendments shall apply to all affected transactions entered into on or after January 1, 1973.

In response to the comments and suggestions received, certain clarifications are made below in the detailed explanation of the amendments:

(1) "Safe-haven" rule for qualified export leases: See material added in paragraph 8 of the detailed description.

(2) Attribution of 1973 repayments of qualified export obligations: See material added after example 3 in paragraph 3 of the detailed description.

(3) Certification as to nature of debt outstanding at yearend 1972: See material added in paragraph 1 of the detailed description.

In keeping with the balance of payments objectives of the Regulations, the exemption system rests on the assumption that DIs will continue to cause their AFNs to maintain repayments of export credits that were outstanding at yearend 1972 at a rate consistent with past practice. (Such 1973 repayments may be attributed in part to credits extended in 1973, rather than to prior-year credits, as set forth in paragraph 3 of the detailed description below.) Where a DI causes its AFNs to curtail their repayment of such prior-year credits, in an attempt to take undue advantage of the exemption system, such action may be treated as an evasion of the Regulations under section 204. Such a DI, also, may be deemed to have elected out of the exemption system under section 312(c)(13)(vi). Further, the indefinite extension or forgiveness of pre-1973 export credits may be deemed a contribution to the capital of the AFNs involved. Increases in the level of outstanding export credit not related to increased levels of exports may be viewed as evidence of such evasion. DIs will continue to be required to report export and export credit information on quarterly and annual reports.

These amendments will not affect the computation of positive direct investment during the base period, 1965–1966, for any purpose of the Regulations. Forms FDI–101, on which the base period calculations are reported, will not have to be revised by reason of these amendments.

The general approach of the new export credit exemption system is to exempt, from positive transfer of capital charge, an extension of qualified export credit by a DI to its AFN, unless and until the AFN fails to repay the credit within a time period that would be permited if the DI and AFN were dealing at arm's length. Under this approach, a DI will generally age its receivables for qualifying export credits that are outstanding at yearend, to determine which are "overdue" as measured by the applicable arm's length terms and therefore give rise to transfer of capital consequences.

1. *General explanation.* Under the Regulations in effect through 1972, the acquisition by a DI of an obligation of an incorporated AFN attendant to an export sale of goods or services to the AFN by the DI was a positive transfer of capital under section 312(a)(1); repayment of the obligation by the AFN, or transfer of the obligation by the DI, was a negative transfer of capital under section 312(b)(3) or section 312(b)(5). The rules applicable to unincorporated AFNs produced the same result. The newly adopted export credit exemption provisions of the Regulations (sections 312(c)(13), 312(c)(14), 313(b)), effective for transactions after December 31, 1972, in general block all positive and negative transfers of capital in connection with qualifying export transactions.

Section 312(c)(13) is the principal provision governing the treatment of obligations of incorporated AFNs acquired by DIs in connection with qualified export sale transactions. For such transactions section 312(c)(13) establishes exceptions to the general definitions of positive and negative transfers of capital set forth in sections 312(a) and 312(b). Provisions in section 313(b), governed by the definitions set forth in section 312(c)(13), provide the same substantive treatment with respect to unincorporated AFNs. Section 312(c)(14) provides an exclusion with respect to the transfer or return of property pursuant to qualified export leases by DIs to incorporated AFNs.

Under section 312(c)(13) no transfer of capital is recognized in connection with an acquisition by a DI after December 31, 1972 of a debt obligation of an incorporated AFN attendant to a sale by the DI to the AFN of U.S. goods or U.S. services, until the obligation has been outstanding for a period longer than the arm's length term applicable to the transaction. A positive transfer of capital in the amount of the debt obligation is charged when the credit becomes overdue as measured by the arm's length term if the DI holds the obligation at that time. After December 31, 1972 no negative transfer of capital will be recognized in connection with any repayment of a qualified export obligation by an AFN, or transfer by a DI of such an obligation, except to the extent that a positive transfer of capital has been previously recognized after December 31, 1972 with respect to the obligation. (It should be noted that this rule applies to the repayment or transfer after 1972 of qualified export obligations that were acquired by the DI in 1972 or earlier.) Moreover, after December 31, 1972, no negative transfer of capital is recognized for the repayment by or in behalf of an AFN of a qualified export obligation held by a financial institution subject to the Federal Reserve Foreign Credit Restraint Program, even though such repayment would have been deemed a transfer of capital by the AFN under the proviso to section 312(c)(4) or section 312(c)(12).

The substantive rules applicable to unincorporated AFNs produce the same net result. Ordinarily the liability of an unincorporated AFN to a DI is excluded in calculating the net assets of the AFN under section 313(b). Thus, a sale of goods by the DI to the AFN on credit results in an increase in the AFN's net assets by increasing its assets without increasing its libilities. This has the effect of a positive transfer of capital. Under revised section 313(b), the liabilities of unincorporated AFNs to the DI which represent qualified export obligations are not excluded from the calculation of net assets, until such obligations have been outstanding for periods of time longer than the arm's length terms applicable to them. When such obligations become overdue as measured by the arm's length term, they must be excluded in the net asset calculation; this increases net assets and has the effect of a positive transfer of capital. Payment made to the DI from AFN assets, eliminating the excluded liability, reduce net assets and have the effect of a negative transfer of capital.

A qualified export obligation which is acquired and then satisfied or transferred within the same year has no net effect under the Regulations, whether or not it is repaid or transferred within the period of the arm's length term applicable to the transaction. But where the debt obligation remains outstanding at yearend, and is at that time overdue as measured by the arm's length term, the DI will incur a positive transfer of capital in that year. The DI can recognize a negative transfer of capital in the year in which such obligation is repaid or transferred.

Sections 312(c)(4) and 312(c)(12) as amended effective January 1, 1973 are not applicable to qualified export obligations. Thus, where a DI transfers a qualified export obligation to an institution subject to the Federal Reserve Foreign Credit Restraint Program (FRFCRP), or an AFN obtains funds from such an institution to repay a qualified export obligation to the DI, sections 312(c)(4) and 312(c)(12) have no effect on the treatment of such transactions under the Regulations, regardless of whether the institutions charge their ceilings under the FRFCRP in connection with the transactions.

The provisions of sections 312(c)(13) (pertaining to incorporated AFNs) and 313(b)(1), (2) (pertaining to unincorporated AFNs) apply to sales transactions. Separate provision is made in proposed section 312(c)(14) to accomplish the exemption of the transfer of property to an incorporated AFN pursuant to a qualifying export lease and the return of property so transferred. The effect of these provisions is described in paragraph 8, below.

Addition of section 312(c)(13) and amendment of section 313(b) do not affect the treatment of acquisitions of export obligations of AFNs which are not qualified export obligations as defined in section 312(c)(13). Acquisitions of such nonqualified obligations continue to constitute positive transfers of capital under section 312(a)(1), or in the case of unincorporated AFNs increases in net assets under section 313(b) (by exclusion of the imputed debt obligation), at the times the obligations are acquired; repayment

of the obligations by the AFN or transfers of them by the DI continue to constitute negative transfers of capital under section 312(b)(3) or section 312(b)(5) or a decrease in net assets under section 313(b) (unless recognition of the negative transfer of capital or reduction in assets is blocked by section 312(c)(4) or section 312(c)(12)). Also, section 312(c)(14), which provides an exemption for qualified lease transactions, does not affect the treatment of nonqualified leases. It should be carefully noted that these rules apply regardless of whether the nonqualified obligation or lease arose before or after yearend 1972.

Because of the differing treatment which is provided for qualified and nonqualified export obligations and leases, DIs (except DIs which elect out of the exemption system in accordance with section 312(c)(13)(vi)) will find they need to segregate on their books and records those AFN obligations which are qualified export obligations and those lease transactions which constitute qualified export leases. DIs are also required to determine which of the AFN obligations held as of the end of the year 1972 were qualified export obligations and which leases outstanding were qualified export leases, since repayment of such qualified export obligations and returns of property under such leases will not be negative transfers of capital.

Such segregation of AFN debt to the DI which was outstanding at yearend 1972 may be unduly difficult for many DIs which recorded a variety of miscellaneous transactions, in addition to qualified export obligations, through general intercompany accounts with their AFNs. Where such is the case, a DI may perform the segregation of yearend 1972 outstanding debt, with respect to any general intercompany account, by certifying in good faith, on its form FDI-102F filed for 1973, that at least a certain percentage of the outstanding balance due from the AFN at yearend 1972 was attributable to items which were not qualified export obligations. The percentage certified may not exceed 15 percent. Such segregation of the yearend 1972 balance of a general intercompany account into qualified export obligations and other items by certification shall be binding for all purposes of the Regulations. The certification is, of course, subject to audit. No certification may be made with respect to post-1972 transactions, for which the precise figures must be used to determine all amounts relating to qualified export obligations and amounts relating to other items.

Example 1.—In 1972 DI maintained a general intercompany account with its AFN. The large majority of the items accounted for in this account were acquisitions of qualified export obligations of the AFN and repayments of such obligations by the AFN. However, the account also recorded sales of non-U.S. goods to the AFN, certain royalty payments overdue from the AFN and other items. At yearend 1972 the account reflected a balance of $400,000 due from the AFN. DI has not computed exactly what portion of this 1972 amount was attributable to items other than qualified export obligations, but, based on its general knowledge of its dealings with the AFN and the use of the intercompany account, it believes in good faith that at least 7 percent of the account represents such items. DI may certify this percentage on its form FDI-102F filed for 1973. Accordingly, DI may recognize up to $28,000 (7 percent x $400,000) of 1973 repayments applied against this outstanding balance as negative transfers of capital. Of course, DI acquisitions in 1973 of AFN obligations other than qualified export obligations will give rise to positive transfers of capital. Therefore, the net increase or net decrease in the nonqualifying portion of the account over the year, beginning with the $28,000 yearend 1972 balance, will equal the net positive or net negative transfer of capital resulting from acquisitions and satisfactions of AFN obligations other than qualified export obligations. But, by virtue of the certification, any amount in excess of $28,000 repaid in 1973 applicable to the 1972 ending intercompany account balance will be considered repayment of qualified export obligations for which no negative transfer of capital is recognizable.

The amendments do not affect the 1965–1966 ("base period") positive direct investment calculations. Revised base period reports on Form FDI-101 will not have to be submitted by reason of the amendments.

Quarterly reports on Form FDI-102 will not be required to reflect transfers of capital to or from AFNs related to qualified export obligations or qualified export leases.

The amendments are described in greater detail as follows:

2. *Definitions.*—a. *Qualified export obligation.* Under section 312(c)(13)(ii)(A), the term "qualified export obligation" means a debt obligation of an AFN acquired by a DI in any year (including any year before 1973) attendant to a sale of U.S. goods or U.S. services. There are two exceptions:

(1) In no event is a qualified export obligation recognized in connection with a transaction which is in substance a contribution to capital. Where a transfer of goods or services is recorded on a DI's books and records as a credit sale, and timely payment is subsequently forgiven in whole or in part, the transaction may be deemed a contribution to capital in the year the goods or services were transferred in the amount of the full value of such goods or services. (However, where changed circumstances give rise to a legitimate business reason for forgiving the indebtedness attendant to a transaction previously treated in good faith as a credit sale, the amount of the debt forgiven will be treated as a transfer of capital in the year of forgiveness.) This rule applies to unincorporated AFNs as well as incorporated AFNs. Thus, where a DI ships goods to an unincorporated AFN or performs services for it with the arrangement that the AFN will make full payment for the goods or services, the DI may treat the transaction as a sale to the unincorporated AFN. If the other requirements are met, such a sale gives rise to a qualified export obligation. However, if the DI does not anticipate full payment for the goods or services, or foregoes payment, the transaction may be considered a contribution to capital, which does not give rise to a qualified export obligation.

(2) In no event does a qualified export obligation arise in connection with an installment sale unless the terms of the sale require installment payments at an arm's length rate, taking into account the time and amount of each payment to be made. For example, if a DI sells equipment to an AFN for a total price of $60,000, and the sale agreement requires three semiannual payments of $10,000 and a final semiannual payment of $30,000, the sale does not require payments at an arm's length rate, and thus would not give rise to qualified export obligations, if an arm's length rate of payment would require four semiannual payments of $15,000. If, on the other hand, the agreement requires an initial semiannual installment of $30,000 and three additional semiannual payments of $10,000, the sale would give rise to qualified export obligations since the rate of payment required is faster than the arm's length rate. The arm's length rate of payment for these purposes is the rate that would have been provided at the time the transaction was entered into, in independent transactions with or between unrelated parties under similar circumstances, considering all relevant factors except the credit standing of the AFN. The AFN is considered to be an average or typical credit risk, but not an unusually good or a poor one. See paragraph 4 below.

Each payment due under an installment sale which gives rise to a qualified export obligation is deemed to be a separate qualified export obligation. Thus, in the last example in the preceding paragraph, the transaction would give rise to one qualified export obligation of $30,000 and three qualified export obligations of $10,000 each, due at successive semiannual intervals.

b. *United States goods.* The exemption of section 312(c)(13) is applicable, in the case of goods, to sales of "United States goods", which is defined in section 312(c)(13)(iii) to be tangible property meeting two requirements. It must be grown, produced or manufactured in the United States, and it must be exported from the United States by the DI.

Property is considered grown, produced or manufactured in the United States only if it may be classified as "domestic" for purposes of a Department of Commerce Shipper's Export Declaration on Commerce Department Form 7525-V. This is the form which must be completed and submitted by all exporters shipping domestic goods from the United States. With regard to classification of goods shipped as "foreign" or "domestic", Article IV of the form provides as follows:

Exports of domestic merchandise include commodities which are the growth, produce, or manufacture of the United States. Exports of foreign merchandise include commodities of foreign origin which entered the United States as imports, and which, at the time of exportation, are in the same condition as when imported. Commodities of foreign origin which have been changed in the

United States from the form in which they were imported, or which have been enhanced in value by further manufacture in the United States, are considered as "domestic" commodities.

c. *United States services.* Sales of services will qualify for the section 312(c)(13) exemption only if they are "United States services", as defined in proposed section 312(c)(13)(iv), which must be services performed for an AFN by the DI. Services performed by a DI through one of its AFNs for another AFN are not considered performed by the DI. Services subcontracted to another party for performance on behalf of the DI are not considered performed by the DI.

d. *Arm's length term.* The Regulations establish as applicable to each qualified export obligation a qualifying duration of the credit extended, based on the concept of the "arm's length term". This is explained in paragraphs 4 and 5, below.

3. *Overdue qualified export credit.* As stated above, under the Regulations in effect through 1972, a positive transfer of capital was recognized upon the acquisition of an AFN obligation by a DI in connection with any credit sale to the AFN, and a negative transfer of capital was recognized upon repayment of the obligation by the AFN or transfer of it by the DI. Under section 312(c)(13)(i), no positive transfer of capital is recognized in connection with an acquisition after December 31, 1972, of a qualified export obligation of an incorporated AFN until the obligation, held by the DI, has been outstanding for a period longer than the arm's length term applicable to it. Thus, if the obligation is not "overdue" as measured by the arm's length term, no positive transfer of capital arises. The repayment or other satisfaction of a qualified export obligation by an incorporated AFN, or transfer by a DI of a qualified export obligation, does not constitute a negative transfer of capital if effected within the period of the arm's length term. If, however, the obligation becomes overdue and is held by the DI so that a positive transfer of capital is recognized with respect to it (after December 31, 1972), such repayment or satisfaction or transfer does constitute a negative transfer of capital.

The rules provided in the proposed amendments to section 313(b) applying to unincorporated AFNs produce the same net results as the rules for incorporated AFNs. Where a qualified export obligation of an unincorporated AFN is acquired by a DI the liability of the AFN is included in calculating the net assets of the AFN under section 313(b) until the obligation has been outstanding for a period longer than the arm's length term applicable to it. This AFN liability either offsets the exported asset (resulting in no change in the net asset position) or, where payment for services is expensed, produces a reduction in net assets.

Where payment or satisfaction of the qualified export obligation is made before the obligation becomes overdue as measured by the arm's length term, there is a reduction in assets and a corresponding reduction in liabilities, producing no change in net assets. The net result of the credit sale and subsequent payment within the arm's length term is either (1) no change in net assets if an asset is recognized (as for the purchase of goods or capitalized services), or, (2) a reduction in net assets if the item purchased is expensed (as for the purchase of expensed services).

But when the obligation becomes overdue under the arm's length term the liability must then be excluded in calculating net assets under section 313(b), resulting in an increase in net assets. The net change attendant to the sale on credit and subsequent failure to pay within the arm's length term is an increase in net assets where an asset is recognized (as for the purchase of goods or of capitalized services), or no change in net assets where the item purchased is expensed (as for the purchase of expensed services). Repayment by an AFN of an "overdue" qualified export obligation results in a reduction in net assets as computed under section 313(b), since cash is expended to pay the obligation but the liability eliminated is an excluded liability.

Under section 313(b)(2) any reduction in net assets resulting from a repayment of a qualified export obligation acquired by the direct investor prior to 1973 is disregarded in computing the increase or decrease in net assets of the AFN.

For any year commencing with 1973, the DI will compute positive transfers of capital related to qualified export obligations (of either an incorporated or an unincorporated AFN) on the basis of the qualified export obligations of the AFN acquired on or after January 1, 1973 that are overdue at yearend as measured by the arm's length term. When such overdue obligations are repaid by the AFN in a subsequent year, a negative transfer of capital will be recognized.

Example 2.—On March 15, 1973, DI sells $50,000 worth of U.S. goods to an incorporated AFN. On October 31, 1973, the DI sells $75,000 worth of U.S. goods to the AFN. The arm's length term applicable to both transactions is 9 months. As of December 31, 1973, neither qualified export obligation has been repaid. A positive transfer of capital of $50,000 is recognized in connection with the first acquisition on December 15, 1973, the date the obligation became overdue as measured by the 9-month arm's length term applicable to it. Since the obligation has not been repaid by yearend 1973, there is no offsetting negative, and the positive transfer of capital must be charged for 1973 Program compliance. No transfer of capital is recognized, however, in connection with the second qualified export obligation, since at yearend 1973 the obligation has been outstanding for a period less than the 9-month arm's length term applicable to it.

On January 31, 1974, the AFN repays both obligations ($125,000). A negative transfer of capital of only $50,000 is recognized in connection with the repayments, since a positive transfer of capital of only $50,000 was previously recognized as a result of acquisition of the obligations.

Example 3.—Same facts as in Example 2, except that the AFN involved is unincorporated. As of December 31, 1973, the net assets of the AFN have been increased by $50,000 as a result of the first purchase, since the exported goods are included as AFN assets, while the liability to the DI arising from the purchase, having become overdue as measured by the arm's length term on December 15, 1973, is excluded in calculating the net assets of the AFN under section 313(b). The second purchase has no effect on net assets, since the liability is not overdue as of yearend and therefore is included in calculating the AFN's net assets, offsetting the acquired asset. When the obligations are repaid on January 31, 1974, the repayment of the $50,000 obligation results in a $50,000 reduction in net assets as computed under section 313(b). There is a $50,000 reduction in assets (cash), while there is no reduction in liabilities since the corresponding liability had been excluded for section 313(b) purposes. The repayment of the $75,000 obligation has no effect on net assets as computed under section 313(b) since the liability eliminated is an included liability; thus, the reduction in assets is offset by the reduction in liabilities.

A DI which in past years has extended greater than arm's length terms to its AFNs may incur positive transfer of capital charges in 1973, even where its exports are not rising and AFN repayments are maintained at a level consistent with past practice, if the DI attributes all 1973 repayments of qualified export obligations to outstanding obligations under the first-in-first-out concept. Similarly, a DI which in past years has extended greater than arm's length terms to its AFNs may incur transfer of capital charges in 1973 where its volume of exports is rising, even though all new credits in 1973 are extended on arm's length terms. In both situations, under the first-in-first-out concept a large part of 1973 repayments would be attributed to 1972 qualified export obligations, and a corresponding amount of qualified export obligations acquired in 1973 would remain outstanding and possibly "overdue" at yearend 1973. To alleviate this difficulty, a DI may under this paragraph elect to treat a greater portion of 1973 repayments as attributable to qualified export obligations arising in 1973 than would ordinarily be the case if all repayments were matched on a first-in-first-out basis. Specifically, the DI may treat all 1973 repayments by an AFN of qualified export obligations as attributable to that AFN's repayments of such obligations arising in 1973, except for an amount equal to the lesser of (1) one-half the balance of qualified export obligations outstanding from the AFN at yearend 1972, or (2) one-half the total amount of qualified export obligations repaid in 1973. Insofar as 1973 AFN repayments are attributed to 1973 qualified export obligations, such obligations are deemed satisfied; they therefore are not outstanding at yearend 1973, and thus need not be aged to determine whether they give rise to positive transfer of capital charges in 1973.

Example 4.—During 1971 and 1972 DI shipped AFN $50,000 of U.S. goods each month on 12-month terms, resulting in a yearend 1972 balance of outstanding qualified export obligations of $600,000. In 1973 DI continues shipping $50,000 of U.S. goods to AFN each month, acquiring qualified export obligations with each shipment, and

AFN continues repaying $50,000 of qualified export obligations each month. The arm's length term applicable to each shipment is 6 months. Under the first-in-first-out concept, the entire $600,000 of 1973 repayments would be applied to reduce the 1972 yearend balance, for which no negative transfer of capital could be recognized. The entire $600,000 yearend 1973 balance would be considered 1973 qualified export obligations which, when aged, would show all of the obligations acquired in the first 6 months to be overdue, giving rise to a $300,000 positive transfer of capital charge in 1973. The DI may elect, however, to attribute $300,000 of the repayments to satisfaction of qualified export obligations arising in 1973 ($600,000 actually repaid in 1973 reduced by the lesser of (1) one-half the $600,000 yearend 1972 balance, or (2) one-half the $600,000 of 1973 repayments of qualified export obligations); the remaining $300,000 of repayments is attributed to obligations outstanding at yearend 1972. Thus, as of yearend 1973 the DI would hold $600,000 of qualified export obligations, $300,000 of which were acquired prior to 1973 and need not be aged, and $300,000 of which were acquired in the last 6 months of 1973 and are not "overdue" as measured by the applicable arm's length term. No positive transfer of capital charge is incurred.

Example 5.—During 1969 through 1972 DI shipped AFN $50,000 of U.S. goods each month on 2-year terms, resulting in a yearend 1972 balance of outstanding qualified export obligations of $1,200,000. In 1973 DI ships AFN $150,000 of U.S. goods each month. AFN continues repaying $50,000 each month for the first 6 months, but for the months July through December repays $200,000 each month, leaving a balance of $1,500,000 at yearend 1973. The arm's length term applicable to all shipments is 6 months. Under the first-in-first-out concept, $1,200,000 of 1973 repayments would be applied to reduce the 1972 yearend balance, and $300,000 would be considered repayments of the obligations arising in January and February of 1973. The balance at yearend 1973, when aged, would show $600,000 of qualified export obligations arising in March through June of 1973 (for which a transfer of capital charge is recognized since they are "overdue" by the applicable arm's length terms), and $900,000 of such obligations arising in the last 6 months (which are not yet "overdue" and therefore not subject to charge). The DI may elect, however, to attribute $900,000 of 1973 repayments to qualified export obligations arising in 1973 ($1,500,000 of 1973 repayments reduced by the lesser of (1) one-half the yearend 1972 balance of $1,200,000, or (2) one-half the 1973 repayments of $1,500,000); the remaining $600,000 of repayments is attributed to obligations outstanding at yearend 1972. The yearend balance of $1,500,000 would be composed of $600,000 of pre-1973 qualified export obligations, which need not be aged, and $900,000 of obligations arising in the last 6 months of 1973, which are not "overdue" and therefore do not give rise to a transfer of capital charge.

As with nonqualifying obligations, where an incorporated or unincorporated AFN transfers an account receivable, note or other debt obligation of an unaffiliated foreign person in satisfaction of a qualified export obligation (or in immediate payment where nonpayment would give rise to a qualified export obligation) the qualified export obligation is deemed to remain outstanding and held by the DI. The qualified export obligation is deemed repaid by the AFN or transferred by the DI only when the debt obligation of the unaffiliated person is repaid to the DI or is transferred by the DI to an unaffiliated foreign national or to a U.S. financial institution subject to the FRFCRP which charges its ceiling under that program in connection with the acquisition. See section B312–15(iii) of the 1972 General Bulletin.

4. *Arm's length term.* The arm's length term, defined under section 312(c)(13)(v), is the length of time to make payment which would have been provided at the time the sale is entered into, in an independent transaction between unrelated parties under similar circumstances, considering all relevant factors except the credit standing of the AFN. The AFN is considered to be an average or typical credit risk, but not an unusually good or a poor one. Relevant factors to be considered include the type of goods and services, the security, if any, shipping time, and the terms prevailing at the situs for comparable transactions.

With respect to the sale of U.S. goods, any term of 180 days or less from the time of the shipment of the goods is deemed an arm's length term. With respect to the sale of U.S. services, any term of 90 days or less, measured from the end of the month in which such services would be billed in a similar transaction between unrelated parties, is deemed an arm's length term. Furthermore, where U.S. services are related and subsidiary to a sale of goods which entails a qualified export obligation, the arm's length term is the same as that for the sale of the goods.

Where there is an insufficient number of similar independent transactions from which the DI can reasonably determine the duration of credit which would have been extended in such transactions, and where an AFN resells or leases the goods or services (without significant further processing) to an unrelated foreign person, the term of credit extended by the AFN to the unrelated person may, in the absence of strong contrary considerations, be added to appropriate shipping time to determine the arm's length term.

5. *Arm's length term for installment sales.* As explained in paragraph 1, above, an installment sale gives rise to qualified export obligations only if payments under the terms of the sale are to be made at an arm's length rate; for installment sales so qualifying, each payment is considered a separate export obligation. Thus, a term within arm's length limits is established by agreement with respect to each individual installment. If all payments are made on schedule, no positive or negative transfer of capital is recognized in connection with the sale. But when a scheduled payment is not timely made, a positive transfer of capital arises. Subsequent payment of the obligation, for which a positive transfer of capital has been recognized, after December 31, 1972, constitutes a negative transfer of capital.

Example 6.—On March 31, 1973, DI sells a computer to an AFN for $5 million, the fair market value. The terms of the sale provide for 20 semiannual installments of $250,000, with interest, commencing September 30, 1973. An arm's length rate of payment would require 10 semiannual installments of $500,000, with interest. The sale does not give rise to qualified export obligations.

Example 7.—Same facts as in Example 6, except that the sale agreement requires the arm's length rate of payment—10 semiannual installments of $500,000, with interest, commencing September 30, 1973. The AFN does not make the September 30 payment called for under the contract. A positive transfer of capital of $500,000 is therefore recognized under section 312(a)(1) as modified by section 312(c)(13)(i)(A). (Nonpayment of the interest due on September 30 is also a positive transfer of capital under section 312(a)(1). See section B312-18(viii) of the 1972 General Bulletin.) On March 31, 1974 the AFN pays the DI $1 million (the installment currently due and the overdue installment) plus all accrued interest. A negative transfer of capital of $500,000 is recognized by reason of the payment of the overdue installment for which a positive transfer of capital was previously recognized. (A negative transfer of capital for payment of the overdue interest is also recognized.) There is no negative transfer of capital for payment of the March 31 installment, which was not overdue.

6. *Applicability to section 313(e).* As announced January 2, 1973, and as provided by the interim protective amendment section 313(f) promulgated January 3, the adoption of the export credit exemption has no effect on the operation of section 313(e) for the year 1972. Section 313(e) of the Regulations afforded DIs options with respect to AFN repayments to the DI in January or February 1973 of debt obligations (including those relating to export credits extended by the DI to the AFN) outstanding on December 31, 1972. If such debt obligations were repaid in January 1973, or (as alternatively elected by the DI) repaid in January and February 1973, the resulting transfers of capital by incorporated AFNs and decreases in net assets of unincorporated AFNs could be included in calculating the DI's 1972 net transfers of capital for pertinent scheduled areas, provided the DI made a worldwide negative net transfer of capital during the period elected and the aggregate amount of such AFN debt repayment used for 1972 calculations did not exceed the amount of such worldwide negative net transfer of capital.

This provision is not amended. As confirmed by section 313(e)(4), the use of the section 313(e) options is governed by the Regulations as in force on December 31, 1972. Thus, a DI may count a repayment in January or February 1973 by an AFN of a qualified export obligation outstanding on December 31, 1972 as a negative transfer of capital for purposes of computing 1972 transfers of capital under section 313(e), even though repayment of such obligation would not constitute a negative transfer of capital for 1973. If a DI chooses to include repayments of qualified export obligations as negative transfers of capital in computing 1972 compliance under section 313(e), the DI must include acquisition of qualified export obligations during the elected extension period as positive transfers of capital for purposes

of computing the worldwide net transfer of capital during the period under section 313(e)(2), even though such acquisitions are not in themselves charged as positive transfers of capital for the year 1973.

After examination of the relevant data, the Office has concluded that the "recapture" provision of section 312(e) published January 3, 1973, applicable to repayments of qualified export obligations in 1973 under section 313(e), is not necessary. Accordingly, the amendments herewith revoke section 312(e).

7. *Nonrenewal of section 313(e) for 1973.* Under the export credit exemption system, section 313(e) is not being renewed to apply to the compliance year 1973. The section 313(e) device aided DIs that experienced unusually high levels of export credit outstanding to their AFNs toward the end of a compliance year. The extension period permitted additional time for such DIs to reduce their levels of outstanding credit to a normal level and eliminate the positive transfer of capital charge arising from the higher level. Since positive transfers of capital will not ordinarily arise from increased levels of export credit under the proposed exemption system, section 313(e) will not be necessary for 1973. It is noted that the related section 312(e) recapture provision, published January 3, 1973, is revoked.

8. *Qualified export leases.* Under the regulations in force on December 31, 1972, a lease of property by a DI to an incorporated AFN was a positive transfer of capital (section 312(a)(8)) in the amount of the fair market value of the property at the time of the transfer. Return of the property by the AFN was a negative transfer of capital in the amount of the fair market value at the time of the return. Payments of rental charges currently due were not transfers of capital, but failure of an AFN to make timely payment was a positive transfer of capital and subsequent payment of the overdue rent was a negative transfer of capital.

Under new section 312(c)(14), effective for transactions after December 31, 1972, a transfer of property to an incorporated AFNs pursuant to a qualified export lease is exempt from transfer of capital charge. Return of property under a qualified lease is not a negative transfer of capital.

A lease by a DI to an incorporated AFN is a qualified export lease if it (1) transfers U.S. goods and (2) provides rental payments at an arm's length rate, considering the time and amount of each payment to be made. The arm's length rate of rental payment is determined in the same manner as for installment sales. See paragraphs 2a(2) and 5 above.

However, where a DI finds that the "safe-haven" rule of Treasury Regulation, § 1.482-2(c) (ii), (iii) (as in effect January 1, 1973) is operative to determine the arm's length rental payment for a lease of U.S. goods for purposes of section 482 of the Internal Revenue Code of 1954, as amended, the amount calculated under that provision will be considered an arm's length annual rental amount for purposes of satisfying the arm's-length-rate-of-payment requirement for qualified export leases under section 312(c)(14) of the Regulations. The lease must also require that the arm's length annual rental amount be paid within the year in at least as many equal installments as would ordinarily be required with respect to the type of lease involved if entered into between unrelated parties.

In no event is a transfer recognized as pursuant to a qualified export lease if it is, in substance, a contribution to capital, regardless of the manner in which such transfer is entered on the DI's books and records. Accordingly, if rental payments are subsequently forgiven, in whole or in part, with respect to a transfer recorded by a DI as a lease, the transaction transferring the goods may be deemed a contribution to capital in the year the goods are transferred in the amount of the full value of such goods. (However, where changed business circumstances give rise to a legitimate business reason for contributing the leased property to the capital of the AFN, a transfer of capital attendant to such a contribution will be recognized in the year the contribution is made in the amount of the then fair market value of the property. See paragraph 2a(1), above.)

Where a lease meets the qualification requirements, the transfer of property to the AFN does not constitute a positive transfer of capital, notwithstanding section 312(a)(8); the return of the property by the AFN, whether or not the property was leased after 1972, does not constitute a negative transfer of capital under section 312(b) (as described in section B312-12 of the 1972 General Bulletin). Rental payments under such a lease, however, are subject to the same provisions as apply to nonqualified leases under the general provisions of the Regulations. If a rental payment of the AFN becomes overdue, an acquistion of a debt obligation of an AFN is recognized, which constitutes a positive transfer of capital under section 312(a)(1). When payment of the overdue rent is made, a negative transfer of capital is recognized under section 312(b)(3). If all rental payments are met on schedule as required under the terms of the lease, no transfer of capital is recognized at any time.

Where leased property is not returned at the termination of the lease (and the lease is not extended), a contribution to capital in the full fair market value of the property is recognized, constituting a positive transfer of capital under section 312(a)(2). Subsequent return of the property by the AFN constitutes a negative transfer of capital under section 312(b)(2).

A DI which elects not to be subject to the export credit exemption scheme, as discussed in paragraph 9, may not treat any lease as a qualified export lease under section 312(c)(14).

9. *Election out of export credit exemption system.* Section 312(c)(13)(vi) provides that any direct investor may elect that none of its transactions be deemed to involve qualified export obligations or qualified export leases. In effect, this permits the DI to disregard the export credit exemption system and treat all export obligations and leases as nonqualifying: the effect of the regulations governing the export credit transactions of such an electing DI is the same as under the Regulations in effect on December 31, 1972. In this connection, it should be noted that the standard export credit specific authorization available for years prior to 1973 will no longer be obtainable.

The election out will be made by notification on the Form FDI-102F for 1973 filed by the DI. Any DI not affirmatively electing out at such time is subject to all provisions of the Regulations concerning qualified export obligations and qualified export leases.

An election out once made by a DI will not be revocable without the prior permission of the Office.

The Secretary of Commerce retains the power to deem that any DI has elected out of the export credit exemption system under section 312(c)(13)(vi). Such discretion will be exercised where a DI evades or abuses the exemption system by forgiving or indefinitely extending qualified export obligations that arose prior to 1973, or otherwise causing its AFNs to curtail repayments of such obligations in a manner inconsistent with past practice.

10. *Reporting.* Quarterly reports on Form FDI-102 will not have to reflect transfers of capital to or from AFNs related to qualified export obligations or qualified export leases. The quarterly and annual reports will, however, continue to require reporting of the "memo" items concerning exports and export credit.

11. *Relation to section 312(c)(4) and section 312(c)(12).* The amendments to sections 312(c)(4) and 312(c)(12) provide that, commencing January 1, 1973 these subparagraphs do not apply to transactions involving qualified export obligations or qualified export leases. (Where a DI has elected out of the export credit exemption system under section 312(c)(13)(vi), however, none of the DIs transactions will involve such obligations or leases; therefore sections 312(c)(4) and (12) will be fully applicable to such a DI.) It should also be noted that, commencing January 1, 1973, under section 312(c)(13)(C), any repayment relating to a qualified export obligation that would otherwise be deemed a transfer of capital under the proviso to section 312(c)(4) or the proviso to section 312(c)(12) is deemed not to be a transfer of capital.

Thus, if, prior to January 1, 1973, a DI transferred a qualified export obligation to an institution subject to the FRFCRP and the negative transfer of capital attendant to the transfer was blocked by section 312(c)(4), repayment of the obligation in 1973 is not deemed

a negative transfer of capital. If such an obligation is transferred by a DI after December 31, 1972 to an institution subject to the FRFCRP, section 312(c)(4) has no effect on the treatment of the transaction under the Regulations, regardless of whether the institution charges its FRFCRP ceiling in connection with the transfer.

12. *Transfers between AFNs.* The export credit exemption system does not apply to transactions between AFNs. Section 505(a)(7) provides that, in determining the effect of transfers between AFNs and the effect of changes in nets assets of unincorporated AFNs under section 505, the fact that the underlying transactions may involve qualified export obligations or qualified export leases shall be disregarded.

13. *Effect on specific authorization process.* In view of the adoption of the export credit exemption system in the Regulations, the standard export credit specific authorizations previously available will no longer be obtainable. (These specific authorizations are described in the June 16, 1972 memorandum for DIs and also on page 39 of the publication titled "1972 Foreign Direct Investment Program".)

Specific authorizations granted in the past with regard to export credit contained "recapture" provisions which deemed the DIs to make positive transfers of capital in subsequent years under certain circumstances. Although there have been different recapture provisions employed, each is geared in some manner to reductions in the level of exports or export credit from that at the end of the year for which the specific authorization was obtained. In conjunction with adoption of the export credit exemption system, the Office will rescind all export credit specific authorization recapture provisions still outstanding for those DIs that do not elect out of the exemption system under section 312(c)(13)(vi). (This rescission will not apply to recapture charges incurred in 1972 but deferred to 1973 at the option of DIs.) DIs that received export credit specific authorizations will soon receive letters on this subject.

The text of the amendments is as follows:

a. In § 1000.312, paragraphs (c)(4) and (12) are revised, paragraphs (c)(13) and (14) are added, and paragraph (e) is revoked as follows:

§ 1000.312 Transfers of capital.

* * * * *

(c) * * *

(4) A transfer described in paragraph (b)(5) of this section, other than a transfer after December 31, 1972 of a qualified export obligation, unless (a) the transfer is made (i) to a foreign national or (ii) to a financial institution subject to the Federal Reserve Foreign Credit Restraint Program and the transfer is charged against the ceiling of such institution under such Program, and (b) the transfer constitutes a transfer of capital after application of paragraph (c)(12) of this section: *Provided*, That, if the transfer is of a debt obligation and does not constitute a transfer of capital because of this paragraph, repayment by the affiliated foreign national of such debt obligation to a person within the United States shall be deemed a transfer of capital by the affiliated foreign national.

* * * * *

(12) On or after July 1, 1972, any transaction described in paragraph (b) of this section, other than a transaction entered into after December 31, 1972 involving a qualified export obligation or qualified export lease, in connection with which a financial institution subject to the Federal Reserve Foreign Credit Restraint Program, without charging its ceiling under such Program, acquires a debt obligation of a foreign national and transfers funds or other property (i) to the direct investor, or (ii) to an affiliated foreign national, or (iii) to a foreign financial institution which transfers funds or other property to an affiliated foreign national or to the direct investor, or (iv) to a foreign national other than a financial institution and other than an affiliated foreign national ("unaffiliated foreign national"), or to a foreign financial institution which transfers funds or other property to an unaffiliated foreign national, which unaffiliated foreign national transfers funds or other property to an affiliated foreign national or to the direct investor, unless, for purposes of this subparagraph (iv), the debt obligation is treated as a direct or indirect export credit to an unaffiliated foreign national under the Federal Reserve Foreign Credit Restraint Program and is acquired without the intervention of the direct investor or an affiliated foreign national in a manner that departs from their previously established practices: *Provided*, That if the transaction does not constitute a transfer of capital because of this paragraph, repayment of the debt obligation by a foreign national to a person within the United States shall be deemed a transfer of capital by the affiliated foreign national.

(13)(i) Commencing January 1, 1973: (A) The acquisition by a direct investor of a qualified export obligation of an incorporated affiliated foreign national, until such obligation has been outstanding for a period longer than the arm's length term applicable to it; (B) the payment or satisfaction of a qualified export obligation by an incorporated affiliated foreign national to a direct investor, or the transfer by a direct investor of a qualified export obligation of an incorporated affiliated foreign national, except to the extent that a transfer of capital by the direct investor was previously recognized with respect to such obligation in 1973 or subsequently; and (C) any repayment, relating to a qualified export obligation, that would be deemed a transfer of capital by an affiliated foreign national under the proviso to paragraph (c)(4) or the proviso to paragraph (c)(12) of this section.

(ii)(A) The term "qualified export obligation" means a debt obligation of an affiliated foreign national acquired in any year by a direct investor attendant to a sale by a direct investor to an affiliated foreign national of United States goods or United States services. Each installment payable on an installment sale which entails a qualified export obligation is considered a separate qualified export obligation of the affiliated foreign national.

(B) In no case shall a qualified export obligation arise in connection with (1) a transaction which is in substance a contribution to capital, regardless of the manner in which such transaction is entered in the books and records of the direct investor, or (2) an installment sale, unless its terms require installment payments at an arm's length rate, considering the time and amount of each payment to be made, except that, for purposes of determining the arm's length rate, the credit standing of the affiliated foreign national shall be disregarded.

(iii) The term "United States goods" means tangible property (A) grown, produced or manufactured in the United States, and (B) exported from the United States by the direct investor. Property is grown, produced or manufactured in the United States only if it may be classified as "domestic" for purposes of a Department of Commerce Shipper's Export Declaration (Commerce Department Form 7525-V or any superseding form).

(iv) The term "United States services" means services performed for an affiliated foreign national by a direct investor but does not include services performed by any affiliated foreign national of the direct investor.

(v) The "arm's length term" means the period for which credit would have been extended, at the time the sale was entered into, in an independent transaction between unrelated parties under similar circumstances, considering all relevant factors, such as the type of goods or services involved, the security involved, shipping time, and the terms prevailing at the situs for comparable transactions, except that the credit standing of the affiliated foreign national shall be disregarded. With respect to the sale of United States goods, any term of 180 days or less from the time of shipment of the goods shall be deemed an arm's length term. With respect to the sale of United States services, any term of 90 days or less, measured from the end of the month in which such services would be billed in a similar transaction between unrelated parties, shall be deemed an arm's length term: *Provided*, That in the case of United States services related and subsidiary to a sale of goods which entails a qualified export obligation, the arm's length term shall be the same as that for the sale of the goods.

(vi)(A) Any direct investor may elect that none of its transactions shall be deemed to involve qualified export obligations (as defined in paragraph (c)(13)(ii) of this section) or qualified export leases (as defined in paragraph (c)(14) of this section).

(B) An election pursuant to this paragraph (c)(13)(vi) must be made on the

Form FDI–102F filed by the direct investor for the year 1973 and may not thereafter be revoked by the direct investor without obtaining the prior permission of the Office.

(C) Notwithstanding any other provision of this part, the Secretary retains full power to deem that any direct investor has elected that none of its obligations shall be deemed to involve qualified export obligations or qualified export leases, effective for 1973 or any subsequent year.

(14) Commencing January 1, 1973, a transfer of property pursuant to a qualified export lease or the return of property so transferred. The term "qualified export lease" means a lease of United States goods (as defined in paragraph (c)(13)(iii) of this section) by a direct investor to an affiliated foreign national which requires rental payments at an arm's length rate, considering the time and amount of each rental payment to be made, except that, for purposes of determining the arm's length rate the credit standing of the affiliated foreign national shall be disregarded.

* * * * *

(e) [Revoked]

b. In § 1000.313, paragraph (b) is revised, paragraph (e)(4) is added, and paragraph (f) is revoked as follows:

§ 1000.313 Net transfer of capital.

* * * * *

(b)(1) A net transfer of capital (which may be a positive or negative amount) by a direct investor to all unincorporated affiliated foreign nationals in any scheduled area during any period means the direct investor's share of the aggregate net increase or net decrease, during such period, in the aggregate net assets of such affiliated foreign nationals (whether such net increase or decrease results from any transfer of capital (as defined in § 1000.312), earnings, or losses or any combination thereof). In calculating the net assets of all unincorporated affiliated foreign nationals in any scheduled area, there shall be excluded (i) all equity interests in and debt obligations of such unincorporated affiliated foreign nationals held by the direct investor or affiliated foreign nationals of the direct investor, except qualified export obligations held and acquired by the direct investor after 1972 unless such obligations have been outstanding for periods longer than the qualifying terms applicable to them, and (ii) all assets of such unincorporated affiliated foreign nationals consisting of equity interests in or debt obligations of the direct investor or affiliated foreign nationals of the direct investor.

(2) Any reduction in net assets of an unincorporated affiliated foreign national resulting from a repayment after 1972 of a qualified export obligation acquired by a direct investor prior to 1973 shall be disregarded in calculating the increase or decrease in net assets of such unincorporated affiliated foreign national.

* * * * *

(e) * * *

(4) All calculations under this paragraph (e) shall be made in accordance with this part as in force on December 31, 1972.

(f) [Revoked]

c. Subparagraph (7) is added to § 1000.505(a) to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

* * * * *

(a) * * *

(7) In determining the effect of transfers between affiliated foreign nationals and the effect of changes in net assets of unincorporated affiliated foreign nationals under this § 1000.505, the fact that the underlying transactions may involve qualified export obligations or qualified export leases (as defined respectively in §§ 1000.312(c)(13) and 1000.312(c)(14)) shall be disregarded.

* * * * *

The amendments hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER and shall apply to all affected transactions on or after January 1, 1973.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; Executive Order 11387, Jan. 1, 1968, 33 FR 47.)

MAY 11, 1973.

ROBERT A. ANTHONY,
Director, Office of Foreign Direct Investments.

[FR Doc.73–9709 Filed 5–16–73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Releases Nos. 33–5391, 34–10139]

PART 200—ORGANIZATIONS; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Secretary of Commission

The Securities and Exchange Commission, effective this day, has amended § 200.30–7(a)(7) of title 17, chapter II, of the Code of Federal Regulations, relating to the delegation of authority to the Secretary of the Commission to order the making of private investigations pursuant to section 21(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)) with respect to proxy contests and tender offers. Under the preexisting subsection, such orders were entered on the request of the Division of Corporation Finance or the Division of Corporate Regulation. In view of the recent reorganization in the structure of the Commission, in which the investigative and enforcement responsibilities were combined primarily within the Division of Enforcement, the subsection has been amended to designate the Division of Enforcement as an additional division on whose request the Secretary will order the making of private investigations. Further the subsection has been amended to delete the Division of Corporate Regulation as a division on whose request the Secretary will order the making of private investigations.

Commission action: Pursuant to authority in section 4 of the Securities Exchange Act of 1934 and Public Law 87–592, the Securities and Exchange Commission hereby amends § 200.30–7(a)(7) of chapter II of title 17 of the Code of Federal Regulations to read as follows:

§ 200.30–7 Delegation of authority to Secretary of the Commission.

(a) * * *

(7) To order the making of private investigations pursuant to section 21(a) of the Securities Exchange Act of 1934, on request of the Division of Corporation Finance or the Division of Enforcement, with respect to proxy contests subject to section 14 of that act and regulation 14A thereunder, and tender offers filed pursuant to section 14(d) of the act.

* * * * *

The Commission finds that the foregoing amendments involve matters of agency organization or procedure and that the notice and related procedures specified in 5 U.S.C. 553 are unnecessary. The foregoing actions, taken pursuant to Public Law No. 87–592, 76 Stat. 394; 15 U.S.C. 78d–1, 78d–2, become effective immediately.

(Sec. 4(b), 48 Stat. 885, sec. 1106(a), 63 Stat. 972, 15 U.S.C. 78d(b); sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1; secs. 19, 209, 48 Stat. 85, 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w.)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 9, 1973.

[FR Doc.73–9769 Filed 5–16–73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC FLAVORING SUBSTANCES AND ADJUVANTS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1A2594) filed by Glidden-Durkee, division of SCM Corp., 900 Union Commerce Building, Cleveland, Ohio 44115, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use in food of the synthetic flavoring substances specified below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 (21 CFR part 121) is amended in § 121.1164(b) by alphabetically inserting 14 new items in the list of substances as follows:

§ 121.1164 Synthetic flavoring substances and adjuvants.

* * * * * *

(b) * * *

β-Bourbonene; 1,2,3,3a,3bβ,4,5,6,6aβ,6bα-decahydro-1α-isopropyl-3aα-methyl - 6-methylene-cyclobuta [1,2:3,4] dicyclopentene.
cis Carvone oxide; 1,6-epoxy-*p*-menth-8-en-2-one.
β-Caryophyllene oxide; 4,12,12,-trimethyl-9-methylene-5-oxatricyclo [8.2.0.0^{4,5}] dodecane.
Geranyl acetone; 6,10-dimethyl-5,9-undecadien-2-one.
cis-4-Heptenal; *cis*-4-hepten-1-al.
3-Hexenyl phenylacetate; *cis*-3-hexenyl phenylacetate.
Hexyl phenylacetate; *n*-hexyl phenylacetate.
Isoamyl - 2 - methylbutyrate; isopentyl - 2 - methylbutyrate.
cis-Jasmone; 3-methyl-2-(2-pentenyl) - 2 - cyclopenten-1-one.
1-*p*-Menthen-9-yl acetate; *p*-menth-2-en-9-yl acetate.
Pinocarveol; 2(10)-pinen-3-ol.
Piperitenone; *p*-mentha-1,4(8)-dien-3-one.
Piperitenone oxide; 1,2-epoxy-*p*-menth-4(8)-en-3-one.
Verbenol; 2-pinen-4-ol.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 18, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on May 17, 1973.

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

Dated May 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9760 Filed 5-16-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Doxylamine Succinate Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (6-983V) filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., Kansas City, Mo. 64141, proposing revised labeling for the safe and effective use of doxylamine succinate injection for the treatment of dogs, cats, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding a new section as follows:

§ 135b.94 Doxylamine succinate injection.

(a) *Specifications.*—Each milliliter of the drug contains 11.36 mg of doxylamine succinate.

(b) *Sponsor.*—See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is used in conditions in which antihistaminic therapy may be expected to alleviate some signs of disease in horses, dogs, and cats.

(2) It is administered to horses at a dosage level of 25 mg per hundred pounds of body weight. It is administered to dogs and cats at a dosage level of 0.5 to 1 mg per pound of body weight. Doses may be repeated at 8 to 12 hours, if necessary, to produce desired effect. Intravenous route is not recommended for dogs and cats and should be injected slowly in horses. Intramuscular and subcutaneous administration should be by divided injection sites.

(3) Not for use in horses intended for food.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on May 17, 1973.

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

Dated April 10, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-9761 Filed 5-16-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-113]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities; Correction

The effective date of authorization of sale of flood insurance for the unincorporated areas of Du Page County, Ill., which appeared in the FEDERAL REGISTER at page 11081 on May 4, 1973, is corrected to read: "May 1, 1973. Emergency."

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9830 Filed 5-16-73;8:45 am]

[Docket No. FI-127]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
California	El Dorado	South Lake Tahoe, City of.	I 06 017 3697 01 through I 06 017 3697 06	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	City Hall, 1200 D St., P.O. Box 1210, South Lake Tahoe, Calif. 95705.	Jan. 28, 1972. Emergency. May 25, 1973. Regular.
Illinois	St. Clair	Centreville, City of.	-----	-----	-----	May 16, 1973. Emergency.
Louisiana	Franklin Parish	Baskin, Village of	-----	-----	-----	May 15, 1973. Emergency.
Do	Natchitoches Parish.	Unincorporated areas.	-----	-----	-----	May 10, 1973. Emergency.
Pennsylvania	Schuylkill	Shenandoah, Borough of.	-----	-----	-----	May 16, 1973. Emergency.
Do	do	West Mahanoy, Township of.	-----	-----	-----	Do.
Tennessee	Lawrence	Lawrenceburg, City of.	I 47 099 1350 01 through I 47 099 1350 07	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville Tenn. 37219.	Office of the City Engineer, City of Lawrenceburg, Lawrenceburg, Tenn. 38464.	Jan. 7, 1972. Emergency. May 25, 1973. Regular.
Wisconsin	Grant	Unincorporated areas.	I 55 043 0000 01 through I 55 043 0000 15	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Chairman, Grant County Board of Supervisors, Lancaster, Wis. 53813.	Mar. 26, 1971. Emergency. May 25, 1973. Regular.
Do	Wood	Biron, Village of	I 55 141 0510 01 through I 55 141 0510 03	do	Village President, Village of Biron, 610 North Biron Dr., Wise Rapids, Wis. 54494.	Apr. 2, 1971. Emergency. May 25, 1973. Regular.

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

Issued May 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9656 Filed 5-16-73;8:45 am]

[Docket No. FI-128]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	El Dorado	South Lake Tahoe, City of.	H 06 017 3607 01 through H 06 017 3607 06	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and, 1407 Market St., San Francisco, Calif. 94103.	City Hall, 1200 D St., P.O. Box 1210, South Lake Tahoe, Calif. 95705.	May 25, 1973.
Illinois	Cook	Wheeling, Village of.	H 17 031 0300 01 H 17 031 0300 02	Department of Local Government Affairs, 309 West Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Clerk's Office, Village Hall, 255 West Dundee Rd., Wheeling, Ill. 60090.	Do.
Minnesota	Hennepin	St. Louis Park, City of.	H 27 053 6300 01 through H 27 053 6300 04	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Hall, 5005 Minnetonka Blvd., St. Louis Park, Minn. 55416.	Do.
New Jersey	Essex	Nutley, Town of	H 34 013 2320 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Engineer, Department of Public Works, Kennedy Dr., Nutley, N.J. 07110.	Do.
Do.	Monmouth	Spring Lake, Borough of.	H 34 025 3210 01	do.	Municipal Bldg., Fifth and Warren Aves., Spring Lake, N.J. 07762.	Do.
New York	Cattaraugus	Olean, City of	H 36 009 4460 01 H 36 009 4460 02.	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and, 324 State St., Albany, N.Y. 12210.	Olean Municipal Bldg., East State and Union St., Olean, N.Y. 14760.	Do.
Do.	do.	Portville, Village of.	H 36 009 5000 01	do.	Village office, 1 South Main St., Portville, N.Y. 14770.	Do.
Do.	do.	Salamanca, City of.	H 36 009 5410 01 H 36 009 5410 02	do.	City Clerk's Office, 41 Main St., Salamanca, N.Y. 14779.	Do.
Do.	Steuben	Hornell, City of	H 36 101 2790 01 H 36 101 2790 02	do.	City Hall, 108 Broadway, Hornell, N.Y. 14843.	Do.
Pennsylvania	Delaware	Rose Valley, Borough of.	H 42 045 7160 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of Rose Valley, P.O. Box 198, Moylan-Rose Valley, Pa. 19065.	Do.
South Carolina	Charleston	Unincorporated areas.	H 45 019 0000 90 through H 45 019 0000 167	South Carolina Water Resources Commission, 2414 Bull St., Columbia, S.C. 29201. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Charleston County Planning Board, County Office Bldg., 2 Courthouse Square, Charleston, S.C. 29401.	Apr. 27, 1971 and May 25, 1973.
Do.	do.	Charleston, City of.	H 45 019 0410 14 through H 45 019 0410 19	do.	City Engineer, City Hall, P.O. Drawer C, Charleston, S.C. 29402.	Apr. 9, 1971 and May 25, 1973.
Do.	do.	Edisto Beach, Town of.	H 45 019 0763 04 H 45 019 0763 05	do.	Mayor's Office, Town of Edisto Beach, McConkie St., Edisto Island, S.C. 29438.	Apr. 9, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Folly Beach, Township of.	H 45 019 0875 03 through H 45 019 0875 05	do.	Board of Township Commissioners, Township of Folly Beach, P.O. Box 22, Folly Beach, S.C. 29439.	Apr. 2, 1971.
Do.	do.	Isle of Palms, City of.	H 45 019 1225 05	do.	Mayor's Office, City of Isle of Palms, Isle of Palms, S.C. 29451.	Do.
Do.	do.	Mount Pleasant, Town of.	H 45 019 1710 04 through H 45 019 1710 06	do.	Clerk/Treasurer's Office, Town of Mount Pleasant, 305 Church St., Mount Pleasant, S.C. 29464.	Apr. 2, 1971 and May 25, 1973.
Do.	do.	Sullivan's Island, Township of.	H 45 019 2515 04 H 45 019 2515 05	do.	Clerk's Office, Sullivan's Island Township Commission, 1610 Middle St., Sullivan's Island, S.C. 29482.	Apr. 2, 1971.
Tennessee	Lawrence	Lawrenceburg, City of.	H 47 099 1350 01 through H 47 099 1350 07	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Office of the City Engineer, City of Lawrenceburg, Lawrenceburg, Tenn. 38464.	May 25, 1973.
Wisconsin	Grant	Unincorporated areas.	H 55 043 0000 01 through H 55 043 0000 15	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Chairman, Grant County Board of Supervisors, Lancaster, Wis. 53813.	Do.
Do.	Wood	Biron, Village of.	H 55 141 0510 01 through H 55 141 0510 03	do.	Village President, Village of Biron, 610 North Biron Dr., Wisc Rapids, Wis. 54494.	Do.

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

Issued May 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9657 Filed 5-16-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 516-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

U.S. Marshals Service

Under existing regulations, the Office of the Director, U.S. Marshals Service, is a unit within the Office of the Deputy Attorney General. This proposed order would make the Service a separate unit of the Department of Justice, would set forth its functions, and would give it greater autonomy in handling personnel and other administrative matters.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 569, and 5 U.S.C. 301, part 0 of chapter I of title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of subpart A, which lists organizational units of the Department, is amended by adding "U.S. Marshals Service" immediately after "Law Enforcement Assistance Administration."

§ 0.17 [Deleted]

2. Section 0.17 of subpart C, relating to the functions of the Office of the Deputy Attorney General, is deleted.

3. The caption for subpart T, presently reserved for the Law Enforcement Assistance Administration, is deleted, and the following new subpart T is added:

Subpart T—United States Marshals Service

Sec.
0.111 General functions.
0.112 Special deputation.
0.113 Redelegation of authority.

AUTHORITY.—28 U.S.C. 509, 510, 569; 5 U.S.C. 301.

§ 0.111 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the U.S. Marshals Service shall direct and supervise all activities of the U.S. Marshals Service including:

(a) Execution of Federal arrest warrants pursuant to rule 4 of the Federal Rules of Criminal Procedure, Federal parole violator warrants pursuant to section 4206 of title 18, United States Code, and Federal custodial and extradition warrants as directed.

(b) The service of all civil and criminal process emanating from the Federal judicial system including the execution of lawful writs and court orders pursuant to section 569(b), title 28, United States Code.

(c) Provision for the health, safety, and welfare of Government witnesses and their families pursuant to sections 501–504 of Public Law 91–452 (18 U.S.C. prec. 3481).

(d) Administration and implementation of courtroom security requirements for the Federal judiciary.

(e) Protection of Federal jurists and other court officers from criminal intimidation.

(f) Provision of assistance in the protection of Federal property and buildings.

(g) Cooperation with other Federal agencies in the deterrence and prevention of air piracy.

(h) Direction and supervision of a training school for U.S. Marshals Service personnel.

(i) Disbursement of appropriated funds to satisfy Government obligations incurred in the administration of justice pursuant to section 571 of title 28, United States Code.

(j) Maintenance of custody and control of money and property seized pursuant to section 1955(d) of title 18, United States Code, when seized property is turned over to the U.S. Marshals Service.

(k) Sustention of custody of Federal prisoners from the time of their arrest by a marshal or their commitment to the marshal by other law enforcement officers, until the prisoner is delivered to a designated penal institution or released, and the transportation of Federal prisoners upon request by the Bureau of Prisons.

(l) Coordination and direction of the relationship of the offices of U.S. Marshals with the other organizational units of the Department of Justice.

(m) Approval of staffing requirements of the offices of U.S. Marshals.

(n) Investigation of alleged improper conduct on the part of U.S. Marshals Service personnel.

§ 0.112 Special deputation.

The Director, U.S. Marshals Service, is authorized to deputize selected officers or employees of the United States to perform the functions of a U.S. deputy marshal in any district designated by the Director, and to deputize whenever the needs of the U.S. Marshals Service so require selected State or local law enforcement officers to perform the functions in any district designated by the Director.

§ 0.113 Redelegation of authority.

The Director, U.S. Marshals Service, is authorized to redelegate to any of his

subordinates any of the powers and functions vested in him by this subpart.

§ 0.76 [Amended]

4. Section 0.76(c)(2) of subpart 0 is amended by inserting a comma and deleting the word "and" immediately before "Bureau of Narcotics and Dangerous Drugs" and adding immediately after that phrase "and the U.S. Marshals Service."

5. Section 0.76(c)(4) is amended by inserting a comma and deleting the word "and" immediately before "the Law Enforcement Assistance Administration" and adding immediately after that phrase "and the U.S. Marshals Service."

6. Section 0.76(h) is amended by inserting a comma and deleting the word "and" immediately before "the Law Enforcement Assistance Administration" and adding immediately after that phrase "and the U.S. Marshals Service."

§ 0.138 [Amended]

7. Section 0.138 of subpart X is amended by inserting a comma and deleting in the caption the word "and" immediately before "Law Enforcement Assistance Administration" and adding immediately after that phrase "and U.S. Marshals Service."

8. Section 0.138 is further amended by inserting a comma and deleting the word "and" immediately before "the Director of the Bureau of Narcotics and Dangerous Drugs" and adding immediately after that phrase "and the Director of the U.S. Marshals Service."

§ 0.139 [Amended]

9. Section 0.139(a) is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration" and adding immediately after that phrase "and the Director of the U.S. Marshals Service."

10. Section 0.139(b) is amended by inserting a comma and deleting the word "and" immediately before "the Bureau of Narcotics and Dangerous Drugs" and adding immediately after that phrase "and the U.S. Marshals Service."

§ 0.140 [Amended]

11. Section 0.140 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration," by adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.143 [Amended]

12. Section 0.143 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration," by adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.144 [Amended]

13. Section 0.144 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration," adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.145 [Amended]

14. Section 0.145 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration," adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.146 [Amended]

15. Section 0.146 is amended by inserting a comma and deleting the word "and" immediately before "the Director of the Bureau of Narcotics and Dangerous Drugs," and adding immediately after that phrase "the Administrator of the Law Enforcement Assistance Administration, and the Director of the U.S. Marshals Service."

§ 0.151 [Amended]

16. Section 0.151 is amended by inserting a comma and deleting the word "and" immediately before "the Adminstrators of the Law Enforcement Assistance Administration," by adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.152 [Amended]

17. Section 0.152 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration," by adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.153 [Amended]

18. Section 0.153 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration," by adding immediately after that phrase "and the Director of the U.S. Marshals Service," and by deleting "and Marshals" immediately after "including U.S. Attorneys."

§ 0.159 [Amended]

19. Section 0.159 is amended by inserting a comma and deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration" and by adding immediately after that phrase "and the Director of the U.S. Marshals Service."

20. Section 0.159 is amended by deleting the word "and" immediately before "the Administrators of the Law Enforcement Assistance Administration" and by adding immediately after that phrase "and the Director of the U.S. Marshals Service."

Dated May 10, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-9777 Filed 5-16-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7202]

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

Charitable Remainder Trusts

Correction

In FR Doc. 72-14185 appearing at page 16913 of the issue for Wednesday, August 23, 1972, the following changes should be made in the tables to § 1.664-4(b)(5):

1. In table D the adjusted payout rate for 7 percent at year 10, reading ".583982", should read ".483982".

2. In table E(1) the adjusted payout rate for 4.6 percent at age 28, reading ".17064", should read ".15955".

3. In table E(1) the adjusted payout rates for 7.4 percent at the following ages should read as set forth below.

TABLE E (1)

TABLE, SINGLE LIFE, MALE, SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN

(1) Age	(2) Adjusted payout rate—(7.4%)	(1) Age	(2) Adjusted payout rate—(7.4%)
1	.01987	12	.03219
2	.01961	13	.03426
3	.02001	14	.03637
6	.02268	15	.03850
7	.02388	16	.04061
8	.02523	17	.04273
9	.02673	18	.04486
10	.02840	19	.04698
21	.05145	38	.12847
22	.05378	40	.14389
23	.05625	41	.15157
24	.05890	42	.16049
25	.06183	43	.16939
26	.06508	44	.17858
27	.06863	45	.18815
28	.07249	46	.19869
29	.07667	47	.20940
30	.08113	48	.22101
31	.08588	50	.24698
32	.09095	51	.26023
33	.09634	52	.26971
34	.10207	53	.27539
36	.11456	54	.28037

4. In table E(1) the adjusted payout rate for 6.4 percent at age 101, reading ".89165", should read ".89168".

5. In table E(2) the adjusted payout rates for 5.4 percent at the following ages should read as set forth below.

TABLE E (2)

TABLE, SINGLE LIFE, FEMALE, SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN

(1) Age	(2) Adjusted payout rate—(5.4%)	(1) Age	(2) Adjusted payout rate—(5.4%)
13	0.04783	20	0.06670
15	.05272	21	.06989
16	.05530	22	.07324
17	.05797	24	.08045
19	.06365	25	.08432
26	.08840	38	.15459
27	.09200	39	.16174
28	.09715	41	.17687
29	.10184	42	.18485
30	.10675	43	.19311
31	.11187	44	.20166
32	.11722	45	.21053
33	.12280	46	.21971
34	.12864	48	.23900
35	.13473	49	.24911
36	.14108	50	.25953
37	.14770	51	.27024

6. In table E(2) the adjusted payout rate for 9 percent at age 43, now reading ".98342", should read ".08342".

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

Depreciation Based on Class Lives and Asset Depreciation Ranges for Property Placed in Service After December 31, 1970

Correction

In FR Doc. 73-7620 appearing at page 9963 of the issue for Monday, April 23, 1973, the following changes should be made:

A. On page 9966, in amendatory PAR. 34, the second line, reading "(a)-11 is revised by deleting "with re-", should read "(a)-11 is revised.".

B. In § 1.167(a)-11, in the third and fourth lines of paragraph (b)(3)(ii), delete the phrase "Each count with section 1250 property.".

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

Depreciation Based on Class Lives and Asset Depreciation Ranges for Property Placed in Service After December 31, 1970; Correction

On April 23, 1973, T.D. 7272 with respect to depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970, appeared in the FEDERAL REGISTER (38 FR 9963; FR Doc. 73-7620 filed 4/20/73; 8:45 a.m.). The following changes should be made:

(1) The figure "23" appearing in § 1.167(a)-11(f)(1)(iii)(b) at 38 FR 9985 should be changed to read "20".

(2) The paragraph reference "(f)(5)(e)" appearing in the 6th line of § 1.263(f)-1(a) at 38 FR 9986 should be changed to read "(f)(4)(c)".

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.73-9332 Filed 5-16-73;8:45 am]

Title 32—National Defense

CHAPTER XVII—OFFICE OF EMERGENCY PREPAREDNESS

PART 1710—FEDERAL DISASTER ASSISTANCE.

Time Limits

"Part 1710, Federal Disaster Assistance," is amended by deleting § 1710.32 in its entirety and inserting a new § 1710.32 as follows:

§ 1710.32 Time limits.

(a) Federal assistance provided under the act shall begin with the President's declaration of a major disaster and, with the following exceptions, shall terminate upon expiration of these prescribed time periods:

	Start	Complete
(1) Emergency debris clearance		3 months.
(2) Other emergency measures	3 months	6 months.
(3) Relief and rehabilitation	6 months	1 year.
(4) Long-term permanent projects	6 months	18 months.[1]

[1] The regional director, on basis of approved construction schedule, shall establish the completion deadline within this period.

(b) Exceptions: Based on extenuating circumstances or unusual project requirements clearly beyond the control of the applicant and the direct recipient of the Federal assistance, the Regional Director may extend any of time periods (1), (2), or (3), not to exceed 3 months, and he may extend time period (4) not to exceed 6 months per project, on a project-by-project basis.

(c) Failure to start a project within the specified time limits may result in cancellation of the project unless the late start is approved by the Regional Director. The Regional Director may impose lesser time limits for work completion under paragraphs (1), (2), (3), and (4) of this section if considered appropriate. Similarly, based on his determination that such action is warranted, the Director, or the Assistant Director for disaster programs, may extend a completion date beyond a maximum time limit previously extended by the Regional Director.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Effective date.—This change shall be effective as of May 31, 1973.

Dated May 11, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9822 Filed 5-16-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 761—BOOK ENTRY PROCEDURES

Book Entry Procedures: Transfers or Pledges

Part 761 of this title is patterned after subpart O of Treasury Department Circular No. 300. The Treasury Department amended section 306.118 of the circular on March 15, 1973 (38 FR 7090), to indicate that when a party maintains records, as a custodial service, of book entry securities which are on deposit with a Federal Reserve Bank, such party constitutes the bailee who is to be notified if the securities are pledged, or the "third person in possession" who is to acknowledge holding the securities for the purchase, if the securities are transferred. In addition, the Federal Reserve Bank of New York has advised that when book-entry securities are pledged or transferred to a Reserve bank, the latter accepts such transfer or pledge in its own capacity or as fiscal agent of the United States, and is not acting on behalf of the Postal Service in this instance.

In order to conform with the foregoing, paragraphs (a) and (b) of § 761.4 are amended as set forth below, effective on May 17, 1973. These amendments do not affect any other references to a "Reserve Bank as Fiscal Agent of the United States acting on behalf of the Postal Service."

§ 761.4 Transfer or pledge.

(a) A transfer or pledge of book-entry Postal Service securities to a Reserve bank (in its individual capacity or as fiscal agent of the United States) or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under this part, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall (1) have the effect of a delivery in bearer form of definitive Postal Service securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Postal Service securities effected under this paragraph shall have priority over any

transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Postal Service securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this part, including securities in book-entry form under § 761.3(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Postal Service securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Postal Service securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry Postal Service securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where transferable Postal Service securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business Postal Service securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(39 U.S.C. 401, 2005.)

ROGER P. CRAIG,
Deputy General Counsel.

MAY 9, 1973.

[FR Doc.73-9827 Filed 5-16-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On March 8, 1973 (38 FR 6279), the Administrator of the Environmental Protection Agency promulgated a new § 52.22 in part 52 which disapproved all State implementation plans because of their failure to contain necessary provisions for the maintenance of the national ambient air quality standards. On March 20, 1973 (38 FR 7323), the Administrator amended the approval/disapproval provisions of part 52 by rescinding certain 2-year extensions for the attainment of the national standards for transportation related pollutants and by requiring that 22 States submit transportation and/or land use control strategies to him no later than April 15, 1973. Both of these actions were taken in response to the decision of the U.S. Court of Appeals for the District of Columbia in the case of *Natural Resources Defense Council, Inc., et al.* v. *Environmental Protection Agency* (case No. 72-1523) and seven related cases which was issued on January 31, 1972. Those publications contained several typographical and technical errors. In addition, the court has modified its order in part and it is necessary to change the provisions of the March 8 order to reflect this modification.

The principal changes made by these amendments are as follows:

1. The court order which required disapproval of State implementation plans that did not provide for maintenance of the standards also required States to submit adequate plans by April 15, 1973. This requirement was included in the March 8 publication. On March 12, 1973, in response to a motion by the Environmental Protection Agency, the court modified its order to permit the Administrator to propose and promulgate an amendment to 40 CFR part 51, the requirements for preparation, adoption, and submittal of implementation plans, prior to requiring States to submit the provisions deemed necessary for maintenance of the standard. The court order as modified requires EPA to promulgate these regulations on June 11 and States to submit implementation plans provisions to satisfy those new requirements no later than August 15, 1973. This revision corrects § 51.22 to reflect the modified court order. The revision also corrects typographical errors in the section.

2. In subpart SS, the attainment date table changes in § 52.2279 for the State of Texas are corrected to reflect the fact that footnote "c" was redesignated on February 8, 1973 (37 FR 36000-01) as footnote "b."

3. Dates for State submittal of legal authority and adopted regulations for transportation controls were incorrectly changed in several States from dates which had previously been specified. This correction reinstates the original dates.

(42 U.S.C. 1857c-5.)

Dated May 14, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Part 52 of chapter 1, title 40 of the Code of Federal Regulations is amended as follows, effective May 17, 1973.

1. Section 52.22 is revised to read as follows:

§ 52.22 Maintenance of national standards.

Subsequent to January 31, 1973, the Administrator reviewed again State implementation plan provisions for insuring the maintenance of the national standards. The review indicates that the State plans generally do not contain regulations or procedures which adequately address this problem. Accordingly, all State plans are disapproved with respect to maintenance because such plans lack enforceable procedures or regulations for reviewing and preventing construction or modification of facilities which will result in an increase of emissions from other sources of pollutants for which there are national standards. The disapproval applies to all States listed in subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part. Pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit entered on January 31, 1973, and modified on March 12, 1973, State plans providing for maintenance of the national standards must be submitted to the Administrator no later than August 15, 1973.

2. The document revising part 52 of chapter I of title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 20, 1973, at 38 FR 7325, is corrected by inserting

"§ 52.238 Attainment dates for national standards.

* * * * *"

before the table and by deleting the "a" between "Court" and "Intrastate" in the table in § 52.238.

3. Section 52.239 is corrected by replacing the date "July 30, 1973" in subparagraph (2) with the date "December 31, 1973" and by replacing the date "December 30, 1973" in subparagraph (3) with the date "March 31, 1974."

4. Section 52.1079 is corrected by replacing the date "July 30, 1973" in subparagraph (2) with the date "July 30,

1974" and by replacing the date "December 30, 1973" in subparagraph (3) with the date "December 30, 1974."

5. Section 52.1128 is corrected by replacing the date "July 30, 1973" in subparagraph (2) with the date "June 30, 1974" and by replacing the date "December 30, 1973" in subparagraph (3) with the date "December 30, 1974."

6. The document revising part 52 of chapter I of title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 20, 1973, at 38 FR 7328, is corrected by changing "dues" in the heading of § 52.1682 to read "dates."

7. The document revising part 52 of chapter I of title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 20, 1973, at 38 FR 7328, is corrected by changing "standards" to "standard" in the fourth line of the revision to § 52.1875.

8. Section 52.2035 is corrected by replacing the date "July 30, 1973" in subparagraph (2) with the date "July 30, 1974" and by replacing the date "December 30, 1973" in subparagraph (3) with the date "December 30, 1974."

9. The document revising part 52 of chapter I of title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 20, 1973, at 38 FR 7329, is corrected by changing the letter "c" to the letter "b" in each place where it appears in § 52.2279.

10. The document revising part 52 of chapter I of title 40 of the Code of Federal Regulations published in the FEDERAL REGISTER on March 20, 1973, at 38 FR 7329, is corrected by changing "requirement" to "requirements" in paragraph (a) of § 52.2280.

[FR Doc.73-9885 Filed 5-16-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-478]

PART 0—COMMISSION ORGANIZATION

Listings of Monitoring Stations

In the matter of amendment of part 0 of the Commission's rules to delete listings of monitoring stations at Imperial Beach, Calif., and Marietta, Wash., and to add listing for Ferndale, Wash.

1. The Commission will close monitoring facilities at Imperial Beach, Calif. and Marietta, Wash., effective June 30, 1973. Simultaneously, construction will begin at a new facility at Ferndale, Washington. Part 0 of the rules and regulations will be amended at this time by deleting the listing of the facilities at Imperial Beach, Calif., and Marietta, Wash., and by adding a listing for Ferndale, Wash. The amendments are set forth in the attached appendix.

2. Because these amendments relate to internal agency organization, the prior notice, procedural and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

3. In view of the foregoing, *It is ordered*, Effective July 1, 1973, that § 0.121 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted May 9, 1973.

Released May 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of chapter I of the title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.121(c) is amended as follows:

a. "Federal Communications Commission, Ferndale Monitoring Station, P.O. Box 1125, Ferndale, Wash. 98248" is added.

b. "Federal Communications Commission, Imperial Beach Monitoring Station, P.O. Box 1087, Imperial Beach, Calif. 92032" is deleted.

c. "Federal Communications Commission, Marietta Monitoring Station, P.O. Box 339, Bellingham, Wash. 98225" is deleted.

[FR Doc.73-9834 Filed 5-16-73;8:45 am]

[Docket No. 19689; RM-1953; FCC 73-487]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Castalia and Sandusky, Ohio).

1. The Commission has before it its notice of proposed rulemaking adopted February 14, 1973 (38 FR 5193), inviting comments on a proposal by the Commission to assign channel 249A to either Castalia or Sandusky, Ohio. The proceeding was instituted on the basis of a petition filed by The Wayside Temple Church, Castalia, Ohio, proposing to assign channel 249A to Castalia, Ohio. Castalia (1,045 population) is located in Erie County, about 7 miles southwest of Sandusky, Ohio. It has no local broadcast transmission service. Channel 249A could be assigned to Castalia in conformance with the Commission's minimum mileage separation rule and without affecting other assignments in the FM table. Interested parties were invited to comment on the Commission's proposal on or before March 28, 1973, and could reply to such comments on or before April 6, 1973. Supporting comments were filed by petitioner. An opposition was filed by Miller Broadcasting Co. (formerly Lake Erie Broadcasting Co.), licensee of stations WLEC(AM) and WLEC-FM, Sandusky, Ohio (Miller Broadcasting).

2. In our notice we stated that it appeared that assignment of channel 249A to Sandusky, Ohio, rather than Castalia might be more in the public interest since the channel would then be available to Sandusky and to other communities located within 10 miles thereof (§ 73.203), which includes Castalia. Sandusky (32,674 population) is located in Erie County (75,909 population) about 50 miles southeast of Toledo and presently has in operation a class IV AM station and a class B FM station. Under our assignment criteria Sandusky has a population the size of which would warrant its assignment of a second FM channel.

3. The timely filed opposition of Miller Broadcasting contends that Sandusky is a community with operating AM and FM stations providing local service and is a community with four other broadcast stations located within a radius of 25 miles. It adds that providing Sandusky with an unnecessary additional third local station would preclude use of channel 249A at a variety of communities in Ohio which have no present local broadcast service (Clyde, population 5,503; Mt. Gilead, population 2,971; Oak Harbor, population 2,807; and New Washington, population 1,251), and communities which have only one local broadcast service (Fremont, population 18,490; Galion, population 13,123; and Bucyrus, population 13,111). It further reasserts that the assignment of channel 249A to Sandusky would have serious and detrimental effect in depriving other communities of needed service.

4. We have given careful consideration to the comments filed by the petitioner and the opposition, and believe that channel 249A should be assigned to Sandusky, Ohio. Although the opposition has contended that such an assignment would deprive other communities of needed service, no interest in having a channel assigned to those communities has been shown. It would not be in the public interest to assign a channel and have it lie fallow. An interest has been shown for its use at Castalia which is located within 10 miles of Sandusky, and the assignment of the channel to Sandusky would allow its use at Castalia (§ 73.202). We believe that the assignment of channel 249A to Sandusky, a community of 32,674 persons, would provide for a second local FM broadcast service to the community and the surrounding area, and would be in the public interest. The Canadian Government has no objection to the proposal, and it conforms domestically with all minimum spacing requirements.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

[1] Chairman Burch absent.

6. In view of the foregoing, *it is ordered*, That effective June 22, 1973, § 73.202(b) of the Commission's rules, the FM table of assignments is amended to read as follows:

City:	*Channel No.*
Sandusky, Ohio	249A, 274

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

7. *It is further ordered*, That this proceeding is terminated.

Adopted May 9, 1973.

Released: May 10, 1973.

By the Commission.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9835 Filed 5-16-73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-13; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice responds to a petition for reconsideration of brake fluid container labeling requirements by amending 49 CFR 571.116 in minor respects.

Motor Vehicle Safety Standard No. 116, "Motor Vehicle Brake Fluids," was amended on January 31, 1973 (33 FR 2981), to establish container labeling requirements for those fluids that are currently unregulated by the standard. Thereafter, a petition for reconsideration of the amendment was filed by General Motors Corp. pursuant to 49 CFR 553.35. In response to the petition minor amendments are made to the standard.

General Motors believes that the NHTSA has not clearly indicated which mineral oil used in vehicle hydraulic systems must meet standard No. 116. Hydraulic system mineral oil has been defined in part as a fluid "designed primarily for use in motor vehicle brake systems * * * " GM asserts that it is not clear whether a fluid "for use in a central hydraulic system composed of the power brake boost and the power steering systems must be considered primarily as a brake system application or primarily as a power steering system application." GM believes that since the power brake system is an auxiliary system whose fluids operate in a different environment than those in the primary system, the standard should not include hydraulic boost system mineral oils.

The NHTSA intends the definition of hydraulic system mineral oil to include fluids used in any type of brake system regardless of the configuration. This definition must include fluids used in any hydraulic brake boost unit whose design is such that when a component fails, the boost unit fluid enters the master cylinder reservoir, hence contaminating the entire brake system. Such fluid must meet the applicable requirements of standard No. 116. Fluids for use in systems where a failure will not introduce them into the master cylinder reservoir are not covered by standard No. 116. The word "primarily" is being deleted from the definition of hydraulic system mineral oil to remove any doubt on this point.

GM points out that the warning a mineral oil manufacturer is currently required to provide refers to the oil as "brake fluid," in the container warning statements specified by the standard. Since mineral oil is not compatible with conventional or silicone-based brake fluid, GM believes it essential that it not be referred to as "brake fluid". The NHTSA concurs and is granting GM's petition by amending the labeling requirements concerned.

In consideration of the foregoing, 49 CFR 571.116 Motor Vehicle Safety Standard No. 116 is amended as follows:

1. In paragraph S4, the word "primarily" is deleted from the definition of "Hydraulic system mineral oil".

2. Subparagraph (e) of paragraph S5.2.2.3 is revised to read:

§ 571.116 Standard No. 116; Motor vehicle brake fluids. (Effective Mar. 1, 1972, with amendments effective Aug. 29, 1972)

* * * * *

(e) The following safety warning in capital and lowercase letter as indicated:

(1) Follow vehicle manufacturer's recommendations when adding _____" (complete with "Brake Fluid" or "Hydraulic System Mineral Oil" as applicable).

(2) (For hydraulic system mineral oil only) "Hydraulic System Mineral Oil is not compatible with the rubber components of brake systems designed for use with DOT brake fluids."

(3) "Keep _____ Clean. Contamination with dirt or other materials may result in brake failure or costly repairs" (Fill in "Brake Fluid or "Hydraulic System Mineral Oil" as applicable).

(4) "Caution: Store _____ only in its original container. Keep container clean and tightly closed. Do not refill container or use other liquids." (Fill in with "Brake Fluid" or "Hydraulic System Mineral Oil" as applicable. The last sentence is not required for containers with a capacity in excess of 5 gallons).

Effective date.—July 1, 1973. Because these amendments relate to labeling requirements that do not entail product redesign, an effective date less than 180 days after the issue date is found to be in the public interest.

(Sec. 103, 112, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 38 FR 12147.)

Issued May 11, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-9883 Filed 5-16-73;8:45 am]

[1] Chairman Burch absent.

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on May 17, 1973.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Kenai National Moose Range Canoe System, except that boats and canoes with outboard engines will be permitted on Moose River and Swanson River. The canoe system includes those lakes and their related shore areas, waterways, tributaries, and portages within the existing Swan Lake Canoe Route and Swanson River Canoe Route as described on maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, part 28, and are effective through April 30, 1974.

JAMES B. MONNIE,
Refuge Manager.

MAY 7, 1973.

[FR Doc.73-9723 Filed 5-16-73; 8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on May 17, 1973.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The landing of aircraft in the Kenai National Moose Range, under other than emergency conditions, is prohibited except as authorized in the following designated areas: North of the Sterling Highway, aircraft may land on public air strips and all lakes, except those lakes with recreational developments including campgrounds, camp sites, road waysides with connecting hiking trails, and the canoe system lakes. Furthermore, the Swan Lake Canoe Route area and the several public recreational lakes bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the north-south section line immediately west of Arrow Lake (located at the eastern terminus of Swan Lake

Road) and continuing south 5.8 miles to its intersection with the Moose River (one-half mile southeast of the eastern most shore of Swan Lake), thence downstream the Moose River, and bounded on the south by the Moose Range boundary, is not a designated aircraft landing area; south of north shore of the Kenai River and Skilak Lake, aircraft may land on lakes and rivers except the following lakes not authorized for aircraft operation include: Benchland, Cirque, Crater, Horsetrail, Marmot, Newman's, Timberline, Trophy, and Wolverine.

a. The landing of aircraft on any road, glacier, or snow field is prohibited.

b. Hidden Lake is a designated aircraft landing area, in season, for the purpose of sport ice fishing only.

c. Bottenintnin Lake is a designated aircraft landing area.

Regulations and maps describing designated aircraft landing areas are available at the Kenai National Moose Range Headquarters, Box 500, Kenai, Alaska 99611, phone 283-4877.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in title 50, Code of Federal Regulations, part 28, and are effective through May 31, 1974.

JAMES B. MONNIE,
Refuge Manager.

MAY 8, 1973.

[FR Doc.73-9774 Filed 5-16-73;8:45 am]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.; Correction

In FR Doc. 72-18282, appearing on page 22987 of the issue for Thursday, 8:45 a.m., October 26, 1972, subparagraph (9) under special conditions should read as follows:

(9) Fish houses must be removed from refuge lands by no later than March 4.

DON R. PERKUCHIN,
Refuge Manager.

MAY 7, 1973.

[FR Doc.73-9775 Filed 5-16-73;8:45 am]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.; Correction

In FR Doc. 72-18282, appearing on page 22987 of the issue for Thursday, 8:45 a.m., October 26, 1972, subparagraph (8) under special conditions the following deletion is made:

(8) All owners of watercraft stored on refuge public use areas must secure a special use permit for this purpose. Special use permits are available at the refuge headquarters office.

DON R. PERKUCHIN,
Refuge Manager.

MAY 7, 1973.

[FR Doc.73-9776 Filed 5-16-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE 3 REGULATIONS

Certain Retroactive Pay Adjustments; General Reporting and Recordkeeping Requirements

Retroactive pay adjustments.—Section 130.15 is added in the amendment set forth below to incorporate rules relating to the retroactive payment of wage and salary increases for work performed during phase 2 of the Economic Stabilization program, in sectors of the economy which are now subject to the rules for voluntary compliance during phase 3. Such retroactive increases are subject to the rules of the Cost of Living Council and Pay Board in effect prior to January 11, 1973, with respect to work performed before that date.

Paragraph (a) of the new regulation provides that increases in wages and salaries, payable for work performed during phase 2, which are within the general wage and salary standard (or which would be permitted under a phase 2 "self-executing" exception to the standard), may be paid retroactively without prenotification to the Council. If the proposed retroactive increase is in excess of the standard or applicable self-executing exception, the amount in excess may be paid if the parties at interest determine that the increase is justified under the criteria for approval of exceptions which were applied by the Pay Board during phase 2 of the Economic Stabilization program. These criteria are set forth primarily in subpart B of part 201 of the Economic Stabilization regulations. Thus, for example, parties who agree that a proposed wage and salary increase is justified because of a tandem relationship as described in § 201.12 may now put the increase into effect retroactively, even though such an increase required Pay Board or IRS approval during phase 2. Payment of any such increase must be reported to the Council not later than 10 days after the increase is paid. If the parties are unable to agree that a proposed retroactive increase is justified, paragraph (d) provides that any party may submit an application for exception to the standard to the Council; the Council will review the application and determine the increase which may be paid.

A report submitted under new § 130.15 should be made on the Pay Board's phase 2 form PB-3 (or optional form PB-3A, for employee units of fewer than 1,000 employees) until such time as replacement forms are issued. A statement of the facts and other pertinent information sufficient to enable the Council to review the basis for the wage and salary increase under phase 2 criteria shall be attached to the form. Paragraph (b) of the regulation provides that the report must also include copies of the present and prior collective bargaining agreements, if any, and a summary of the proposed pay adjustments. The report shall disclose all pay adjustments put into effect or scheduled for the control year with respect to which the retroactive payment is made. The regulation incorporates the rule that an employer making a submission under this regulation must serve a copy on the employees' collective bargaining agent, if any, while a collective bargaining agent of the employees making a submission must serve a copy on the employer.

Paragraph (c) provides that pay adjustments which are reported after being put into effect will be reviewed by the Council under the standards in effect prior to January 11, 1973. The Council may, as appropriate, order a repayment of wages and salaries, set prospective wage or salary levels, or impose such other requirements as may be justified.

New § 130.15 is not applicable to situations in which prenotification or an exception request was filed with the Pay Board or its delegate (the Internal Revenue Service) during phase 2. Such filings which concerned pay adjustments scheduled to be paid in phase 2 have been processed under Cost of Living Council Orders 17 and 21. The regulation is also not applicable to pay adjustments in control years which are covered by decisions and orders issued by the Pay Board, the IRS, or the Council. Such decisions and orders remain in effect.

The new regulation makes no distinctions on the basis of the number of employees in the appropriate employee unit affected by the retroactive increase. Thus, a category I pay adjustment may be made under the provisions of § 130.15 even though prior approval was required for category I pay adjustments in phase 2.

Paragraph (g) provides that the phase 2 standards will be applied only to work performed in phase 2. Wages or salaries paid in phase 3 are subject to the rules for voluntary compliance with the phase 3 standards. Thus, the fact that this regulation permits retroactive payment of wages or salaries in an appropriate employee unit for work performed during phase 2 will not preclude the Council from challenging the payment of wages or salaries in the unit under phase 3 procedures for work performed after January 10, 1973.

Paragraph (h) provides that the operation of § 130.15 does not relieve any person of liability for violations of the act or Economic Stabilization regulations which have been committed.

Reporting and recordkeeping.—This document also incorporates clarifying changes to the rules for reporting and recordkeeping of pay adjustments subject to voluntary compliance during phase 3. Section 130.23 is amended to provide that a report of a pay adjustment affecting 5,000 or more employees must be submitted within 10 days after the pay adjustment has been put into effect. Pay adjustments which apply to

or affect individuals within an appropriate employee unit (e.g., through operation of a merit plan) are to be reported on a 12-month basis. The report is to be submitted within 10 days after the first individual increase has been put into effect. Reports are to be submitted on forms prescribed by and pursuant to instructions issued by the Council. The Pay Board's phase 2 form PB–3 should be used until a replacement form is issued. Section 130.24 is amended to provide that records which are required to be kept are to be maintained on forms prescribed by and pursuant to instructions issued by the Council. The Pay Board's form PB–3 or PB–3A and adequate supporting information should be used for record-keeping until replacement forms are issued.

Because the purpose of these amendments is to provide immediate guidance for compliance with the Economic Stabilization program during phase 3, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

The amendment with respect to § 130.15 is effective on May 17, 1973. The amendments with respect to §§ 130.23 and 130.24 are effective January 11, 1973.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order 11695, 38 FR 1473; Economic Stabilization Act Amendments of 1973, Public Law 93-28, 87 Stat. 27; Cost of Living Council Order No. 14, 38 FR 1489, Jan. 11, 1973.)

Issued in Washington, D.C., on May 16, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

PARAGRAPH 1. Subpart B is amended by adding a new section § 130.15 to read as follows:

§ 130.15 Retroactive pay adjustments for work performed on or before January 10, 1973.

(a) *General.*—Subject to the provisions of this section, an increase in wages and salaries with respect to employees subject to the standards for voluntary compliance set forth in this subpart may be paid retroactively for work performed on or before January 10, 1973, as follows:

(1) To the extent that an annual aggregate wage and salary increase with respect to an appropriate employee unit (taking into account only increases scheduled to be paid for work performed on or before January 10, 1973), does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect prior to January 11, 1973), such increase may be paid.

(2) To the extent that an increase is in excess of the increase permitted to be paid under the provisions of subparagraph (1) of this paragraph, such increase may be paid if the parties at interest determine that such increase is justified under the criteria for approval of exceptions to the general wage and salary standard set forth in the policies, rules, and regulations of the Council and the Pay Board in effect prior to January 11, 1973.

(b) *Report.*—(1) *Content.*—A report of a wage and salary increase put into effect under the provisions of paragraph (a)(2) of this section shall be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council, not later than 10 days after such increase is put into effect. The report shall include a statement of the facts and other pertinent information sufficient to enable the Council to review the basis for the wage and salary increase under the applicable criteria. In addition—

(i) *Collective bargaining agreements.*—A report of pay adjustments pursuant to a collective bargaining agreement shall include copies of such agreement and the prior succeeded agreement, if any, and a summary of such pay adjustments.

(ii) *Pay practices.*—A report of pay adjustments pursuant to a pay practice shall include a summary of such pay adjustments.

(2) *Control year.*—A report submitted under the provisions of this paragraph shall include all pay adjustments paid, or scheduled to be put into effect during the control year with respect to which the retroactive payment is made.

(c) *Consideration by the Council.*—Wage and salary increases which are reported to the Council pursuant to the provisions of paragraph (b) of this section shall be reviewed by the Council under the policies, rules and regulations of the Council and the Pay Board in effect prior to January 11, 1973. The Council may by order direct the repayment of all or a portion of such increases, prescribe specific wage or salary levels prospectively, or impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization program. An order issued by the Council under the provisions of this paragraph may apply to the period ending January 10, 1973, or to one or more control years, including periods of time after January 10, 1973.

(d) *Special rule.*—If a proposed retroactive wage and salary increase is in excess of the increase permitted to be paid under the provisions of paragraph (a)(1) of this section, and the parties at interest are unable to determine that such increase may be paid under the provisions of paragraph (a)(2) of this section, a party at interest may submit an application for exception with respect to such increase to the Council. The Council will consider such application under the policies, rules, and regulations of the Council and the Pay Board in effect prior to January 11, 1973. The Council may by order defer the implementation of such increase, approve such increase, prescribe reductions in such increase, prescribe specific wage or salary levels prospectively, or impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization program. An order issued by the Council under the provisions of this paragraph may apply to the period ending January 10, 1973, or to one or more control years, including periods of time after January 10, 1973.

(e) *Inapplicability.*—The provisions of this section shall not be applicable to—

(1) Any pay adjustment with respect to which a prenotification or exception request was filed with the Pay Board or its delegate on or before January 10, 1973; or

(2) Any pay adjustment with respect to a control year covered by the terms of a decision and order issued by the Pay Board or its delegate or by the Council.

(f) *Service.*—An employer or employer association making any submission to the Council under the provisions of this section shall at the same time serve copies of each such submission on the collective bargaining agent, if any, for the affected employee unit. If such a submission is made by a collective bargaining agent for the employee unit, such collective bargaining agent shall at the same time serve copies of each such submission on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(g) *Voluntary compliance after January 10, 1973.*—Application of phase 2 standards by the parties or by the Council under the provisions of this section shall extend only to the period ending January 10, 1973. Payment of wages or salaries after such date remains subject to the rules for self-administration and voluntary compliance set forth at section 130.12 and elsewhere in this part, even if retroactive payments are made with respect to work performed on or before such date pursuant to the provisions of this section. In all cases, payment of wages or salaries for work performed after January 10, 1973, remains subject to the challenge procedures set forth in subpart J of this part, whether or not any orders are issued by the Council under the provisions of this section.

(h) *Liability for violations.*—The operation of this section shall not be deemed to relieve any person of liability arising from any violation which has been committed under the Act or the regulations in this title.

PAR. 2. Section 130.23 of subpart B is amended to read as follows:

§ 130.23 Pay adjustments to be reported; reporting requirements.

(a) A pay adjustment which applies to or affects 5,000 or more employees must be reported to the Council within 10 days after such adjustment has been put into effect. For purposes of this section, individual increases which apply to or affect an appropriate employee unit of 5,000 or more employees and are paid on a random or variable timing basis (e.g., pursuant to a merit plan) shall be reported for an appropriate 12-month period within 10 days after the first individual increase has been put into effect.

(b) Reports of such pay adjustments shall be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council.

PAR. 3. Section 130.24 of subpart B is amended by revising paragraph (b) to read as follows:

§ 130.24 Pay adjustments subject to recordkeeping; recordkeeping requirements.

* * * * *

(b) Records with respect to each such pay adjustment shall be maintained on forms prescribed by and pursuant to instructions issued by the Council.

[FR Doc.73-9990 Filed 5-16-73;10:15 am]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY BIRDS

Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 10 of Title 50, Code of Federal Regulations. When the Bureau republishes chapter 1, current part 10 will be renumbered part 20 and this republication is planned for the near future. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1973–74 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than June 28, 1973, to become effective on or after July 29, 1973.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain Northeastern States will be proposed for final adoption not later than August 1, 1973, to become effective on or before September 1, 1973. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1973.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Comments received by June 17, 1973, will be considered.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MAY 14, 1973.

[FR Doc.73-9882 Filed 5-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1050]

[Docket No. AO 355-A13]

MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn-West, Interstate 270 at St. Charles Rock Road, Bridgeton, Mo. (near the St. Louis Municipal Airport) beginning at 9:30 a.m., local time, on May 23, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the central Illinois marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR pt. 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Prairie Farms Dairy, Inc.:

Proposal No. 1

Revise § 1050.12(a)(1) and (2) to read as follows:

§ 1050.12 Pool plant.

* * * * *

(a) * * *

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is equal to 10 percent or more of its grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d), exclusive of bulk or packaged fluid milk, except filled milk, transferred or diverted to other pool plants, or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is equal to 50 percent or more of its grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d), exclusive of bulk or packaged fluid milk, except filled milk, transferred or diverted to other pool plants, during the months of August through February and 40 percent during all other months.

* * * * *

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2

Revise § 1050.9(d) by removing the handler option on farm bulk tank milk.

Proposal No. 3

Revise §§ 1050.9, 1050.14, 1050.80, and 1050.88 to permit a cooperative association to be the handler on nonmember milk, to divert nonmember milk, and to collect payment on nonmember milk with the consent of the nonmember.

Proposal No. 4

Revise the format of order provisions to provide for a more appropriate and simplified arrangement.

Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2550 Schuetz Road, P.O. Box 1485, Maryland Heights, Mo. 63043, or from the Hearing Clerk, room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 11, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-9817 Filed 5-16-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 94]

RINDERPEST, FOOT-AND-MOUTH DISEASE

Criteria for Importations Restrictions

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of section 306(a) of the act of June 17, 1930, as amended (19 U.S.C. 1306(a)), the Animal and Plant Health Inspection Service is considering whether or not changes are needed in the regulations contained in 9 CFR part 94 designating areas as being

infected with rinderpest or foot-and-mouth disease. Specifically, the Department wishes to review present criteria for determining if an area which is a territory of a mother country, but which is geographically removed from that country, can be deemed a separate country for the purposes of this statutory provision.

Statement of considerations.—The Department has recently received several requests, including a formal request from the American Limousin Foundation, for the islands of St. Pierre and Miquelon, which are dependent territories of France located near the Atlantic provinces of Canada, to be considered as a separate country with respect to statutory provisions of the act of June 17, 1930.

Section 306(a) of the act of June 17, 1930, as amended (19 U.S.C. 1306(a)), prohibits the importation of domestic ruminants of swine, and fresh, chilled, or frozen meat, from domestic ruminants or swine, from any country where foot-and-mouth disease or rinderpest is declared to exist. Determination as to whether a territory or other possession of such a country, wherever located, should be considered a separate country requires that all relevant factors be considered to ascertain if separation of the territory or possession is sufficient to remove risk of introduction of foot-and-mouth disease or rinderpest from the mother country into the territory or possession and thence into the United States. Such considerations involve not only physical separation, but also governmental, commercial, and other relationships with the mother country.

In making these determinations in the past, the Department has given paramount consideration to whether the territory or possession is a dependent political subdivision of the mother country, with particular reference to whether or not officials of the territory or possession had independent regulatory authority regarding animal health matters, including both animals and animal products, that was not subject to control or change by the mother country. With this paramount consideration, the question of whether or not a physically separated territory or possession was apparently free of foot-and-mouth disease or rinderpest at the time of consideration has been of secondary importance in arriving at a determination.

Scientific knowledge and laboratory testing procedures are now available which improve, in combination with quarantine procedures, ability to determine disease status of certain species of domestic ruminants. Such knowledge has also indicated more lengthy and intricate disease carrier states than previously recognized. For these reasons, and because of the requests received, the Department is instituting this rulemaking procedure to develop all relevant facts bearing on criteria for determining disease status of a territory or possession of a foot-and-mouth disease or rinderpest infected country.

The Department requests data, views, arguments, and any other information from the public relating to the need, if any, of revising the existing regulations, under which all dependent territories of any mother country which is designated as an area where foot-and-mouth disease or rinderpest exists are considered in the same category as the mother country. Such data, views, or arguments, would be most useful if they contain published scientific articles or other evidence which will support the views of the writer. The publishing of this notice should not be construed to mean that the present regulations in 9 CFR part 94 are, in any way, negated. The present regulations continue in effect unless at some subsequent time they are amended.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, room 821–A, Federal Center Building, U.S. Department of Agriculture, Hyattsville, Md. 20782, before September 14, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at room 821–A, Federal Center Building, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

Done at Washington, D.C., on May 14, 1973.

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

[FR Doc.73–9820 Filed 5–16–73;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1427]

COTTON BAGGING AND BALE TIE SPECIFICATIONS

Notice of Reconsideration of Specifications

Notice is hereby given that the specifications for bagging and bale ties used in wrapping upland and American-Pima cotton tendered to Commodity Credit Corp. (referred to in this notice as "CCC") under its cotton loan program are being reviewed to determine whether, beginning with the 1974 crop of cotton, they should be continued, modified, or rescinded. The latest revision of these specifications was published in the FEDERAL REGISTER on February 19, 1972 (37 FR 3742), and a modification of the specifications was published in the FEDERAL REGISTER on March 13, 1973 (38 FR 6803).

ELIGIBILITY FOR CCC LOANS

Beginning with the 1967 crop of cotton, CCC developed detailed specifications for bale packaging materials used in wrapping upland and American-Pima cotton tendered to CCC under its cotton loan program. These specifications have been modified several times, and have been augmented, since 1967. In addition to the detailed specifications, the cotton loan program regulations provide that bale packaging materials must be clean, in sound condition, must adequately protect the cotton, must not have any kind of salt or other corrosive material added, must not contain sisal or other hard fibers or any other material which will contaminate or adversely affect cotton as determined by CCC, and heads of bales must be completely covered. If the detailed specifications for bagging and bale ties are rescinded, effective with the 1974 crop of cotton, CCC would propose to retain these more general provisions of the cotton loan program regulations and add such other provisions of a general nature as are deemed appropriate. Examples of possible further regulation requirements would be to provide (1) an appropriate loan discount for bales of cotton that are tied with bands or ties that cannot be reused when the bales are later compressed to a higher density for domestic or export shipment, and (2) that CCC would claim against the producer for any loss to CCC which could be attributed to use of inferior packaging materials on bales acquired under the loan program if the producer had made any fraudulent representations as to such packaging materials.

It is believed that such general provisions would be adequate to insure that cotton tendered to CCC for loans is properly packaged without requiring detailed specifications for existing or newly developed packaging materials. As in the past, experimental materials being tested under the auspices of the Joint Industry Bale Packaging Committee would be exempt from these general provisions.

SUBMISSION OF VIEWS

Prior to making the foregoing determination concerning this matter, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions should be received not later than June 11, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 4091, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C. on May 11, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73–9875 Filed 5–16–73;8:45 am]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Proposed Rulemaking

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in this notice. The abbreviations "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national."

Notice is hereby given that the Office of Foreign Direct Investments (the Office) proposes to make certain amendments to the Foreign Direct Investment Regulations (the Regulations). The amendments relieve restrictions or are clarifying or editorial in nature, and will become effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all affected transactions on or after January 1, 1973. Prior to the adoption of these amendments, consideration will be given to any comments, data, views, arguments, or suggestions pertaining thereto which are submitted in writing by June 11, 1973. Such comments or suggestions should be directed to the Chief Counsel, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230.

The proposed amendments will (i) increase the section 503 worldwide minimum allowable from $2 million to $6 million for 1973, (ii) revoke the section 507 alternative minimum and Schedule A supplemental allowable, (iii) permit allocation during 1973 or proceeds of long-term foreign borrowing that were expended in making transfers of capital to AFNs during 1965, 1966, or 1967, (iv) exclude, from the definition of transfer of capital, the acquisition by a DI of an equity interest in or a debt obligation of an AFN, from a person within the United States who was not a DI in the AFN immediately prior to the transaction, (v) clarify the exclusion, from the definition of transfer of capital, of a combination of DIs or a combination of a DI and a person within the United States, (vi) permit a DI electing the section 503 allowable to use negative direct investment to satisfy, in whole or in part, carried-forward repayment charges under section 1003, and (vii) clarify the reporting and recordkeeping requirements of the Regulations. In addition, corrections and other editorial changes are made.

The proposed amendments are described in greater detail as follows:

1. *Allocation of proceeds expended during 1965, 1966, or 1967.* Section 203(d)(2) at present provides that DIs may change the scheduled area in which proceeds of long-term foreign borrowing are considered invested if such proceeds were expended in making transfers of capital to AFNs in 1968 or subsequent years. On the other hand, DIs that expended proceeds in making transfers of capital to AFNs during 1965, 1966, or 1967 were required to make deductions under section 313(d)(1) in calculating the net transfer of capital during those years (for purposes of the Base Period Report, Form FDI-101), but have not been permitted to allocate such proceeds to positive direct investment in another scheduled area during Program years.

The proposed amendment to section 203(d)(2) will permit a DI to make such an allocation, provided that the long-term foreign borrowing, the proceeds of which were expended in making transfers of capital in 1965, 1966, or 1967, was made by the DI during 1965 or succeeding years and is still outstanding at the time the allocation is made pursuant to section 203(d)(2). When such an allocation is made, the DI must recognize a transfer of capital to the scheduled area from which the proceeds are being allocated.

2. *Section 503 worldwide minimum allowable.* The annual amount of positive direct investment that DIs may make in 1973 under the section 503 worldwide minimum allowable is increased from $2 million to $6 million.

3. *Revocation of section 507.* The consolidation of alternative minimum worldwide allowables, announced on January 2, 1973, is accomplished by increasing the section 503 worldwide minimum allowable from $2 million to $6 million for 1973. There is, therefore, no need to retain the schedular complexity of section 507, and that section will be revoked.

4. The following sections will be revised to conform to the revocation of section 507:

(a) Section 306(e)(3) (schedular apportionment of deductions for allocation to positive direct investment calculated on a combined Schedule B/C basis under section 507);

(b) Section 502 (election of allowable);

(c) Section 506(c) (incremental earnings allowable);

(d) Paragraphs (c)(2) and (d) of section 1003 (effect of transfers of capital in repayment of borrowings).

5. The following sections will be revoked to conform to the revocation of section 507:

(a) Paragraphs (b)(2) (ii) and (iii) of section 905 (limitation on the amount of positive direct investment in group AFNs made by members of an associated group electing the section 507 allowable);

(b) Paragraphs (b)(3) (iii) and (iv) of section 906 (limitation on the amount of positive direct investment made in AFNs of the principal DI by consenting owners that elect the section 507 allowable);

(c) Section 1003(c)(5) (effect of transfers of capital in repayment of borrowings).

6. *Use of negative direct investment to to offset carried-forward repayment charges.* Under the Regulations, if a repayment charge incurred by a DI under section 1003 exceeds the DI's Subpart E allowables for the year in which the borrowing is repaid, the excess is carried forward and charged against the DI's allowables in succeeding years until reductions equal the amount of the repayment. The amount carried forward in this manner may exceed the DI's allowables for the year, in which event the allowables are reduced to zero and the remainder of the repayment charge is carried forward to the following year. Where the DI elects the section 503 allowable in a year in which the carried-forward repayment charge exceeds that allowable, section 1003 at present does not permit the DI to use worldwide negative direct investment during that year to satisfy any of the repayment charge. Such a DI therefore cannot reduce the amount of the repayment charge to be carried forward into the following year, nor can it carry forward the benefit of its negative direct investment to offset the repayment charge in that year.

The proposed amendment to paragraph (c)(1) of section 1003 will permit a DI electing the section 503 allowable and making negative direct investment during 1973 to use such negative direct investment to satisfy, in whole or in part, a repayment charge carried forward from a prior year. For example, if a DI electing section 503 in 1973 has carried forward $8 million of repayment charge from 1972, its 1973 section 503 allowable is reduced from $6 million to zero. The additional $2 million of repayment charge, under present Regulations, would be carried over into 1974. If, however, the DI makes negative direct investment of $2 million in 1973 (resulting from aggregate AFN losses of $1 million and a negative net transfer of capital of $1 million), the amendment will permit use of that $2 million to satisfy the repayment charge in 1973.

7. *Acquisition by a DI, of an equity interest in or debt obligation of an AFN, from a person within the United States.* Section 312(c)(1)(i) at present provides that the acquisition by a DI, of an equity interest in or debt obligation of an AFN, *from another DI in the same AFN* does not involve a transfer of capital. But if the interest is acquired from a person within the United States that was *not a DI in the AFN* immediately prior to the transaction, the acquisition is a transfer of capital under present Regulations. (Upon application for specific authorization, the positive direct investment resulting from such transfer of capital has regularly been specifically authorized.) The proposed amendment to section 312(c)(1)(i) provides that such an acquisition does not involve a transfer of capital. (It should be noted, however, that the adjustments to direct investment and earnings calculations provided by this subparagraph will continue to apply only where the acquisition is from a person that was, immediately prior to the acquisition, a DI in the AFN.)

8. *Combination of DIs or of a DI and a person within the United States.*

Under section 312(c)(1)(ii), when two or more DIs combine by merger, consolidation, reorganization, or otherwise, no transfer of capital is involved, and the surviving DI must file Form FDI–107 reporting aggregate direct investment activity and liquid foreign balance holdings of the DIs involved in the combination. The proposed amendment will clarify section 312(c)(1)(ii) in these respects: (a) An acquisition by a DI (from a person within the United States) of another DI, which thereby becomes an affiliate as defined in section 903(a), is a combination of DIs for purposes of this subparagraph. (b) The acquisition of a DI, by a person within the United States which prior to such acquisition was not a DI, is also a combination for purposes of this subparagraph. (c) The surviving DI is in compliance with the liquid foreign balance limitations, for the months prior to the combination in the year of combination, if each combining DI was in compliance with those limitations during such months.

9. *Filing of reports.* Paragraph (b)(3) of section 602 will be amended to take account of the liberalized reporting exemptions set forth in the Instructions to Cumulative Quarterly and Annual Report, Form FDI–102/102F; paragraph (b)(4) will be amended to delete reference to the election of the section 507 allowable; paragraph (b)(5) will be amended to delete the reference to publication in the FEDERAL REGISTER; and paragraph (e) will be amended to delete the reference to Commerce Department field offices, which no longer maintain a supply of OFDI forms and instructions.

10. *Recordkeeping.* Section 601 requires DIs to keep records of transactions for at least 3 years after the filing of any report relating to the transactions. Through criteria stated in the Instructions to the Quarterly and Annual Report, Form FDI–102/102F, exemptions from filing have been significantly liberalized since 1972, with the result that large numbers of DIs will not actually be filing such reports. Nevertheless, as is made clear in the proposed amendment to section 601, all DIs, whether or not exempted from the filing of quarterly or annual reports, must continue to maintain records for 3 years from the due date of the annual report relating to the year during which the transactions occurred. Moreover, where information that is included in a later report filed by the DI (or that would be included in a later report filed by the DI but for a reporting exemption) relates to, or is based upon transactions occurring in an earlier year, records covering such transactions must be kept for 3 years after the later report is filed (or would have been filed). For example, if a DI elected the earnings allowable set forth in section 504(b) for the year 1973, records regarding the annual earnings of AFNs for the year 1972, on which the 1973 earnings allowable is based, must be kept for 3 years after the date on which the 1973 annual report is filed, rather than for 3 years after the date on which the 1972 annual report was due.

11. *Specific authorization for Schedule B/C or Schedule A repayment charges.* To preserve the Schedule A supplemental allowable for new or increased investment in Schedule A, paragraphs (c)(2), (c)(5), and (d) of section 1003 have provided, under certain circumstances, special treatment of repayment charges for DIs electing the section 507 allowable. Any DI adversely affected by the revocation of section 507 and the conforming changes to section 1003, as proposed herein, may request a specific authorization.

The text of the proposed amendments is as follows:

a. Paragraph (d)(2) of § 1000.203 is amended to read as follows:

§ 1000.203 Liquid foreign balances.

* * * * *

(d) * * *

(2) A direct investor which expended proceeds of long-term foreign borrowing made during 1965 or any succeeding year and deducted the amount of such proceeds from net transfer of capital to a scheduled area under § 1000.313(d)(1) may thereafter deduct, during 1973 or any succeeding year, from positive direct investment in a different scheduled area, an amount equal to all or a part of such expended proceeds as are allocated pursuant to this subparagraph. Proceeds shall be allocated in a different scheduled area pursuant to this subparagraph if (i) an entry is made in the books and records maintained by the direct investor under paragraph (b) of this section and § 1000.601; (ii) the allocation and the deduction from positive direct investment in a different scheduled area are reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds with respect to which such deduction is made, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property: *Provided*, That such proceeds may remain expended in an affiliated foreign national or again be expended at any time in making transfers of capital to affiliated foreign nationals. The direct investor shall be deemed at the time of such deduction from positive direct investment in a different scheduled area to have made a transfer of capital equal to the amount of such deduction to the scheduled area in which the deduction from net transfer of capital under §1000.313(d)(1) was previously made. The direct investor may thereafter continue to change the scheduled area in which a deduction from positive direct investment is made, up to the amount of proceeds of long-term foreign borrowing expended in making the original transfer of capital for which a deduction under § 1000.313(d)(1) was made: *Provided*, That each time such change occurs, the direct investor shall be deemed to have made a transfer of capital to the immediately previous scheduled area in the amount of the deduction from positive direct investment in the subsequent scheduled area.

b. Paragraph (e)(3) of § 1000.306 is amended to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(e) * * *

(3) A deduction made pursuant to subparagraph (1) of this paragraph from positive direct investment in all scheduled areas by a direct investor electing to be governed by § 1000.503 for any year, commencing with the year 1969, shall be deemed to have been made in each scheduled area in the same proportions as the amount of positive direct investment (calculated as provided in paragraph (a) of this section and, in the case of positive direct investment in the year 1969, disregarding each scheduled area's proportionate share of aggregate annual losses, as defined in § 1000.503(b) in effect for the year 1969) in such scheduled area during such year. A deduction made pursuant to subparagraph (1) of this paragraph or § 1000.203(d)(2) or (3) from positive direct investment in Schedules B and C by a direct investor that elected to be governed by § 1000.507 for any year shall be deemed to have been made in each such scheduled area in the same proportions as the amount of positive direct investment (calculated as provided in paragraph (a) of this section) made by the direct investor in such scheduled area during such year. The Secretary may, upon application pursuant to § 1000.801, permit a direct investor to apportion such deductions in some other manner reasonably reflecting the direct investor's interests in each scheduled area during such year.

c. Paragraph (c)(1) of § 1000.312 is amended to read as follows:

§ 1000.312 Transfers of capital.

* * * * *

(c) * * *

(1)(i) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account. If the acquisition is of an equity interest from a person within the United States which was immediately prior to the transaction a direct investor in the affiliated foreign national, and the acquiring and divesting direct investors each file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the acquisition occurs, direct investment made by the divesting direct investor in 1965, 1966, and the year of the acquisition that corresponds to the interest transferred shall be deemed to

have been made by the acquiring direct investor (except that the provisions of §§ 1000.203(d)(2) and (3), 1000.306(e)(1) and 1000.313(d)(1) shall be disregarded in calculating such direct investment unless the acquiring direct investor shall have assumed the obligation to repay long-term foreign borrowing in connection with which deductions under such sections were made), and annual earnings (as defined in § 1000.504(b)(4)) in 1966, 1967, and the year immediately preceding the year of acquisition that correspond to the interest transferred shall be attributed to the acquiring direct investor.

(ii) A transfer of capital shall not be deemed to occur in connection with or as the result of any combination of two or more direct investors or of a direct investor and a person within the United States. For purposes of this subparagraph, such combination shall include merger, consolidation, reorganization, acquisition (from a person within the United States acting for its own account) of a direct investor which thereby becomes an affiliate, or other combination. The surviving direct investor shall file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the combination occurs. The aggregate amount of direct investment made by each of the direct investors involved in the combination in 1965, 1966, and the year in which the combination occurs shall be deemed to have been made by the surviving direct investor. The aggregate amount of annual earnings (as defined in § 1000.504(b)(4)) of each of the direct investors involved in the combination in 1966, 1967, and the year immediately preceding the year in which the combination occurs shall be attributed to the surviving direct investor. The aggregate amount of liquid foreign balances held by each of the direct investors involved in the combination in 1965 and 1966 and each month commencing with the month during which the combination occurs shall be attributed to the surviving direct investor.

* * * * *

d. Section 1000.502 is amended to read as follows:

§ 1000.502 Elections with respect to §§ 1000.503 and 1000.504.

(a) A direct investor shall elect for each year, commencing with the year 1973, to be governed by the provisions of

(1) Section 1000.503, or

(2) Section 1000.504 (a) and (c), or

(3) Section 1000.504(b).

(4) [Revoked]

(b) The election made pursuant to this paragraph shall be binding and effective as to all (and not less than all) scheduled areas and as to the year for which the election is made, and shall be made on Form FDI–102F timely filed by the direct investor pursuant to § 1000.602(b)(3) for the year for which the election is made.

(c) [Revoked]

(d) [Revoked]

e. Paragraph (a) of § 1000.503 is amended to read as follows:

§ 1000.503 Positive direct investment not exceeding $6 million; minimum allowable.

(a) If for any year commencing with the year 1973 a direct investor elects under § 1000.502(a)(1), positive direct investment is authorized for such year in all scheduled areas in an aggregate amount not exceeding $6 million.

f. Paragraph (c) of § 1000.506 is amended to read as follows:

§ 1000.506 Additional authorized positive direct investment in any one or more scheduled areas; incremental earnings allowable.

* * * * *

(c) For any year, commencing with the year 1973, a direct investor that elects under § 1000.502(a)(2) or (3) may make additional positive direct investment in excess of that authorized by § 1000.504 in any scheduled area in an amount not exceeding the direct investor's incremental earnings allowable for such year: *Provided*, That the aggregate of positive direct investment made pursuant to this paragraph in all scheduled areas shall not exceed the incremental earnings allowable. Additional positive direct investment made in Schedule C for such year pursuant to this section shall be computed in accordance with § 1000.504(e).

* * * * *

g. Section 1000.507 is revoked:

§ 1000.507 Alternative minimum and Schedule A supplemental allowable. [Revoked]

h. Section 1000.601 is amended to read as follows:

§ 1000.601 Records.

Every person subject to the provisions of this part shall keep in the United States a full and accurate record of each transaction engaged in by it which is subject to the provisions of this part, regardless of whether such transaction is effected pursuant to authorization or otherwise, and of every other transaction between such person and an affiliated foreign national. Such records (including, but not limited to, source materials, journals or other books of original entry, ledgers, financial statements, work papers, regardless of by whom prepared, and minute books) shall be retained for the greater of (a) 3 years after the date on which an annual report, relating to the year in which the transaction is effected, is due, irrespective of whether such person is exempt from filing such report and irrespective of whether there is a reporting requirement with respect to such transaction, or (b) 3 years after the due date for the filing of an annual report relating to or containing information concerning or based upon such transaction, whether or not the transaction is individually identified.

i. Paragraphs (b)(3), (b)(4), (b)(5) and (e) of § 1000.602 are amended to read as follows:

§ 1000.602 Reports.

* * * * *

(b) * * *

(3) *Form FDI–102F, Annual Report.* Each direct investor must file this report (on Form FDI–102/102F) for each year on or before April 30 of the succeeding year, unless the direct investor is exempt from filing as provided in the instructions to this report or is exempt from filing a Base Period Report on Form FDI–101 as provided in the instructions to such report.

(4) *Form FDI–102F/S, Annual Report: Short Form.* If a direct investor elects pursuant to § 1000.502(a)(1) to be governed by the provisions of § 1000.503 and satisfies other criteria specified in the instructions to this report, it may file its Annual Report on Form FDI–102F/S in lieu of Form FDI–102F on or before April 30 of the year succeeding the year for which the report is filed.

(5) *Form FDI–105, AFN Financial Structure and Related Data.* Each direct investor must file this report on or before the date specified in the instructions to this report.

* * * * *

(e) Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230.

j. Paragraphs (b)(2) (ii) and (iii) of § 1000.905 are revoked:

§ 1000.905 Associated groups.

* * * * *

(b) * * *

(2) * * *

(ii) [Revoked]

(iii) [Revoked]

* * * * *

k. Paragraphs (b)(3) (iii) and (iv) of § 1000.906 are revoked:

§ 1000.906 Ownership of direct investors.

* * * * *

(b) * * *

(3) * * *

(iii) [Revoked]

(iv) [Revoked]

* * * * *

l. Paragraphs (c) (1) and (2), and (d) of § 1000.1003 are amended and paragraph (c)(5) of that section is revoked as follows:

§ 1000.1003 Effect of transfers of capital in repayment of borrowings.

* * * * *

(c)(1) In any year, commencing with the year 1973, in which a repayment charge is incurred, the amount of positive direct investment authorized to be made by the direct investor shall be reduced and, except as hereinafter provided, such reduction shall be made first in the amount of positive direct investment authorized under Subpart E of this part in the scheduled area in which the positive direct investment under § 1000.1002 was made, and, to the extent

that the repayment charge exceeds the amount of positive direct investment so authorized in such scheduled area, further reduction shall be made in the amount of positive direct investment authorized under Subpart E of this part in Schedules C, B, and A, in that order, and then in the amount of positive direct investment authorized under Subpart M of this part: *Provided*, That a direct investor electing to be governed by § 1000.503 that makes negative direct investment, as defined in § 1000.306, may decrease the amount of the repayment charge in the amount of such negative direct investment: *And provided further*, That the amount of the reduction of the amount of positive direct investment authorized under Subpart E or M of this part shall not exceed the repayment charge (as decreased by negative direct investment), and that such reduction shall not reduce authorized positive direct investment under said subparts in any year to an amount less than zero.

(2) Reductions under subparagraph (1) of this paragraph in the amount of positive direct investment authorized under Subpart E of this part shall be made first in the aggregate amount of positive direct investment authorized under § 1000.503 or § 1000.504, whichever is elected by the direct investor for the year, and then in the amount of positive direct investment authorized under § 1000.506.

* * * * *

(5) [Revoked]

(d) If the repayment charge incurred in any year exceeds the amount of authorized positive direct investment reduced under this section, reductions shall be made in each succeeding year in the same manner and order as set forth in paragraph (c) of this section.

* * * * *

These amendments shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all affected transactions on or after January 1, 1973.

(Sec. 5, act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; Executive Order 11387, Jan. 1, 1968, 33 FR 47.)

ROBERT A. ANTHONY,
Director, Office of Foreign Direct Investments.

MAY 11, 1973.

[FR Doc.73-9708 Filed 5-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

PRIOR-SANCTIONED POLYVINYL CHLORIDE RESIN

Notice of Proposed Rule Making

Polyvinyl chloride (PVC) is a polymeric resin which was used as a component of food packaging materials prior to the passage of the Food Additives Amendment of 1958 and which has been widely used since that time. Not all polyvinyl chloride formulations can be used in food packaging. Polyvinyl chloride having a maximum volatility of not over 3 percent when heated for 1 hour at 105° C., and having an inherent viscosity of not less than 0.35 when determined by American Society for Testing and Materials (ASTM) standard method D 1243-66, is prior-sanctioned for use as a component of a film for food wraps or as a can enamel.

An ingredient whose use in food or food packaging is subject to a prior-sanction or approval within the meaning of section 201(s)(4) of the Federal Food, Drug, and Cosmetic Act is exempt from classification as a food additive and may be used without pre-clearance by FDA.

The sanction for PVC rests on an article entitled "Food Packaging" by A. J. Lehman, Chief of the Division of Pharmacology, FDA, published in the "Association of Food and Drug Officials of the United States," volume 20, No. 4, October 1956. It is clear in the article that acceptance of the resins named therein was based on their lack of migration when tested for solubility in the listed solvent systems. The publication cited did not refer to polyvinyl chloride bottles and did not name an alcoholic medium as a test system.

In January 1973, the Food and Drug Administration began to receive reports of possible stability problems with PVC bottles used for distilled spirits. These bottles were part of an experimental program first authorized by the Treasury Department, Bureau of Alcohol, Tobacco, and Firearms in November 1968. Industrial users of these bottles had discovered an unpleasant taste in lightly flavored alcoholic beverages which had been kept in storage. Preliminary analytical results indicated that vinyl chloride monomer, a component of PVC, was extracted from the bottle to the liquor during storage. The level of vinyl chloride migrating varied, with some samples in a high range of 10-20 p/m. At that time the results had not been confirmed by mass spectrographic examination.

During April a new series of analytical results, including mass spectrographic examination, was presented to FDA by industry which confirmed the early reports of vinyl chloride monomer in various distilled spirits. These beverage samples had been stored in PVC bottles for up to 1 year. Information was also received which reported that wine packaged in PVC bottles was similarly affected.

FDA has now confirmed migration of the monomer in distilled spirits in its own laboratory. While analytical tests are continuing both at FDA and in industrial laboratories to resolve many unanswered technical questions relative to this problem, it seems certain at this time that vinyl chloride monomer migrates to alcohol from PVC bottles used to package distilled spirits and wine.

Vinyl chloride monomer as such is a poisonous and deleterious substance. FDA knows of no studies which establish a safe level of consumption when this monomer is leached from containers into alcoholic foods. Accordingly, the Commissioner concludes that the use of polyvinyl chloride for packaging alcoholic foods may cause such foods to be adulterated.

There is no indication at this time that polyvinyl chloride resins in contact with nonalcoholic foods will result in migration of monomers, and such use need not be restricted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1042, 1046-1047 as amended, 1049, 1055; 21 U.S.C. 321(s), 342, 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend part 121 by adding a new section 121.2009 to read as follows:

§ 121.2009 Polyvinyl chloride resins.

(a) Polyvinyl chloride resins consist of basic resins produced by the polymerization of vinyl chloride.

(b) Polyvinyl chloride basic resins have a maximum volatility of not over 3 percent when heated for 1 hour at 105° C., and an inherent viscosity of not less than 0.35 when determined by ASTM method ary 10, 1973. D1243-66(1)

(c) Polyvinyl chloride resins meeting the criteria of paragraphs (a) and (b) of this section may be used as a component of food packaging material, other than packaging material for use in contact with alcoholic foods.

Interested persons may, on or before July 16, 1973, 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 May 15, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-9981 Filed 5-16-73;9:42 am]

Office of Education

[45 CFR Part 188]

FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

Pursuant to the authority contained in section 314 of the Adult Education Act, as added by part C of title IV of the Education Amendments of 1972 (Public Law 92-318, 86 Stat. 342, 20 U.S.C. 1211a), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare,

[1] Copies may be obtained from: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

hereby proposes to amend title 45 of the Code of Federal Regulations by adding a new part 188 as set forth below.

The new part 188 would contain regulations governing financial assistance to State and local educational agencies, Indian tribes, institutions, and organizations, and public agencies and institutions to support programs and projects for the improvement of educational opportunities for adult Indians. Such programs and projects shall include, in accordance with subpart B of the proposed regulation, planning, pilot, and demonstration projects which are designed: (1) To test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians; (2) to assist in the establishment and operation of programs designed to stimulate provision of basic literacy and high school equivalency for adult Indians; (3) to support a research and development program for innovative techniques for achieving literacy and high school equivalency; (4) to determine the extent of the problems of illiteracy and lack of high school completion on Indian reservations; and (5) to encourage the dissemination of information relating to, and the evaluation of the effectiveness of, education programs, services, and resources which may offer educational opportunities to Indian adults.

The Commissioner will provide assistance to those applicants whose applications under subpart B of the proposed regulation meet the requirements of that subpart and best satisfy the criteria set forth in subpart C thereof. In approving applications under § 188.5(a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

Applications under subpart B of the proposed regulation must be developed with the participation of the individuals to be served and tribal communities in the planning and development of the project, and must provide for such participation in the operation and evaluation of the project (20 U.S.C. 1211a(c)).

Federal financial assistance provided pursuant to section 314 of the Adult Education Act is subject to the regulations in 45 CFR part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92-318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Interested persons are invited to submit written comments, suggestions, or objections to Mr. Frank B. McGettrick, Acting Deputy Commissioner of Indian Education, U.S. Office of Education, room 4068, 400 Maryland Avenue SW., Washington, D.C. 20202, on or before June 6, 1973. Comments received in response to this notice will be available for public inspection in room 4068, 400 Maryland Avenue SW., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday.

Dated May 3, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved May 14, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

PART 188—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

Subpart A—Scope; Definitions

Sec.
188.1 Scope.
188.2 Definitions.

Subpart B—Applications for Financial Assistance

188.5 Eligibility for, and nature of, available assistance.
188.6 Applications.
188.7 Community participation.
188.8 Indian preference.
188.9 Evaluation.

Subpart C—Criteria for Assistance

188.15 General criteria for consideration of applications.
188.16 Additional criteria for survey and evaluation projects.

Subpart D—General Provisions

188.21 Retention of records.
188.22 Audits.
188.23 Limitations on costs.
188.24 Final accounting.

AUTHORITY.—Sec. 314, Public Law 89-750, as amended, 86 Stat. 342 (20 U.S.C. 1211a), unless otherwise noted.

Subpart A—Scope; Definitions

§ 188.1 Scope.

(a) This part governs the provision of assistance to State and local educational agencies, to Indian tribes, institutions, and organizations, and to public agencies and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for adult Indians under section 314 of the Adult Education Act (as added by section 431 of the Indian Education Act, title IV of Public Law 92-318).

(b) Assistance provided under this part is subject to applicable provisions contained in section 303 of the Adult Education Act (20 U.S.C. 1202) and regulations thereunder.

(20 U.S.C. 1211a.)

§ 188.2 Definitions.

"Act" means section 314 of the Adult Education Act (20 U.S.C. 1201).

(20 U.S.C. 1211a.)

"Adult" means any individual who has attained the age of 16.

(20 U.S.C. 1202(a).)

"Adult education" means services or instruction below the college level, for adults who (1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and (2) are not currently required to be enrolled in schools.

(20 U.S.C. 1202(b).)

"Indian" means any individual, living on or off a reservation, who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

Subpart B—Applications for Financial Assistance

§ 188.5 Eligibility for, and nature of, available assistance.

(a) *Planning, pilot, and demonstration projects.*—State educational agencies (as defined in 20 U.S.C. 1202(g)) and local educational agencies (as defined in 20 U.S.C. 1202(e)), and Indian tribes, institutions, and organizations may apply for grants to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians. Such projects may be designed (1) to test and demonstrate the effectiveness of programs to improve employment and educational opportunities; (2) to assist in the establishment and operation of programs designed to stimulate the provision of (i) basic literacy opportunities to all nonliterate Indian adults, and (ii) high school equivalency opportunities in the shortest period of time feasible; (3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals; (4) to provide for basic surveys (and evaluations of such surveys) to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations; and (5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(20 U.S.C. 1211a(a).)

(b) *Dissemination and evaluation projects.*—The Commissioner may also make grants to, and contracts with, public agencies and institutions, and Indian tribes, institutions, and organizations for (1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and (2) the evaluation of the effectiveness of federally assisted programs (in which Indian adults may

participate) in achieving their purposes with respect to such adults.

(20 U.S.C. 1211a(b).)

(c) *Special considerations applicable to assistance for fiscal year 1973.*—For fiscal year 1973 it is expected that only a very limited number of grants will be made under the program and that the Commissioner will be unable to make grants in all the categories set forth in paragraphs (a) and (b) of this section. (The fiscal year 1973 appropriation for the program is $500,000.) Under these circumstances the Commissioner will give special consideration to (1) projects to provide a basic survey (and evaluation thereof) designed to define the extent of the problems of adult illiteracy and lack of high school completion on Indian reservations, and (2) demonstration projects to develop model programs for the achievement of basic literacy or high school equivalency which meet the special needs of Indian adults.

(20 U.S.C. 1211a.)

§ 188.6 Applications.

Any party eligible for assistance under this part may submit an application therefor on such forms as may be prescribed by the Commissioner. Such application shall set forth (a) the problem to be addressed; (b) the overall objectives of the proposed project; (c) the activities to be carried out; (d) the manner in which the proposed project carries out the purpose, as set forth in § 188.5, to which it relates; (e) the type and size of the staff envisioned; (f) the amount of the assistance being requested; and (g) such other information as the Commissioner may require. The description of the proposed project in such application shall also include a specific discussion of the manner in which such project relates to the applicable criteria set forth in subpart C of this part. The application shall also provide for such methods of administration as are necessary for the proper and efficient administration of the project for which assistance is requested.

(20 U.S.C. 1211a(c).)

§ 188.7 Community participation.

Applications submitted under § 188.5 (a) must describe the manner in which individuals to be served and tribal communities (a) participated in the planning and development of the project, and (b) will be actively participating in the further planning, development, operation, and evaluation of the project. (See section 314(c) of the act.)

(20 U.S.C. 1211a(c).)

§ 188.8 Indian preference.

In approving applications under § 188.5(a) the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(20 U.S.C. 1211a(c).)

§ 188.9 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 1211a(c)(2).)

Subpart C—Criteria for Assistance

§ 188.15 General criteria for consideration of applications.

In considering whether to approve applications, and in determining the amount of the award under approved applications, the Commissioner will take into account the following general criteria:

(a) The degree to which the program or project to be assisted will involve the use of innovative methods, systems, materials, or programs which may be of special value in developing effective programs for improving employment and educational opportunities for adult Indians;

(b) The extent to which activities supported under this part will be coordinated with other programs to improve educational and employment opportunities of adult Indians (including programs supported under the Adult Education Act and the Vocational Education Act);

(c) The adequacy of the qualications and experience of the personnel designated to carry out the proposed projects;

(d) The adequacy of facilities and other resources;

(e) The reasonableness of the estimated cost in relation to the anticipated results; and

(f) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured or evaluated;

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(3) Where appropriate, provision is made for satisfactory inservice training connected with project services; and

(4) Provision is made for disseminating the results of the project and for making materials and techniques resulting therefrom available to the general public and specifically to all those concerned with education of Indian adults.

(20 U.S.C. 1211a.)

§ 188.16 Additional criteria for survey and evaluation projects.

In the evaluation of applications submitted under § 188.5(a)(4) to provide basic surveys and evaluations thereof to define the extent of the problems of illiteracy and lack of completion of high school on Indian reservations, the Commissioner will take into account the following criteria (in addition to those contained in § 188.15):

(a) The adequacy of the survey instrument and data collection system to be used;

(b) The adequacy of the methods proposed for processing, analyzing, and evaluating the data to be obtained, and for making available the results thereof; and

(c) The adequacy of the plan for administration of the survey, including:

(1) The personnel to be used; (2) the comprehensiveness of the survey sample; (3) the number of Indian adults to be surveyed; (4) the practicability of the time schedule to be followed relative to the proposed survey procedures; and (5) the provision for verification by the project director of the validity of the survey.

(20 U.S.C. 1211a(a)(4).)

Subpart D—General Provisions

§ 188.21 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 188.22 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such

audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G, 2, attachment C, 1.)

§ 188.23 Limitations on costs.

The amount of the award shall be set forth in the grant award document or contract. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or contract or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document or contract. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 1211a.)

§ 188.24 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-9881 Filed 5-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 73-SW-20]

JOINT-USE RESTRICTED AREA OF CONTROLLED AIRSPACE

Proposed Designation and Alteration

On April 24, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 10117) proposing the adoption of a joint-use restricted area, R-5107H, in a portion of the VFR corridor between El Paso, Tex., and Alamogordo, N. Mex. The deadline for public comment on the proposal was set for May 24, 1973.

Subsequent to publication of the restricted area proposal, difficulties in defining the time of designation have arisen which require that the time of designation be more appropriately defined to reflect the intent as described in the NPRM. The intent is reiterated for added information.

It is anticipated that the proposed missile firing/impact operations can become operational by October 1, 1973. During the period October 1 through December 31, 1973, it is believed launchings may occur six times. It is likely that the firing of two missiles may be accomplished during the period a restricted area is activated for a missile launch. The proposed restricted area will be utilized only long enough to clear the area of aircraft not associated with the exercise and to launch the missile and effect its impact. This period is estimated at 2 hours.

Launch periods are normally scheduled during periods of minimum air traffic activity which is usually during the nighttime hours. It is possible that one daytime launch will be necessary during the October–December period.

The launching activities are advertised in advance in news media and broadcast by Federal Aviation Administration flight service stations prior to issuance of a NOTAM which provides the specific hours covering the period of the missile launch.

Communication capability will be available between the air traffic control facilities, the launch site, White Sands Missile Range Control, and Holloman AFB Mission Control.

In consideration of the foregoing, the time of designation as shown in 38 FR 10117 is changed to read:

Time of designation: As published by NOTAM issued 48 hours in advance of area activation. Also, within the narrative of the notice, the sentence describing the time of designation is changed to read: The latter will announce, 48 hours in advance, the specific periods of area activation.

The comment period for the proposed restricted area is extended to June 7, 1973. All communications received by that date will be considered before action is taken on the proposal.

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

Issued in Washington, D.C., on May 10, 1973.

H. B. HELSTROM,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-9759 Filed 5-16-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 3-3; Notice 6]

FLAMMABILITY OF INTERIOR MATERIALS

Test Procedures and Specimen Preparation

This proposal would amend the list of components and portions of components that must meet the requirements of motor vehicle safety standard No. 302, "Flammability of Interior Materials" (571.302), and would modify the test procedures and specimen preparation of the standard. A previous notice of proposed rulemaking was issued on May 26, 1971 (36 FR 9565).

Standard No. 302 (paragraph S4.1) presently requires certain enumerated interior components of vehicle occupant compartments to meet a 4 in/min maximum burn-rate requirement. The standard also requires, "any other interior materials, including padding and crash-deployed elements, that are designed to absorb energy on contact by occupants in a crash" to meet the burn-rate requirement. The NHTSA has received numerous requests for interpretations as to what components are included in the phrase, "any other interior materials * * * that are designed to absorb energy on contact by occupants in the event of a crash". These inquiries have illustrated that the language in question is overinclusive; that it for the most part includes many relatively small components which may, in part, have been designed to be energy-absorbing but which are not fire hazards. It is therefore proposed that this reference to "any other interior materials." be deleted from paragraph S4.1. Crash-deployed elements would still be subject to the standard's requirements.

"Padding" is also proposed by this notice to be deleted from paragraph S4.1 on account of vagueness, while dashboards and instrument panels are proposed to be included. In view of the present inclusion of "all trim panels including door, front, rear, and side panels," the NHTSA is of the opinion that dashboards and instrument panels should be covered by the standard's requirements.

The notice of May 26, 1971, suggested a scheme for testing single and composite materials that would accommodate the testing of certain configurations of vehicle interior materials not taken into account under the present scheme. Examples of such configurations are multilayered composites and single layers of underlying materials that are neither padding nor cushioning materials. Comments to the notice argued that some aspects of the proposed scheme would require a significant amount of duplicative testing without providing a measurable safety benefit. In addition, it appears that one underlying reason for the proposed scheme, the possibility that some materials may burn more quickly when tested in combination with others

than when tested separately, does not reflect actual conditions.

In response to these arguments, it is proposed that the provisions for testing single and composite materials be amended to take into account some omissions in the present scheme, and also to reduce the complexity of testing and in some cases the amount of testing. The proposed scheme would require single materials or composites (materials that adhere at every point of contact), any part of which is within one-half inch of the surface of the component, to meet the burn-rate requirements. Materials that are not part of adhering composites would be subject to the requirements when tested separately. Those materials that do adhere to adjacent materials at every point of contact would be subject to the requirements as composites when tested with the adjacent materials. The concept of "adherence" would thereby replace language presently contained in the standard describing materials as "bonded, sewed, or mechanically attached". An illustrative example is included in the text of the proposed rule.

Paragraph S5.2.1 of the standard presently provides that materials exceeding one-half inch in thickness are to be cut down to one-half inch in thickness before testing. Because cutting certain materials to the prescribed thickness produces a tufted surface upon which a flame front may be propagated at a faster rate than it would be upon the surface of the material before cutting, the NHTSA has determined that such cut surfaces represent an artificial test condition and are not an ignition source. Consequently, it is proposed that the requirements for the transmission rate of a flame front be amended to exclude surfaces created by cutting.

A related problem has arisen as to which surface of a test specimen should face the flame in the test cabinet. The notice of proposed rulemaking of May 26, 1971, would have required the surface of the specimen producing the most adverse test results to face the flame. It has been determined that this proposed requirement would cause unnecessary test duplication. Therefore, the former proposed language is not adopted and, instead, it is proposed that the test procedure be amended to provide that the surface of the specimen closest to the occupant compartment airspace face downward on the test frame. The test specimen is produced by cutting the material in the direction that provides the most adverse test results.

Some comments criticized the design of the test cabinet specified in the standard. The NHTSA is currently evaluating various recommendations and suggestions concerning the cabinet, but no changes are proposed by this notice. Manufacturers should understand that they are not required to test their products in any particular manner, as long as they exercise due care that their products will meet the requirements when tested by the NHTSA under the procedures specified in the standard.

In light of the above, it is proposed that motor vehicle safety standard No. 302, 49 CFR 571.302, be amended as follows:

1. Paragraph S4. would be revised to read:

S4. *Requirements.*—S4.1 The portions described in S4.2 of the following components of vehicle occupant compartments shall meet the requirements of S4.3: Seat cushions, seat backs, seat belts, headlining, convertible tops, arm rests, all trim panels including door, front, rear, and side panels, compartment shelves, head restraints, floor coverings, sun visors, curtains, shades, wheel housing covers, engine compartment covers, mattress covers, dashboards, instrument panels, and crash-deployed elements designed to absorb energy on contact by occupants in the event of a crash.

S4.2 All or any portion of a single or composite material which is within one-half inch of the occupant compartment airspace shall meet the requirements of S4.3.

S4.2.1 Any material that does not adhere to other material(s) at every point of contact shall meet the requirements of S4.3 when tested separately.

S4.2.2 Any material that adheres to other material(s) at every point of contact shall meet the requirements of S4.3 when tested with the other material(s) as a composite.

Illustrative example:

Material A has a nonadhering interface with material B and is tested separately. Part of material B is within one-half inch of the occupant compartment airspace, and materials B and C adhere at every point of contact; therefore B and C are tested as a composite. The cut is in material C as shown, to make a specimen one-half inch thick.

S4.3(a) When tested in accordance with S5, material described in S4.1 and S4.2 shall not burn, nor transmit a flame front across its surface, at a rate of more than 4 in/min. However, the requirement concerning transmission of a flame front shall not apply to a surface created by the cutting of a test specimen for purposes of testing pursuant to S5.

(b) If a material stops burning before it has burned for 60 seconds from the start of timing, and has not burned more than 2 inches from the point where timing was started, it shall be considered to meet the burn-rate requirement of S4.3(a).

2. Paragraph S5.2.1 would be revised to read:

S5.2.1 Each specimen of material to be tested is a rectangle 4 inches wide by 14 inches long, wherever possible. The thickness of the specimen is that of the single or composite material used in the vehicle, except that if the material's thickness exceeds one-half inch, the specimen is cut down to that thickness measured from the surface of the specimen closest to the occupant compartment airspace. Where it is not possible to obtain a flat specimen because of surface curvature, the specimen is cut to not more than one-half inch in thickness at any point. The maximum available length or width of a specimen is used where either dimension is less than 14 or 4 inches, respectively.

3. Paragraph S5.2.2 would be revised to read:

S5.2.2 The specimen is produced by cutting the material in the direction that provides the most adverse test results. The specimen is oriented so that the surface of the specimen closest to the occupant compartment airspace faces downward on the test frame.

Interested persons are invited to submit comments on the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the address above, both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date July 16, 1973.

Proposed effective date September 1, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 38 FR 12147.)

Issued on May 10, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-9742 Filed 5-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19736; FCC 73-490]

FM BROADCAST STATIONS

Amendment of Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM

broadcast stations. (Cape Coral, Key West, and Punta Gorda, Fla.).

1. Notice of proposed rulemaking is hereby given concerning the amendment of § 73.202(b) of the rules, the FM table of assignments, to add a channel to the above-listed communities, as has been requested in the rulemaking petitions. In each of the communities there is a proposal for a class A assignment. Population figures are from the 1970 U.S. census. All petitions are unopposed. The proposed channels sought by each petitioner are as follows:

RM-1934—Channel 261A to Cape Coral, Fla. (Dr. E. Paul Eder).
RM-1963—Channel 296A to Key West, Fla. (David W. Freeman and William A. Freeman, Jr.).
RM-2061—Channel 261A to Punta Gorda, Fla. (Broadcast Systems, Inc.).

Although the petitions for Cape Coral and Punta Gorda are conflicting, consideration is given below to resolve this problem. A brief description of each petition follows.

2. *Cape Coral, Fla. (RM-1934).*—Dr. E. Paul Eder (petitioner) filed a petition on February 22, 1972 (supplement filed on June 27, 1972), proposing the assignment of channel 261A to Cape Coral, Fla. Channel 261A could be assigned to Cape Coral in conformity with the Commission's minimum mileage separation rule without affecting any presently assigned channel. Cape Coral (10,193 population) is located in Lee County (105,216 population) on the west bank of the Caloosahatchee River. There are no broadcast facilities assigned to Cape Coral. The nearest community with such facilities is Fort Myers (27,351 population), the seat of Lee County and located approximately 7 miles northeast on the east bank of the Caloosahatchee River. Fort Myers has three AM and three FM stations (1 A and 2 C's).

3. In support, petitioner states that Cape Coral is governed under the city management form of government with a mayor and city council. He points out that in addition to 400 retail outlets in the city there are 2 clothing manufacturing outlets. He adds that Cape Coral Industrial Park has at present 22 buildings occupied with the firms representing leather products, specialties, custom cabinets, electronic testing equipment, etc. Petitioner states that in addition to the Cape Coral bank which has assets of over $31 million, it is also served by the First Federal Savings and Loan Association of Fort Myers which has assets in excess of $69 million. He states that, if assigned, he will promptly file an application for the channel.

4. *Punta Gorda, Fla. (RM-2061).*—Broadcast Systems, Inc., (petitioner) filed a petition on September 20, 1972, proposing to assign channel 261A to Punta Gorda, Fla. Channel 261A could be assigned to this community in conformity with the Commission's minimum mileage separation rule without affecting any presently assigned channel. Punta Gorda (3,879 population) is the seat of Charlotte County (27,559 population) and is located about 25 miles north of Fort Myers. It has a daytime-only station (WCCF) and a class A FM station (channel 224A, WCCF-FM).

5. In support, petitioner states that Charlotte County is in the initial stages of a period of spectacular growth in population, financial resources, business activity and home construction and due to this rapid growth, the community needs a new FM radio station to respond to its increasing commercial and civic needs. It points out that its population, bank assets, retail sales and building construction have more than doubled in the past 10 years, and projections for the future are equally as dramatic. Petitioner contends that with the rapid population growth, increased demands are being placed on the schools, highways, recreational programs, and water and sewage facilities and as the residents respond to these problems, the need for effective local media increases.

6. The petitions of Dr. E. Paul Eder (RM-1934) and Broadcast Systems, Inc. (RM-2061), for the assignment of the same channel (261A) are conflicting proposals. Since the distance between Cape Coral and Punta Gorda is approximately 25 miles, channel 261A could be assigned to only one of the two communities; the required separation is 65 miles. However, Broadcast Systems, Inc., suggests that, although channel 280A cannot be used at Punta Gorda, it can be used at Cape Coral.

7. The preclusion study shows that the assignment of channel 261A to either community would preclude future assignments only on channel 261A in a limited area. As to channel 280A, it can be assigned to Cape Coral or to areas a short distance east or south of the community; it cannot be used at Punta Gorda. The assignment of channel 280A to this area would preclude future assignments only on channel 280A; the adjacent channels would not be affected.

8. Since Cape Coral has a population of 10,193 and does not have a broadcast facility, channel 280A could be assigned there to provide for a first local broadcast service. As to Punta Gorda, the census shows its population as 3,879 and it has a daytime AM station and a class A FM station. Although another channel could be assigned to Punta Gorda, we feel it may be more appropriate to propose the assignment of channel 261A to Port Charlotte, an unincorporated community, which has a population of 10,769 (1970 U.S. census) and has no broadcast facility. Port Charlotte is located on the north side of Peace River, approximately 4 miles northwest of Puna Gorda (located on the south side of Peace River). Information as to the feasibility of an assignment to Port Charlotte should be submitted. We are of the view that a sufficient showing has been made to warrant a rulemaking on these proposals. We are therefore inviting comments on the proposal so that interested persons may submit their views and relevant data concerning the proposals outlined above.

9. Key West, Fla. (RM-1963).—David W. Freeman and William A. Freeman, Jr., filed a petition on April 19, 1972, proposing the assignment of channel 296A to Key West, Fla. Channel 296A could be assigned to Key West without affecting any assignments in the FM table and would meet the Commission's minimum mileage separation rule. Key West (27,563 population) is the seat of Monroe County (52,586 population) and is located 150 miles southwest of Miami, Fla. It has two unlimited time AM stations (WKIZ and WKWF) and two class C FM channels (channel 223, station WFYN-FM and channel 238, BPH-8078, Brannen and Brannen). The only other FM assignment in Monroe County is at Marathon (channel 232A) some 45 miles east of Key West.

10. In support, petitioner states that Key West, along with the Lower Keys, comprises an economic, social, and semi-political unit of Lower Monroe County. They point out that the additional FM facility if owned and operated by local people would give a broader local coverage in the public interest to the residents of Key West and the class A service area.

11. The preclusion study indicates that the assignment of the requested channel to Key West would foreclose future assignments only on channel 296A in the area along the Florida Keys. However, due to lack of other communities in this area of the country, the channel could be assigned to Key West without foreclosing future assignments to any other communities. Although Key West has its quota of channel assignments, channel 296A could be assigned there. See Hattiesburg, Miss., 27 FCC 2d 844. The petitioners contend that a class A channel is sufficient to serve the Key West area. In view of the foregoing information, we believe consideration of the proposal for the possible assignmen of channel 296A to Key West, Fla., is warranted.

12. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.202(b) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Cape Coral, Fla.		280A
Key West, Fla.		296A
Punta Gorda, Fla.	224A	224A, 261A
or		
Port Charlotte, Fla.		261A

13. 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 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.

14. *Cutoff procedure.*—As in other recent FM rulemaking 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. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with 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 decisions herein.

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before June 22, 1973, and reply comments on or before July 3, 1973. 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.

16. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

17. 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 May 9, 1973.

Released May 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9841 Filed 5-16-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19708]

AMENDMENT OF TABLE OF ASSIGNMENTS

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Park Rapids, Minn.; Albany, Minn.; Sauk Rapids-St. Cloud, Minn.; Jamestown, N. Dak.)

[1] Chairman Burch absent.

1. The notice of proposed rulemaking in the above-entitled proceeding was adopted on March 13, 1973, and published in the FEDERAL REGISTER on March 23, 1973 (38 FR 7574). The date for filing comments has expired and the date for filing reply comments is presently May 10, 1973.

2. On May 8, 1973, counsel for Tri-County Broadcasting Co., filed a petition for extension of time in which to submit reply comments to and including May 21, 1973. Counsel states that some of the comments were not available in the Commission's reference room until late last week, and this fact, coupled with the complexities of the instant proceeding require him to request the additional time.

3. It appears that the requested extension is warranted and would serve the public interest. Accordingly, *It is ordered*, That the time for filing reply comemnts in docket 19708 is extended to and including May 21, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the commission's rules.

Adopted May 9, 1973.

Released May 10, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-9840 Filed 5-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10140; File No. 57-482]

DESTRUCTION OF RECORDS REQUIRED TO BE KEPT

Notice of Proposed Rulemaking

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a recordkeeping rule under section 17 (a) of the Securities Exchange Act of 1934 (the Act) and to amend rule 17a-6 with regard to destruction of records.

Proposed rule 17a-1 requires that every national securities exchange and national securities association[1] maintain files of documents pertaining to its self-regulatory activity and that all such files be made available to the Commission or its representatives as and where requested.

The rule is intended to set forth the recordkeeping obligation of self-regulatory organizations and thereby facilitate implementation of the broad inspection authority given the Commission in section 17(a) of the Act.[2] The proposed recordkeeping rule would provide the same protection to the self-regultory organizations as is afforded by the issuance of a case-by-case Commission subpena and at the same time promote the ends of the Exchange Act's system for cooperative regulation.

Under the proposed rule 17a-1, every national securities exchange and the National Association of Securities Dealers, Inc. will be required to keep on file, for a period of 5 years, 2 years in an accessible place, all documents and records which it makes or receives respecting its self-regulatory activity. All records thus kept will be subject to Commission inspection as and where the Commission or its staff requests.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23 (a) thereof, and deeming it in the public interest and to aid it in executing the functions vested in it, hereby proposes to amend part 240 of chapter II of title 17 of the Code of Federal Regulations by adopting § 240.17a-1, and amending § 240.17a-6 as set forth below:

§ 240.17a-1 A recordkeeping rule for national securities exchanges and national securities associations.

(a) Every national securities exchange and national securities association shall keep and preserve all correspondence, memoranda, papers, books, notices, accounts, and other such records as shall be made or received by it in the course of its business as such and in the conduct of its self-regulatory activity.

(b) Every national securities exchange and national securities association shall keep all such records for a period of not less than 5 years, the first 2 years in an easily accessible place, subject to the destruction and disposition provisions of rule 17a-6.

(c) Every national securities exchange and national securities association shall make reports consisting of such records

[1] The National Association of Securities Dealers, Inc. is the only national securities association registered under the Act.

[2] This section provides:

"Every national securities exchange, every member thereof, every broker or dealer who transacts a business in securities through the medium of any such member, every registered securities association, and every broker or dealer registered pursuant to section 15 of this title, shall make, keep, and preserve, for such periods, such accounts, correspondence, memoranda, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Such accounts, correspondence, memoranda, papers, books, and other records shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in the public interest or for the protection of investors."

or copies thereof as examiners or other representatives of the Commission shall request, and at such time and place as requested, in connection with reasonable periodic, special, or other examinations as the Commission may deem necessary or appropriate in the public interest or for the protection of investors.

§ 240.17a–6 Right of a national securities exchange or national securities association to destroy or dispose of applications, reports, and documents filed with it pursuant to sections 12, 13, 14, and 16 and other records.

(a) Any application, report or document, or portion thereof, which has been kept by or on file with a national securities exchange for more than 5 years pursuant to sections 12, 13, 14, or 16 of the Act, or any rule or regulation promulgated by the Commission pursuant to any of such section, or which has been made or received by a national securities exchange or association pursuant to rule 17a–1, may be destroyed or otherwise disposed of by such exchange or association pursuant to the terms of a plan for the destruction or disposition of such application, report, or document, if such plan has been filed with the Commission by such exchange or association and has been declared effective by the Commission.

* * * * *

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be addressed to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before June 22, 1973. Reference should be made to file No. S7–482. All communications will be available for public inspection.

(Sections 17(a), 23(a); 48 Stat. 897, 901; as amended 49 Stat. 1379; 15 U.S.C. 78q(a), 78w(a).)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 10, 1973.

[FR Doc.73–9799 Filed 5–16–73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-133]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Designation of Certain Steel Hoppers

It has been established to the satisfaction of the Bureau of Customs that steel hoppers, 54 inches high by 41 inches by 36 inches, each with four 12¼-inch-high legs, used for the transportation of abrasive grains, are substantial, suitable for and capable of repeated use, and will be used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-described steel hoppers and similar hoppers of aproximately the same size as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs regulations.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-9843 Filed 5-16-73;8:45 am]

Office of the Secretary

[T.D. No. 225]

OFFICE OF THE ENERGY ADVISOR

Creation

Executive Order No. 11703 of February 7, 1973, designates the Deputy Secretary of the Treasury as the chairman of the Oil Policy Committee. By virtue of the authority vested in me by Reorganization Plan No. 1 of 1950, there is hereby created an Office of the Energy Advisor to support the Deputy Secretary in this capacity. The Office shall be headed by an Energy Advisor who will report directly to the Deputy Secretary.

Under the direction of the Deputy Secretary and in accordance with guidance from me in my capacity as Assistant to the President for Economic Affairs, this Office will develop and maintain an analytical base for providing policy direction, coordination, surveillance, and evaluation of the Federal Government's oil import control program.

The Office will play a major role in determining the impact of oil imports on the U.S. balance of trade. It will review the outflow of dollars resulting from payments for oil imports and the extent to which this generates counterbalancing U.S. exports. Concurrently, it will make continuing evaluations of the impact of oil imports on the International Monetary System resulting from increased holdings of U.S. dollars by foreign oil-producing countries. These evaluations will also encompass the extent to which the income from oil imports is utilized by foreign countries for investment purposes in the United States.

With the aim of reducing the oil industry's contribution to the United States' negative balance of payments in trade with other countries, the Office will seek appropriate ways to limit the nation's need to import oil, stimulate domestic production, and find alternative energy sources.

The analyses accomplished by this Office will assess the impact of the oil import program on national security, evaluate the net impact of policy options on national security objectives, and contribute to overall energy policies. These studies will include assessments of the relationship among the petroleum industries, the methods of allocating import licenses, levels of imports of products, the reduction of energy demand through more effective utilization, import based natural gas substitutes, emergency energy capacity, Canadian-U.S. cooperation in oil and energy, Western Hemisphere preferences, and distribution and consumption control in supply emergencies.

The Energy Advisor will also serve as chairman of the Oil Policy Working Group.

The functions and positions now assigned to the Natural Resources Program Office under the Assistant Secretary for International Affairs are hereby reassigned to the Office of the Energy Advisor.

Dated May 11, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-9844 Filed 5-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 17547]

RECREATION SITES IN COLORADO

Proposed Withdrawal and Reservation of Lands for Protection

MAY 8, 1973.

The Bureau of Land Management of the Department of the Interior has filed an application for withdrawal of the lands described below from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for protection of the public recreation values. The lands which exist in two separate parcels are to be designated as the Wolcott Recreation Site and the State Bridge Recreation Site.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing, on or before June 18, 1973, to the undersigned officer of the Bureau of Land Management, Department of the Interior, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing or potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

WOLCOTT RECREATION SITE

T. 4 S., R. 83 W.,
Sec. 9, lots 4, 5, and 6, those portions south of the centerline of the Denver and Rio Grande Western Railroad, as constructed (right-of-way, Colorado 093762) and north of the centerline of U.S. Highway 6-24, as constructed (now within right-of-way, Colorado 4370 for Interstate Highway 70).

STATE BRIDGE RECREATION SITE

T. 2 S., R. 83 W.,
Sec. 26, S½NW¼, N½N½SW¼;
Sec. 27, SE¼SE¼NE¼, NE¼NE¼SE¼.

The areas described aggregate approximately 162 acres.

DALE R. ANDRUS,
State Director.

[FR Doc.73-9814 Filed 5-16-73;8:45 am]

Office of the Secretary

[INT FES 73-26]

COLUMBIAN WHITE-TAILED DEER NATIONAL WILDLIFE REFUGE, OREGON AND WASHINGTON

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for acquisition of land in Oregon and Washington.

The environmental statement proposes acquisition of 5,230 acres of land in Clatsop County, Oreg., and Wahkiakum County, Wash., as a national wildlife refuge to preserve habitat for the endangered Columbian white-tailed deer. This action will include the subject area within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, room 288, 1500 Northeast Irving Street, P.O. Box 3737, Portland, Oreg. 97208.
County Courthouse, County of Clatsop, Astoria, Oreg. 97103.
County Courthouse, County of Wahkiakum, Cathlamet, Wash. 98612.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, 18th and C Streets NW., room 2246, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

Dated May 10, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary for Program Development and Budget.

[FR Doc.73-9770 Filed 5-16-73;8:45 am]

[INT DES 73-29]

FEATHERSTONE NATIONAL WILDLIFE REFUGE, VA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for 313 acres of land known as the Featherstone Marsh, located in Prince William County, Va., to be used to establish the Featherstone National Wildlife Refuge. Written comments are invited on or before July 2, 1973.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Peachtree, Seventh Building, room 825, Atlanta, Ga. 30323.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, room 2246, 18th and C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number above.

Dated May 10, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary, Program Development and Budget.

[FR Doc.73-9771 Filed 5-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP 1973-2]

ALASKA

Maximum Monthly Allowable Income Standards and Basis of Food Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, notice FSP No. 1972-2, which is issued pursuant to a part of "Subchapter C—Food Stamp Program," under title 7, chapter II, Code of Federal Regulations, is superseded, effective July 1, 1973, by this notice FSP No. 1973-2.

For the first time the total monthly coupon allotments for households of one, three, and seven persons are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotments up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect on July 1, 1973, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1973-2 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Alaska, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Alaska prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	*Maximum allowable monthly income standards—Alaska*
1	$220
2	289
3	407
4	507
5	600
6	693
7	780
8	867
Each additional member	+67

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the food stamp program regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Alaska are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—ALASKA

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $46	$84	$122	$152	$180	$208	$234	$260
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to 29.99	1	1	0	0	0	0	0	0
$30 to 39.99	4	4	4	4	5	5	5	5
$40 to 49.99	6	7	7	7	8	8	8	8
$50 to 59.99	8	10	10	10	11	11	12	12
$60 to 69.99	10	12	13	13	14	14	15	16
$70 to 79.99	12	15	16	16	17	17	18	19
$80 to 89.99	14	18	19	19	20	21	21	22
$90 to 99.99	16	21	21	22	23	24	25	26
$100 to 109.99	18	23	24	25	26	27	28	29
$110 to 119.99	21	26	27	28	29	31	32	33
$120 to 129.99	23	29	30	31	33	34	35	36
$130 to 139.99	25	32	33	34	36	37	38	39
$140 to 149.99	27	35	36	37	39	40	41	42
$150 to 169.99	31	38	40	41	42	43	44	45
$170 to 189.99	31	44	46	47	48	49	50	51
$190 to 209.99	31	50	52	53	54	55	56	57
$210 to 229.99	32	56	58	59	60	61	62	63
$230 to 249.99		57	64	65	66	67	68	69
$250 to 269.99		57	70	71	72	73	74	75
$270 to 289.99		58	76	77	78	79	80	81
$290 to 309.99			82	83	84	85	86	87

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—ALASKA—Continued

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $46	$84	$122	$152	$180	$208	$234	$260
	And the monthly purchase requirement is—							
$310 to $329.99		88	89	90	91	92	93	
330 to 359.99		94	95	96	97	98	99	
360 to 389.99		99	104	105	106	107	108	
390 to 419.99		100	113	114	115	116	117	
420 to 449.99			122	123	124	125	126	
450 to 479.99			123	132	133	134	135	
480 to 509.99			124	141	142	143	144	
510 to 539.99				147	151	152	153	
540 to 569.99				147	160	161	162	
570 to 599.99				147	169	170	171	
600 to 629.99				148	171	179	180	
630 to 659.99					171	188	189	
660 to 689.99					171	198	198	
690 to 719.99					172	198	207	
720 to 749.99						198	211	
750 to 779.99						198	215	
780 to 809.99						194	215	
810 to 839.99							215	
840 to 869.99							216	

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.*—For each person in excess of eight, add $20 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $779.99 or less per month.

2. For households with monthly incomes of $780 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $779.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $779.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date.—The provisions of this notice shall become effective on July 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

MAY 11, 1973.

[FR Doc.73-9649 Filed 5-16-73;8:45 am]

[FSP 1973-3]

HAWAII

Maximum Monthly Allowable Income Standards and Basis of Food Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, notice FSP No. 1972-3, which is issued pursuant to a part of "Subchapter C—Food Stamp Program," under title 7, chapter II, Code of Federal Regulations, is superseded, effective July 1, 1973, by this Notice FSP No. 1973-3.

For the first time the total monthly coupon allotments for households of two, four, and eight persons and over are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect on July 1, 1973, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1973-3 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE; HAWAII

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Hawaii, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Hawaii prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	*Maximum allowable monthly income standards—Hawaii*
1	$208
2	287
3	413
4	527
5	627
6	720
7	813
8	900
Each additional member	+67

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the food stamp program regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Hawaii are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—HAWAII

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $48	$86	$124	$158	$188	$216	$244	$270
	And the monthly purchase requirement is—							
0 to 19.99	0	0	0	0	0	0	0	0
$20 to 29.99	1	1	0	0	0	0	0	0
$30 to 39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	122	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	29	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$170 to 189.99	33	44	46	47	48	49	50	51
$190 to 209.99	34	50	52	53	54	55	56	57
$210 to 229.99		56	58	59	60	61	62	63
$230 to 249.99		59	64	65	66	67	68	69
$250 to 269.99		59	70	71	72	73	74	75
$270 to 289.99		60	76	77	78	79	80	81
$290 to 309.99			82	83	84	85	86	87
$310 to 329.99			88	89	90	91	92	93
$330 to 359.99			94	95	96	97	98	99
$360 to 389.99			101	104	105	106	107	108
$390 to 419.99			102	113	114	115	116	117
$420 to 449.99				122	123	124	125	126
$450 to 479.99				129	132	133	134	135
$480 to 509.99				129	141	142	143	144
$510 to 539.99				130	150	151	152	153
$540 to 569.99					155	160	161	162
$570 to 599.99					155	169	170	171
$600 to 629.99					156	178	179	180
$630 to 659.99						179	188	189
$660 to 689.99						179	197	198
$690 to 719.99						179	203	207
$720 to 749.99						180	203	216
$750 to 779.99							203	225
$780 to 809.99							203	225
$810 to 839.99							204	225
$840 to 869.99								225
$870 to 899.99								225
$900 to 929.99								226

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.*—For each person in excess of eight, add $20 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $779.99 or less per month.

2. For households with monthly incomes of $780 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $779.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $779.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date.—The provisions of this notice shall become effective on July 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

MAY 11, 1973.

[FR Doc.73-9650 Filed 5-16-73;8:45 am]

Forest Service

ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Routt National Forest Grazing Advisory Board will hold their annual meeting at 10 a.m., Thursday, May 17, 1973, at the Yampa Valley Electric Association Building, Steamboat Springs, Colo. 80477.

Purpose of this meeting is to discuss provisions of the Federal Advisory Committee Act applicable to this Board, the need for functions of the Board, proposed revisions to the Secretary of Agriculture regulations concerning grazing permits, and other matters involving grazing resources of the Routt National Forest.

The meeting will be open to the public. Persons wishing to attend should notify Forest Supervisor Walt Metcalf, Box 1198, Steamboat Springs, Colo. 80477, or call 303-879-1722.

To the extent that time permits, the Board will accept comments or statements from the public at the close of the Board's agenda.

ROBERT SHOWALTER,
Chairman of the Board.

MAY 2, 1973.

[FR Doc.73-9905 Filed 5-16-73;8:45 am]

National Meat and Poultry Inspection Advisory Committee

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Meat and Poultry Inspection Advisory Committee will be held on May 31, 1973, beginning at 9 a.m. in room 3109, South Building, U.S. Department of Agriculture.

The purpose of this committee is to advise and make recommendations to the Secretary of Agriculture regarding operations pertaining to meat and poultry inspection programs pursuant to section 301 of the Federal Meat Inspection Act, and section 5 of the Poultry Products Inspection Act. Matters to be discussed include labeling of cured and smoked products, nutritional labeling, proposed product standards, and other matters relating thereto.

This meeting is open to the public, but space and facilities are limited. Comments of interested persons may be filed with the committee before or after the meeting.

Dated May 9, 1973.

F. J. MULHERN,
Vice Chairman.

[FR Doc.73-9818 Filed 5-16-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

GERONTOLOGY RESEARCH CENTER, NICHD, NIH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00162-33-46040. Applicant: Gerontology Research Center, NICHD, NIH, Baltimore City Hospitals, Baltimore, Md. 21224. Article: Electron Microscope, model EM 9S-2. Manufacturer: Carl Zeiss AG, West Germany. Intended use of article: The article is intended to be used in studies concerned with the cellular aspects of the immune response with emphasis on research at the level of cells and cellular structures. Lymphoid tissues or cells from both human and animal sources constitute the main type of material to be examined. The article will also be used in postdoctoral and predoctoral training programs to insure that the individuals are familiar with: (1) The operation of the electron microscope, (2) specimen preparation, and (3) the meaning and relevance of electron micrographs.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the model EMU–4C electron microscope manufactured by the Forgflo Corp. The model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 19, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9823 Filed 5-16-73;8:45 am]

STANFORD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 6, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73–00479–00–77040. Applicant: Stanford University, 330 Bonair Siding Road, Stanford, Calif. 94305. Article: FAST adiabatic passage RF transition unit. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article is to be a component on the Stanford polarized ion source and will be used to study "spin-dependent" effects of nuclear forces and properties of nuclear states. The article will also be used for education of graduate students in physics. Application received by Commissioner of Customs, April 12, 1973.

Docket No. 73–00480–33–46500. Applicant: Mayo Foundation, Mayo Medical School, and Mayo Graduate School of Medicine, 200 First Street SW., Rochester, Minn. 55901. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of muscle biopsy specimens from human and experimental muscle diseases to reveal the ultrastructural basis of the diseases that are being studied. In addition, the article will be used in training of independent investigators enrolled in the Mayo Graduate School of Medicine in research in muscle diseases. Application received by Commissioner of Customs, April 19, 1973.

Docket No. 73–00481–75–20900. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 808, Livermore, Calif. 94550. Article: 50 hydrogen thyratron tubes, model FX2520. Manufacturer: English Electric, United Kingdom. Intended use of article: The article is intended to be used in the development of a thermonuclear fusion power source. The present stage of research of the fusion reaction is the creation and study of the magnetic container of the fusion plasma, and its instabilities. In the Astron machine, the magnetic bottle is created by a sheet of high energy electrons interacting with a strong externally applied magnetic field. In creating this magnetic bottle a linear accelerator supplies the high energy, high current electron beam for the Astron experiment. Application received by Commissioner of Customs, April 16, 1973.

Docket No. 73–00482–33–46500. Applicant: University of Alabama Medical School, University Station, Birmingham, Ala. 35294. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments concerned with calcification and resulting hardening of the arteries, as well as other related pathological conditions. The materials to be examined will be primarily the aorta and connective tissue proteins obtained from the aorta. Application received by Commissioner of Customs April 20, 1973.

Docket No. 73–00483–33–46500. Applicant: University of Minnesota, Purchasing Department, 2610 University Avenue, St. Paul, Minn. 55114. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly human tissue but also mammalian tissues derived from experimental animals. The investigations to be conducted include the study of (a) gingival inflammation, (b) immunological responses in the periodontal tissues to various bacteria, and (c) dental plaque formation. Application received by Commissioner of Customs April 20, 1973.

Docket No. 73–00484–01–46040. Applicant: University of California, P.O. Box 1500, Berkeley, Calif. 94701. Article: Electron microscope, model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the study of the structure of the deoxyribonucleic acid and the chromosome of the higher organism. The article will also be used to train graduate students in the operation of electron microscopes. Application received by Commissioner of Customs April 22, 1973.

Docket No. 73–00485–75–57000. Applicant: University of Rochester, Rochester, N.Y. 14627. Article: Ultra fast streak camera and accessories. Manufacturer: Electro-Photonics, Ltd., Ireland. Intended use of article: The article is intended to be used in the study of the feasibility of heating targets with a pulsed high-power laser to produce thermonuclear reactions. Application received by Commissioner of Customs April 13, 1973.

Docket No. 73–00486–33–46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98195. Article: Model JEM–100B electron microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for examination of biological specimens which include tissues, cells, cell components, and viruses. Several of the research projects are as follows:

(1) Studies relating to the nature of the atherosclerotic plaque to identify the types of cells and the relationship of various cell types and extracellular material at various levels within the atherosclerotic plaque;

(2) Studies of selective myocardial cell necrosis induced by a variety of metabolic means such as isoproterenol, hypokalemia, or central nervous system stimulation;

(3) Studies of lymph node stimulation with adjuvant in conjunction with experimental allergic encephalitis, to identify accurately the specific architectural components of the lymph node that respond to the stimulus;

(4) Other studies which include studies of amyloid fibrils, the structure of collagen, components of elastic fibers, protein synthesis in virus assembly, membrane structure and fusion, and studies involving the passage of substances of different molecular size through cell membrane junctions.

In addition the article will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures. Application received by Commissioner of Customs, April 24, 1973.

Docket No. 73-00487-33-46500. Applicant: Veterans Administration Hospital, 13000 North 30th Street, Tampa, Fla. 33612. Article: LKB 8800A Ultrotome III ultramicrotome, Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments which include experiments on the normal, physiological behavior of cells and tissues in regard to the transport and ingestion of macromolecules. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application received by Commissioner of Customs, April 24, 1973.

Docket No. 73-00488-33-46040. Applicant: University of Maine, Department of Zoology, Murray Hall, Orono, Maine 04473. Article: Electron microscope, model EM 201. Manufacturer: Philips Electronics, N.V.D., The Netherlands.

Intended use of article: The article is intended to be used for research in the following projects entitled:

(1) Study of chloroplast growth and inheritance, and control of cell division in *Euglena gracilis*,

(2) An ultrastructural and chemical evaluation of the effects of freezing on Atlantic salmon sperm,

(3) A comparative ultrastructural study of gamete morphology and fertilization in echinoderms,

(4) Influence of herbicides, chlorinated hydrocarbons, PCB's and growth rhythm phenomena on the fine structure of *Platymonas subcordiformis*,

(5) A fine structual investigtion of growth and sexual maturation in gametophytes and young sporophytes of the bull kelp *Nereocystis euetkeana* (Mertens) Postels and Ruprecht,

(6) Thin films environmental detector,

(7) Anatomy and fundamental properties of Maine woods, and

(8) Electrical and optical properties of amorphous semiconductors.

In addition the article will be used in 10 courses at the university as a teaching tool or as a secondary teaching aid. Application received by Commissioner of Customs April 24, 1973.

Docket No. 73-00489-01-77040. Applicant: University of Florida, Department of Chemistry, 109 Leigh Hall, Gainesville, Fla. 32601. Article: Double beam mass spectrometer, model MS 30. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article will be used in a number of research projects such as (1) correlation of electron impact-induced decarbonylation of ketones with photochemistry, (2) mass spectrometry of carbonium ion salts, (3) study of chlorocarbon ions, etc. The article will also be used in the course Cy 656 to train students to deduce the structure of an organic compound from its IR, UV, NMR, and mass spectra. Application received by Commissioner of Customs April 26, 1973.

Docket No. 73-00490-33-01710. Applicant: University of Oregon, Department of Chemistry, Eugene, Oreg. 97403. Article: Feedback amplifier and accessories. Manufacturer: I. Physiology Institute of the University of Saarland Medical School, West Germany. Intended use of article: The article is intended to be used for the investigation of the action of chemical agents on the functioning nerve membrane under voltage clamp conditions. In addition the article will be used for graduate research leading to a doctor of philosophy degree in chemistry. Application received by Commissioner of Customs May 1, 1973.

Docket No. 73-00491-99-75200. Applicant: University of Maryland Hospital, Redwood and Greene Streets, Baltimore, Md. 21201. Article: Engstrom respirator system ER 300. Manufacturer: LKB Medical AB, Sweden. Intended use of article: The article is intended to be used in training anesthesiology and surgical residents, nurses, and inhalation therapists in the functional characteristics and clinical application of mechanical ventilators. Application received by Commissioner of Customs May 1, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9824 Filed 5-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

LONG TERM CARE FOR THE ELDERLY RESEARCH REVIEW AND ADVISORY COMMITTEE

Announcement of Meetings; Correction

In FR Doc. 73-8990 appearing at page 11482 in the issue for Tuesday, May 8, 1973, the committee meeting place and dates for the Long Term Care for the Elderly Research Review and Advisory Committee should be changed from "May 23, 9 a.m., Parklawn Building, conference room M, 5600 Fishers Lane, Rockville, Md." to "May 23-24, 9 a.m., Parklawn Building, conference rooms M and L (respectively), 5600 Fishers Lane, Rockville, Md."

Dated May 11, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management Health Services and Mental Health Administration.

[FR Doc.73-9762 Filed 5-16-73;8:45 am]

Office of the Secretary

DEPUTY COMMISSIONER FOR DEVELOPMENT, NATIONAL CENTER FOR THE IMPROVEMENT OF EDUCATIONAL SYSTEMS

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) section 2-B, organization and functions, of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended as described below. These amendments do not include all changes to be made in the statement of organization, functions, and delegations of authority to conform to Public Law 92-318, the Education Amendments of 1972.

1. The statement under the heading Office of the Deputy Commissioner for School Systems, Bureau of Adult, Vocational and Technical Education is deleted.

2. The following statements are added after the statement under the heading Deputy Commissioner for Development, National Center for the Improvement of Educational Systems.

Office of the Deputy Commissioner for Occupational and Adult Education, Bureau of Occupational and Adult Education.—The Deputy Commissioner for Occupational and Adult Education administers programs of grants, contracts, and technical assistance for vocational and technical education, occupational education, career education, manpower development and training, adult education, and consumer education.

Office of Occupational Planning.—The Office of Occupational Planning provides leadership and technical assistance in the development of occupational education programs.

Center for Career Education.—Plans, develops, and coordinates all career education programs within the Office of Education designed to prepare students for a successful life by enhancing the educational experience with marketable career development options. Develops objectives and plans for the career education program, coordinates activities that implement and support that program, provides technical assistance, and administers assigned programs of grants or contracts.

Center for Adult, Vocational, Technical, and Manpower Education.—The Center for Adult, Vocational, Technical, and Manpower Education administers programs of grants, contracts, and technical assistance for vocational and technical education, adult education, and manpower development and training.

Division of Vocational and Technical Education.—Administers programs of grants, contracts, and technical assistance for vocational and technical education.

Division of Adult Education.—Administers programs of grants and technical assistance for adult education to States and other public and private nonprofit organizations.

Division of Manpower Development and Training.—Administers institutional training programs, as provided through State agencies and through direct contracts and grants for occupations designated for referrals from the Secretary of Labor.

Division of Vocational Education Research.—Administers vocational and technical education programs of grants,

contracts, and technical education involving research and demonstration projects and activities.

Dated May 11, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-9880 Filed 5-16-73;8:45 am]

Social Security Administration

ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on medicare matters, will meet on Thursday, May 31, 1973, at 9 a.m., in room 5169 of the Department of Health, Education, and Welfare, North Building, Third and C Streets SW., Washington, D.C. The meeting is open to the public. The committee will consider matters relating to administration, contracting, and subcontracting.

Further information on the committee may be obtained from Mr. Max Perlman, executive secretary of the committee, room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-9134. Members of the public planning to attend should send written notice of intent to the executive secretary.

Dated May 10, 1973.

MAX PERLMAN,
Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.

[FR Doc.73-9842 Filed 5-16-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-153; Administrative Proceedings Division Docket No. 73-21]

FIESTA HILLS AND FIESTA HILLS WEST ET AL.

Notice of Hearing

Notice is hereby given that:

1. Gatlinburg International, Inc., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated April 4, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for Fiesta Hills and Fiesta Hills West, located in Sevier County, Tenn., and the failure of the developer to amend the pertinent sections of the statement of record and property report.

2. The Respondent filed an answer received April 19, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Administrative Law Judge Paul Weil, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., on May 31, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, room 10150, Washington, D.C. 20410, on or before May 21, 1973.

5. The Respondent is hereby notified that failure to appear at the above-scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated May 14, 1973.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-9828 Filed 5-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25532; Order 73-5-73]

NORTHWEST AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of May 1973.

By tariff revision[1] marked to become effective May 13, 1973, Northwest Airlines, Inc. (Northwest), proposes to eliminate the blackout periods applicable to family fare transportation within the continental United States.[2]

The carrier states that the purpose of this revision is to meet the current practices of local service carriers on a number of competitive routes and to simplify the overall domestic family fare structure. Northwest alleges that the potential for revenue dilution is de minimis since its load factors are sufficiently low that there is little risk of displacing higher yield traffic. Northwest further contends that the present blackout periods are of such short duration that family fare passengers can easily schedule their travel around the blackout perimeters with little or no inconvenience.

Delta Air Lines, Inc. (Delta), and Eastern Air Lines, Inc. (Eastern), have filed complaints requesting suspension and investigation. The complainants allege, inter alia, that Northwest has failed to supply economic justification in support of the filing; that the revision would expand a discount program which the Board has already found to be unlawful in the domestic passenger-fare investigation (DPFI); and that, even if this filing were justified in markets where Northwest competes with local service carriers, it cannot be justified over the balance of Northwest's system and would have far-reaching competitive implications for the remainder of the trunkline industry.[3]

Northwest has not answered the complaints.

Upon consideration of the tariff filing, the complaints, and other relevant matters the Board concludes that the proposal may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that it should be suspended pending investigation.

The proposed expansion of availability of family fares is inconsistent with the tenor of the Board's opinion in the discount phase of the DPFI, docket 21866-5, and the prescribed phaseout of family fares by June 1, 1974. Northwest alleges that elimination of the blackouts would simplify the discount fare structure and hence lead to fewer ticket overcharges. Although fare simplicity is a laudable objective which the Board has previously endorsed, we do not believe this consideration overrides the possibility of traffic diversion and peaking inherent in the proposal. The trunkline carriers have consistently applied blackout periods to family fares over the years to avoid such a possibility, and we have no reason to believe they are no longer necessary for this purpose.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in appendix A hereto,[4] and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

[1] Revision to Airline Tariff Publishers, Inc., agent, tariff CAB No. 142.

[2] The use of family fares is generally prohibited between 2 p.m. and midnight on Fridays and Sundays.

[3] To date, Delta, Eastern, and National Airlines, Inc. (National), have filed defensive tariffs to meet Northwest's proposal.

[4] Filed as part of the original document.

2. Pending hearing and decision by the Board, the provisions described in appendix A hereto [6] are suspended and their use deferred to and including August 10, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation ordered herein be assigned before an administrative law judge of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaints of Delta Air Lines, Inc., in docket 25463, and Eastern Air Lines, Inc., in docket 25468 are hereby dismissed; and

5. Copies of this order be filed with the aforesaid tariff and served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-9871 Filed 5-16-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary for Interdepartmental Liaison, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-9856 Filed 5-16-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authoritizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commission.

[FR Doc.73-9857 Filed 5-16-73;8:45 am]

[6] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Files Nos. BP-19252; BP-19291; FCC 73-507]

DALE A. OWENS AND CLAY HUNTINGTON

Applications for Construction Permits

In regard applications of Dale A. Owens, Lakewood, Wash., requests: 1480 kHz, 1 kW, Day; Clay Huntington, Lakewood, Wash., requests: 1480 kHz, 1 kW, day, for construction permits.

1. The above applications seek the frequency assigned to station KOOD, Lakewood, Wash. The station has been silent for several years and the Commission, on September 13, 1972, dismissed the licensee's application for renewal due to lack of prosecution pursuant to section 1.568(b) of our rules.

2. On April 12, 1973, the Commission issued a public notice (No. 96421) (38 FR 9850) stating that the above applications had been accepted for filing and notifying interested parties that conflicting proposals, in order to be consolidated for hearing, had to be tendered for filing no later than May 25, 1973. Due to clerical error, however, the Commission failed to take into account an informal petition for reconsideration, filed September 27, 1972, of the action dismissing station KOOD's renewal application. This petition is still outstanding. Thus, since final dispositive action has not been taken on KOOD's application for renewal, we are setting aside our acceptance of the above applications and no further action will be taken on the Owens and Huntington proposals until final action is taken with respect to the renewal of license for station KOOD.

3. Accordingly, *It is ordered*, That the Commission's action of April 11, 1973, promulgated in the public notice of April 12, 1973, (No. 96421), accepting the above applications for filing and establishing a cutoff date for future conflicting proposals is hereby set aside pending final action with respect to the renewal application for station KOOD.

Adopted May 10, 1973.

Released May 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9839 Filed 5-16-73;8:45 am]

[Docket No. 18759 etc.; FCC 73R-180]

RKO GENERAL, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of RKO General, Inc. (WNAC-TV), Boston, Mass., docket No. 18759, File No. BRCT-63, for renewal of broadcast license; Community Broadcasting of Boston, Inc., Boston, Mass., docket No. 18760, File No. BPCT-4198; The Dudley Station Corp., Boston, Mass., docket No. 18761, File No. BPCT-4277, for construction permit for new television broadcast station.

1. Before the Review Board for consideration is a petition to enlarge issues, filed January 3, 1973, by Community Broadcasting of Boston, Inc.[1] (Community), directed against the application of RKO General, Inc. (RKO). Community seeks addition of the following issues against RKO: (a) §§ 1.514 and 1.65 issues with respect to RKO's CATV and microwave interests; (b) a cross-interest issue; (c) an issue to determine whether RKO intentionally concealed CATV and microwave interests, or, negligently failed to report these interests; and (d) a conclusory issue to determine whether RKO possesses the requisite qualifications to be a licensee or should receive comparative demerits in this proceeding.

THE DUDLEY PLEADING

2. On January 18, 1973, Dudley filed a pleading entitled "Comments of The Dudley Station Corporation in Support of Community's Petition to Enlarge Issues Against RKO General, Inc." In addition to commenting on the issues requested by Community, Dudley also requests that the Board expand the scope of the §§ 1.514 and 1.65 issues requested by Community to include, inter alia, an inquiry into RKO's alleged failure to report significant changes in its management alinement and RKO's policies and practices with respect to ascertaining and disclosing all pertinent media interests. Dudley's pleading goes far beyond the scope of the §§ 1.514 and 1.65 issues requested by Community.[2] In effect, Dudley is seeking to enlarge the issues by means of a pleading responsive to a petition to enlarge issues. Such a procedure is unauthorized and cannot be accepted. Since Dudley is a party to this proceeding, it has a right to file a responsive pleading to Community's motion to enlarge issues. However, the Board will limit its consideration of Dudley's pleading to the matters raised by Community's motion to enlarge issues. The remainder of Dudley's comments, as well as the various pleadings filed by RKO and Dudley responsive to these comments, will be dismissed.

SECTIONS 1.514 AND 1.65 ISSUES

3. In support of these requested issues, Community alleges that RKO listed its business and media interests, including a

[1] Also before the Board for consideration are: (a) Opposition by RKO, filed on January 17, 1973; (b) Broadcast Bureau's comments, filed on January 17, 1973; (c) comments of The Dudley Station Corp. (Dudley), filed on January 18, 1973; (d) reply by Community, filed on January 29, 1973; (e) motion to strike or opposition to (c), filed by RKO on January 31, 1973; (f) motion for leave to file (e) by RKO, filed on January 31, 1973; (g) opposition to (e) by Dudley, filed on Feb. 12, 1973; and (h) comments on (f) by Dudley, filed on Feb. 12, 1973.

[2] Community's requests are directed solely to RKO's CATV and microwave acquisitions.

list of cities served by companies operating CATV systems in which RKO had an interest of 25 percent or more, as exhibit D to its renewal application for WNAC–TV, filed on December 30, 1968. Community further alleges that RKO did not amend its application for WNAC–TV to add or delete any CATV or microwave interests until December 14, 1972, when RKO filed a petition for leave to amend.[2] According to Community, an examination of exhibit D to WNAC–TV's renewal application and the amendment filed on December 14, 1972, reveals that numerous CATV and microwave acquisitions were not reported to the Commission until December 14, 1972. Since RKO did not supply the dates on which it acquired these interests, petitioner states, it cannot ascertain whether RKO failed to report these interests in its application or failed to amend its application to incorporate these additional CATV and microwave interests. Accordingly, Community requests that the Board add both Rules 1.514 and 1.65 issues to the instant proceeding. Both the Broadcast Bureau and Dudley support addition of these requested issues.

4. RKO, in opposition, argues that Community's motion to enlarge issues is untimely; that Community has not shown good cause since it was in a position prior to January 3, 1973, to ascertain RKO's CATV and microwave interests from the trade press and various prospectuses filed with the SEC; and that the public interest would not be served by adding the requested issues because RKO's CATV and microwave interests have no bearing on the diversification criterion or under any other decisional standard. RKO alleges that the omissions were inadvertent and innocent, as evidenced by the fact that it supplied this information in renewal applications for other broadcast stations. Finally, RKO argues that it did not report franchises which were not yet operating CATV systems because it was not aware that such franchises should be reported until the Board's recent opinion in WTAR Radio-TV Corp., 37 FCC 2d 480, 25 RR 2d 463, which was released in September 1972.

5. Although the Board agrees with RKO's arguments regarding the untimeliness and lack of good cause for the late filing of Community's motion to enlarge issues, the Board nevertheless believes that the public interest warrants consideration of the instant motion on its merits. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). An examination of exhibit D to WNAC–TV's renewal application, Hearing Exhibit 77, and attachments 2 and 3 [4] to RKO's opposition to Community's motion to enlarge issues discloses that RKO apparently failed to report at least one CATV operation and numerous CATV franchises in its renewal application for WNAC–TV. For example, on page 2 of attachment 2, Cablecom lists Odessa, Tex., as a city served by a partly completed CATV system in which it had a 26-percent interest as of January 15, 1969.[5] The Odessa system is not listed in exhibit D of WNAC–TV's renewal application, filed on December 30, 1968. Although exact dates are not before us, it appears that RKO was either operating part of the Odessa system, constructing it, or, at the very least, had obtained a franchise for Odessa when it filed the WNAC–TV renewal application. In addition, on page 9 of attachment 2, Cablecom states that it had obtained franchises for CATV systems for cities in Colorado, Tennessee, and California as of January 15, 1969, 15 days after RKO filed the WNAC–TV renewal application. RKO did not list these franchises in the WNAC–TV renewal application. Further, an examination of the same material discloses also that RKO apparently failed to report numerous CATV operations, CATV franchises and microwave interests acquired after RKO filed the WNAC–TV renewal application. Specifically, it appears that RKO did not report operating CATV systems and CATV franchises for numerous cities in Missouri, California, Colorado, Texas, Florida, and Kansas, as well as microwave interests in Oklahoma, Kansas, and Texas, all of which were acquired after RKO filed the WNAC–TV renewal application.

6. In light of the foregoing, the Board believes that Community has raised substantial questions concerning RKO's compliance with sections 1.514 and 1.65 of the Commission's rules. A renewal applicant must report the ownership of operating CATV systems, CATV franchises and the names and locations of each system in the renewal application, FCC Form 303. TV Signal Co. of Aberdeen, 23 FCC 2d 603, 19 RR 2d 298 (1970); WTAR Radio-TV Corp., supra. In the latter case, the Board noted that ownership of CATV systems could be relevant to the questions of concentration of control, diversification, and financial qualifications. Since it appears that RKO may have failed to list all of its CATV interests—both operating systems and franchises—in its renewal application for WNAC–TV, an appropriate § 1.514 issue will be specified. Further, since it appears that RKO may have failed to amend its application in a timely manner as proscribed by § 1.65 of the rules to reflect subsequent acquisitions of operating CATV systems, CATV franchises and microwave interests, an appropriate § 1.65 issue will be added. See Lake Erie Broadcasting Co., 34 FCC 2d 354, 24 RR 2d 64 (1972); WTAR Radio-TV Corp., supra; and report and order on Reporting of Changed Circumstances, 29 FR 15516, 3 RR 2d 1672 (1964). However, we do not believe that Community has demonstrated that RKO intentionally sought to withhold or conceal its CATV and microwave interests from the Commission, especially since RKO reported this information to the Commission in connection with its other broadcast stations. Further, in accordance with the procedure followed in WTAR Radio-TV Corp., we will specify the rules 1.514 and 1.65 issues on a comparative basis only, because of the lack of clarity in this regard of the renewal form; because Aberdeen, supra, and WTAR Radio-TV Corp., upon which we have relied, were released after RKO filed its renewal application for (WNAC–TV) in December 1968; and because the relevant information was disclosed within approximately 1 month from the release of the WTAR Radio-TV Corp. case.

CROSS-INTEREST ISSUE

7. Community alleges that eight of the CATV systems listed by RKO in Hearing Exhibit 77 [6] are located in communities which lie within the grade B contour of Station KHJ–TV, Los Angeles, Calif.;[7] that none of these interests were reported by RKO in the WNAC–TV renewal application; and that if they were acquired after July 1, 1970, § 74.1131 of the Commission's rules may have been violated in each case.[8] RKO, in opposition, argues that section 76.501 does not apply to franchises but only to operative CATV systems; that two of the operating systems, Brea and Ventura, were in operation as of June 30, 1970, and the two others, La Habra and Redendo, were under construction in June 1969 and May 1970, respectively; and that RKO's President, John B. Poor, testified in hearing

[1] The Presiding Judge ordered RKO to make a complete showing of all of its media interests. RKO then offered exhibit 77, "The Media Interests of RKO General, Inc.", into evidence on Oct. 31, 1972. The exhibit showed the CATV and microwave interests of RKO. RKO then filed a petition for leave to amend on Dec. 14, 1972. The judge, however, did not require RKO to provide the dates when it acquired its various CATV and microwave interests.

[4] Attachment 2 consists of a portion of a prospectus, dated Jan. 15, 1969, prepared by Cablecom-General, RKO's CATV subsidiary. Attachment 3 consists of two pages of a proxy statement filed by Cablecom with the SEC and dated Sept. 21, 1970.

[5] Construction was not completed on the Odessa system on Jan. 15, 1969, but operations began in the completed portions in December of 1968.

[6] Four systems are currently in operation—Brea, La Habra, Redendo Beach and Ventura. RKO has franchises for the remaining four systems located in Los Angeles County, Orange County, Placentia and Yarba Linda.

[7] RKO is the licensee of Station KHJ–TV.

[8] Although petitioner refers to section 74.1131 of the rules, this section has been deleted, effective Mar. 31, 1972. (37 FR 3252). § 76.501(a) of the rules, which now prohibits cross-interest of broadcast facilities and CATV systems, provides that no CATV system shall carry the signal of any television broadcast station if such system owns, operates, controls or has an interest in a television station whose predicted grade B contour overlaps in whole or in part the service area of such system. Paragraph (b) of § 76.501 provides, in effect, that paragraph (a) is not effective until Aug. 10, 1973, if the CATV interest or franchise were in existence on or before July 1, 1970, and that paragraph (a) is effective on Aug. 10, 1970, for those interests acquired after July 1, 1970.

that Cablecom was in the process of disposing of its systems within the grade B coverage of KHJ–TV. RKO alleges that Community has failed to make a prima facie showing in support of its request for a cross-interest issue. Both the Broadcast Bureau and Dudley support the requested issue.

8. Community's request for a cross-interest issue will be denied. The Board agrees with RKO that Community has failed to make a prima facie showing in support of the requested issue. Thus, it appears that four of these CATV systems were in operation or under construction prior to July 1, 1970, and therefore that RKO is not in violation of § 76.501 of the Commission rules with regard to these systems at the present time. Further, RKO has only franchises for the remaining four CATV systems and, since the proscription of § 76.501 applies only to carriage of signals and therefore to operating CATV systems (see footnote 8, supra), it does not appear that RKO is in violation of § 76.501 of the Commission rules: Community's request for a cross-interest issue must therefore be denied.

9. Accordingly, *It is ordered*, That the "Comments of the Dudley Station Corporation In Support of Community's Petition To Enlarge Issues Against RKO General, Inc." are accepted to the extent indicated above, and are dismissed in all other respects; and,

10. *It is further ordered*, That the "Motion for Leave To File a Pleading Addressed to Comments of the Dudley Station Corporation in Support of Community's Petition To Enlarge Issues Against RKO General, Inc.," filed by RKO on January 31, 1973, is denied, and RKO's motion to strike or opposition to Dudley's pleading is dismissed; and

11. *It is further ordered*, That Dudley's opposition to RKO's motion to strike or opposition and Dudley's comments on RKO's motion for leave to file a pleading, both filed on February 12, 1973, are dismissed; and

12. *It is further ordered*, That the petition to enlarge issues, filed January 3, 1973, by Community Broadcasting of Boston, Inc. *is granted* to the extent indicated below, and is denied in all other respects; and

13. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether RKO General, Inc. (WNAC–TV) has violated § 1.514 of the Commission's rules by failing to report all of its CATV operating systems, franchises, and microwave interests in its renewal application for WNAC–TV; and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee; and,

(b) To determine whether RKO General, Inc. (WNAC–TV) has violated § 1.65 of the Commission's rules by failing to notify the Commission, in a timely manner, of its subsequent acquisitions of CATV operating systems, CATV franchises, and microwave interests; and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee;

Adopted May 8, 1973.

Released May 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION[*]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-9838 Filed 5-16-73;8:45 am]

[Docket No. 19733; FCC 73-481]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of Western Union Telegraph Co., revision of tariff FCC No. 254; transmittal No. 6803.

1. We have under consideration a "Petition of the Secretary of Defense For Investigation", filed November 3, 1972, on behalf of the Department of Defense (DOD). In its petition the DOD requests the Commission to investigate the lawfulness of several revised tariff pages, effective November 20, 1972, of private line tariff FCC No. 254, of the Western Union Telegraph Co. (Western Union) which were submitted by transmittal letter No. 6803 on October 18, 1972.

2. These revised tariff pages relate to Western Union's tariff offering of a data transmission and switching service known as Autodin, of which the DOD is sole user. The DOD contends that these revised tariff pages, which were filed by Western Union to liberalize regulations dealing with the use of customer-furnished tributary station equipment on the Autodin network, have failed to remedy the alleged basic unlawfulness of Western Union's prior interconnection regulations and completely fail in any way to satisfy the DOD's prior formal complaints, filed on March 9, 1972 and March 27, 1972, respectively. In these prior formal complaints, the DOD alleged that Western Union's tariff regulations with respect to use of customer-provided equipment on the Autodin network restricted the government from interconnecting its own terminal and switching equipment and communications systems with Western Union furnished facilities and that such restrictions were therefore unlawful and unreasonable in violation of section 201(b) and 202(a) of the Communications Act of 1934, as amended.

3. Western Union, in its opposition to this DOD petition, denies that the interconnection regulations relating to Autodin are now or ever have been unlawful or unreasonable, or in any way improper and alleges that these tariff revisions fulfill entirely the representations that Western Union made in its May 9, 1972 answers to the DOD complaints, wherein Western Union stated that it would modify its tariff FCC No. 254 to afford the DOD greater flexibility in interconnecting terminal equipment in the Autodin network. Western Union alleges further that it was never contemplated that the interconnection tariff revisions to be filed would relate to basic switching center equipment, modems, or to other units that perform signalling functions due to Western Union's need, as the carrier, to maintain control over this unique network so as to assure satisfactory performance.

4. We have reviewed the contentions of the parties, the prior tariff regulations, and these revisions which became effective on November 20, 1972, and are of the opinion that questions are presented as to whether these revised provisions are lawful within the meaning of sections 201(b) and 202(a) of the Communications Act. While these revisions do allow greater flexibility in interconnecting customer-provided terminal equipment in the Autodin network they, nonetheless, appear to be more restrictive in their overall application than those provisions of Western Union's tariff FCC No. 254 which are applicable to interconnection of customer-provided terminal equipment in private line services other than Autodin. For example, Western Union's general private line interconnection provisions would appear to allow the interconnection of customer-provided modems while the special Autodin interconnection provisions under question herein generally would not. The question therefore arises as to whether these more restrictive Autodin interconnection provisions are in any way justified by the fact that Autodin is a unique service, i.e., it is provided to a single customer and has unusual requirements as far as speed of service, reliability, accuracy, etc. An investigation into the lawfulness of these revisions will not only aid us in our resolution of the above question but aid us in our continuing efforts to formulate equitable and workable interconnection policies.

5. In the present case, we believe it desirable that the administrative law judge render an initial decision and that the trial staff of the Common Carrier Bureau be separated from both the Commission and the administrative law judge. As we have previously explained 32 FCC 2d at page 90, the separation of the trial staff simply means that such staff: (1) Will not make any oral presentations to the administrative law judge or the Commission without the other parties being present, and (2) will not make any written presentations to the administrative law judge or the Commission which are not served on the other parties.

6. Accordingly, *it is ordered*, That pursuant to sections 201, 202, 203, 204, 205, 208, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the revised tariff pages filed by Western Union with transmittal No. 6803 including any cancellations, amendments, or reissues thereof and *it is further ordered*, That no changes shall be made in such tariff pages during the pendency of this proceeding without prior approval by the Commission.

[*] By The Review Board. Board Member Pinock absent.

7. *It is further ordered*, That, without in any way limiting the scope of investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariff pages are or will be unjust and unreasonable within the meaning of section 201(b) of the act;

(2) Whether such charges, classifications, practices and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality; within the meaning of section 202(a) of the act;

(3) If any such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the act, should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

8. *It is further ordered*, That, the hearing in this proceeding shall commence at the Commission offices in Washington, D.C. at a time to be specified by the presiding administrative law judge; and that such administrative law judge shall, upon the closing of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282 and that the trial staff of the Common Carrier Bureau be separated both from the Commission and from the administrative law judge.

9. *It is further ordered*, That, Western Union is made respondent and that the DOD is permitted to intervene as a party upon written notice within 20 days from the release of this order.

10. *It is further ordered*, That, the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to the Department of Defense and the Western Union Telegraph Co., and shall cause a copy to be published in the FEDERAL REGISTER.

Adopted May 9, 1973.

Released May 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9836 Filed 5-16-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., TRANSOCEAN GATEWAY CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 29, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esq., Kurrus and Jacobi, attorneys at law, 2000 K. Street, NW., Washington, D.C. 20006.

Agreement No. T-2790, between American Export Lines, Inc. (AEL) and Transocean Gateway Corp. (Transocean) is a 3-year containership terminal agreement under which Transocean is to furnish AEL with comprehensive terminal and stevedore services for its vessels calling at Transocean's Howland Hook, N.Y., terminal. Compensation to Transocean is to be pursuant to rates filed with the Federal Maritime Commission.

Dated May 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9847 Filed 5-16-73;8:45 am]

BERGER SHIPPING CO. ET AL.

Notice of Cancellation of Inactive Tariffs

By notice published in the FEDERAL REGISTER on March 6, 1973, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

Berger Transportation Co., Ames Terminal, Seattle, Wash.
Brito Shipping Corp., 43-45 Throop Ave., Brooklyn, N.Y. 11206.
Capitol Transportation, Inc., G.P.O. Box 3008, San Juan, P.R. 00936.
Carib Star Line, Inc., 617 Parque St., Santurce, P.R. 00909.
Chasqui Moving & Storage, Inc., 911 Longwood Ave., Bronx, N.Y. 10459.
Felix Moving Co., 587 East 168 St., Bronx, N.Y. 10472.
Figueroa Deliveries & Moving, 1813 Southern Blvd., Bronx, N.Y. 10460.
Golden Arrow Hydrofoil Corp., 20 Evergreen Place, East Orange, N.J. 07018.
Gulf Alaska Shipping Corp., 610 Bank of the Southwest Bldg., Houston, Tex. 79102.
Hawaii Container Service, 330 Cypress St., Oakland, Calif. 94607.
Hawaiian Pacific Line, Inc., 625 Market St., San Francisco, Calif.
Hawaiian Water Transportation Corp., 1025 Ala Moana Blvd., Honolulu, Hawaii.
Isbrandtsen Steamship Co., a Division of American Export Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Kahanie Trucking Co., 10923 South Painter Ave., Sante Fe Springs, Calif. 90670.
Kay Transport Co., Inc., Box No. 9605, Baltimore, Md. 21237.
Los Hermanitos Shipping Co., Inc., 43-45 Throop Ave., Brooklyn, N.Y. 11206.
Lykes Bros. Steamship Co., Inc., P.O. Box 53068, New Orleans, La. 70150.
Major Van Lines, Inc., 601 Ocean Ave., Jersey City, N.J. 07305.
P. D. M., Inc., 811 Traction, Los Angeles, Calif. 90013.
Pope & Talbot, Inc., 1 Bush St., San Francisco, Calif. 94105.
Roho Enterprises, Inc., 10837 Northeast Second Place, Bellevue, Wash. 98004.
Signal Terminals, Inc., 1645 Daisy Ave., Long Beach, Calif. 90803.
States Marine—Isthmian Agency, Inc., P.O. Box 1540, Stamford, Conn. 06904.
Virgin Islands Hydrolines, Inc., P.O. Box 639, St. Thomas, V.I. 00801.
Weeks Moving & Storage Corp., 55 Maple Ave., Rockville Centre, N.Y. 11570.
X-Presso Parcel Service, Inc., 796 Southern Blvd., Bronx, N.Y. 10455.

Accordingly, pursuant to authority delegated by § 7.15 of Commission Order No. 1 (revised) dated May 1, 1972, the tariffs of the above-named carriers were canceled on May 11, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9845 Filed 5-16-73;8:45 am]

[Independent Ocean Freight Forwarder License 928]

DEAN INTERNATIONAL, LTD.

Order of Revocation of License

By letter dated April 2, 1973, Dean International, Ltd., 18420 South Santa Fe Avenue, Long Beach, Calif. 90801, was advised by the Federal Maritime Commission that independent ocean freight forwarder license No. 928 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 30, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission general order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

[1] Chairman Burch absent.

Dean International, Ltd. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of orders, Commission order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That independent ocean freight forwarder license No. 928 of Dean International, Ltd. be returned to the Commission for cancellation.

It is further ordered, That independent ocean freight forwarder license No. 928 be and is hereby revoked effective April 30, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Dean International, Ltd.

AARON W. REESE,
Acting Secretary.

[FR Doc.73-9846 Filed 5-16-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

MAY 9, 1973.

Take notice that on April 27, 1973, Beacon Gasoline Co. (Petitioner), P.O. Box 396, Minden, La. 71055, filed in docket No. CI67-248 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the gathering of natural gas produced by Pennzoil Producing Co. (Pennzoil) in the Walker Creek Field, Columbia County, Ark., and delivery of said gas after processing to United Gas Pipe Line Co. (United) for the account of Pennzoil at Petitioner's plant in Webster Parish, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

On March 26, 1973, Pennzoil commenced the sale of natural gas to United within the contemplation of § 157.29 of the regulations under the Natural Gas Act and has filed for a certificate in docket No. CI73-573 authorizing the sale of gas to United within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Petitioner will change Pennzoil a¼c/M ft³ gathering charge and a 1½c/M ft³ transportation charge. After Petitioner shall have transported a quantity of residue gas, which at the 1½-cent rate equals the actual cost of construction of the initial pipeline system, said transportation rate shall be reduced to ¼c/M ft³.

It is 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 petition to amend should on or before May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9864 Filed 5-16-73;8:45 am]

[Docket No. CI73-729]

BMG, INC.

Notice of Application

MAY 9, 1973.

Take notice that on April 30, 1973, BMG, Inc. (Applicant), 711 First National Building, Tulsa, Okla. 74103, filed in docket No. CI73-729 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Union Gas System, Inc., from wells in Osage County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 15,000 M ft³ of gas per month for 2 years at 35 cents per M ft³ at 15.025 lb/in²a [1] 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 May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9853 Filed 5-16-73;8:45 am]

[1] Plus 10 cents per M ft³ for transporting of gas, constructing and maintaining the necessary pipeline, pipeline heaters, regulating devices, drips and separators as may be reasonably necessary to enable operator to deliver uninterruptedly such gas from its wells into the purchaser's pipeline.

[Docket No. CI73-733]

BURMONT CO. ET AL.

Notice of Application

MAY 9, 1973.

Take notice that on April 27, 1973, Burmont Co. et al. (Applicant), 1121 Americana Building, Houston, Tex. 77002, filed in docket No. CI73-733 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Bayou Copasaw Field Area, Terrebonne Parish, La., 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 commenced the sale of natural gas on April 13, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 240,000 M ft³ of natural gas per month at 35 c/M ft³ at 15.025 lb/in²a.

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 May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9850 Filed 5-16-73;8:45 am]

[Docket No. E-8146]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

MAY 9, 1973.

Take notice that on January 22, 1973, Central Louisiana Electric Co. (Central) tendered for filing a copy of a letter dated January 9, 1973, addressed to and accepted by the city of Morgan City regarding the purchase of 7,000 kW of reserve capacity for the year 1973. Central states that this transaction is made under the terms set forth in Central's supplement No. 4 to its FPC rate schedule No. 25. Central states further that it anticipates revenue of $84,000 for the reserve capacity sales and that an adjustment may be made under the summer peak load for the Morgan City system has been determined and billing changed accordingly.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9865 Filed 5-16-73;8:45 am]

[Docket No. CI73-742]

CONTINENTAL OIL CO.

Notice of Application

MAY 9, 1973.

Take notice that on April 27, 1973, Continental Oil Co. (Applicant), P.O. Box 2197, Houston, Tex. 77001, filed in docket No. CI73-742 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from the Bone Springs Formation, Bell Lake Area, Lea County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on April 9, 1973, it advised the Commission that it commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 45,000 M ft³ of gas per month at 40¢/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment.

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 May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9851 Filed 5-16-73;8:45 am]

[Docket No. RP73-104]

EL PASO NATURAL GAS CO.

Proposed Changes in Rates and Charges

MAY 9, 1973.

Take notice that on May 2, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing the following revised tariff sheets:

ORIGINAL VOLUME NO. 1

Eleventh revised sheet No. 3-B
Second revised sheet No. 27-D
Original sheet No. 27-D.1

ORIGINAL VOLUME NO. 2A

Fifth revised sheet No. 285-A
Eighth revised sheet No. 303-A
Eighth revised sheet No. 321-A
Eighth revised sheet No. 334-A
Fifth revised sheet No. 346-A
Fifth revised sheet No. 365-A
Eighteenth revised sheet No. 416-A
Eighteenth revised sheet No. 429-A
Sixth revised sheet No. 556-A

El Paso states that such tariffs are applicable to service rendered to its southern divisions system customers. Such change in rates is proposed to become effective as of June 2, 1973. According to El Paso, the proposed rate change is submitted for the purpose of compensating El Paso for increases in its cost of service consequent upon the declining gas supply available for service rendered to its southern division system jurisdictional customers and the increased costs of capital, labor, materials, and supplies and taxes, including an overall rate of return of 9.15 percent. In addition, El Paso proposes to change its composite depreciation rates for its southern division system production and transmission plant to a single composite rate of 4.30 percent, other than that plant depreciated on a unit-of-production basis. El Paso proposed to include a demand charge adjustment in its rate schedule G in view of the declining gas supply available for service rendered its southern division system customers.

El Paso states that its current southern division system rates are deficient by some $39,966,979 annually, based upon sales volumes set forth in the statements accompanying its instant notice, and that the increase in rates proposed to recover this deficiency is 4.40¢/M ft³, except for rates under rate schedule X-1, and the rates keyed thereto, where the proposed increase is 0.88¢/M ft³.

El Paso states further that copies of the filing have been served upon all of El Paso's Southern Division System cus-

tomers and interested State regulatory commissions.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. El Paso's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9866 Filed 5-16-73;8:45 am]

[Docket No. G-14026 etc.]

EL PASO NATURAL GAS CO.

Further Postponement of Procedural Dates

MAY 8, 1973.

Dockets Nos. G-10426, CP70-137, G-8934, and G-10008. Dockets Nos. RP71-137 and RP72-151.

On April 24, 1973, Cascade Natural Gas Corp. filed a motion for an order fixing date for service of evidence by intervenors. The motion states that the previous orders made no provision for the filing of evidence by the distributor customer intervenors. The motion states that staff counsel does not oppose the motion, and that most of the intervenors have been contacted and either support the motion or do not oppose it.

Upon consideration, notice is hereby given that the distributor customer intervenors shall file their evidence, if any, on or before May 15, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9858 Filed 5-16-73;8:45 am]

[Docket No. CI73-711]

EXXON CORP.

Notice of Application

MAY 9, 1973.

Take notice that on April 23, 1973, Exxon Corp. (Applicant), P.O. Box 2180, Houston, Tex. 77001, filed in docket No. CI73-711 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. at Applicant's Sand Hill plant in Crane County, Tex., from production in the Cordona Lake Field in Crane County, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 4,000 M ft³ of gas per day, plus additional gas which may be available and which the buyer may be able to receive, for 22 months at 45 c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment, 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 May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9848 Filed 5-16-73;8:45 am]

[Docket No. CI73-732]

FLORIDA GAS EXPLORATION CO.

Notice of Application

MAY 9, 1973.

Take notice that on April 27, 1973, Florida Gas Exploration Co. (Applicant), P.O. Box 44, Winter Park, Fla. 32789, filed in docket No. CI73-732 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Co. from the North Chacahoula Field, Assumption, and Lafourche Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 90,000 M ft³ of gas per month for 1 year at 50c/M ft³ at 15.025 lb/in² a, subject to upward and downward British thermal unit adjustment, plus tax reimbursement of 1.0 cents, 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 persons desiring to be heard or to make any protest with reference to said application should on or before May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9849 Filed 5-16-73;8:45 am]

[Docket No. CI73-724]

HANOVER PLANNING CO., INC.

Notice of Application

MAY 9, 1973.

Take notice that on April 30, 1973, Hanover Planning Co., Inc. (Applicant), 211 North Ervay Building, Dallas, Tex. 75201, filed in docket No. CI73-724 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Co. from the North Chacahoula Field, Assumption and LaFourche Parishes, La., all as more fully set forth in the application which

is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 90,000 M ft³ of gas per month for 1 year at 50c/M ft³ at 15.025 lb/in²a, subject to upward and downward British thermal unit adjustment, plus tax reimbursement of 1 cent, 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 May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9854 Filed 5-16-73;8:45 am]

[Docket No. E-8132, etc.]

KENTUCKY UTILITIES CO. ET AL.

Notice of Applications

MAY 8, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to 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 applications are on file with the Commission and available for public inspection.

Docket No.	Filing date	Name of applicant
E-8132	Apr. 17, 1973	Kentucky Utilities Co.

Applicant files a wholesale power service contract, dated February 1, 1973, between Kentucky Utilities Co. and the city of Madisonville, Ky. The agreement establishes an additional point of delivery to the city, effective June 30, 1973.

Docket No.	Filing date	Name of applicant
E-8149	Apr. 20, 1973	Illinois Power Co.

Applicant files an amended appendix B, dated June 1, 1973, to the facility use agreement, dated March 1, 1964, with Commonwealth Edison Co., providing for the conversion from 34.5 kV to 128 kV of approximately 10 miles of Edison's circuit presently reserved for and used by Illinois Power Co. at its own expense. The amendatory agreement supersedes on June 1, 1973, the current appendix B to Illinois Power Co. rate schedule FPC No. 11.

Docket No.	Filing date	Name of applicant
E-8153	Apr. 23, 1973	Illinois Power Co.

Applicant files interconnection agreement dated March 30, 1973, between Central Illinois Light Co. and Illinois Power Co., superseding the interchange agreement between the parties, dated December 16, 1956, and a supplemental agreement thereto, dated December 13, 1963, and designated Illinois Power Co. Rate Schedule FPC No. 35 and Supplement No. 1 thereto.

Docket No.	Filing date	Name of applicant
E-8153	Apr. 23, 1973	Illinois Power Co.

Connection points between the parties will remain the same as those presently existing under rate schedule No. 35 with the exception of the Mackinaw 34.5 kV connection which will be terminated.

The agreement defines firm power, nonfirm power, and participation power, and provides for such transactions to be handled by separate agreements. Reserve requirements remain essentially the same as those specified in the superseded agreement.

Service schedules attached to the agreement establish rates for emergency service, coordination of scheduled maintenance of generating facilities, economy energy and nondisplacement energy transactions, short-term firm power transactions, and short-term nonfirm power. The agreement is to take effect June 1, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9861 Filed 5-16-73;8:45 am]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Refunds

MAY 8, 1973.

Take notice that on April 9, 1973, Lawrenceburg Gas Transmission Corp. (Lawrenceburg), tendered for filing a report that it had made refunds on April 5, 1973, to its two jurisdictional customers; Lawrenceburg Gas Co., in the amount of $1,790.13 and the Cincinnati Gas & Elecrtic Co., in the amount of $1,511.30 for a total of $3,301.43, applicable to the period between April 1, 1972, through July 31, 1972.

Lawrenceburg states that these refunds were the result of Lawrenceburg's refund from its sole supplier, Texas Gas Transmission Corp., as a result of a flow through of that supplier's refund from its suppliers, Tennessee Gas Pipeline Co., Texas Eastern Transmission Corp., and United Gas Pipeline Co., and the entire amount of Lawrenceburg's portion of that refund, $3,301.43 was refunded to its two jurisdictional customers.

Lawrenceburg further states that a copy of the letter with the attached appendix A is being mailed to each wholesale customer, the Lawrenceburg Gas Co. and the Cincinnati Gas & Electric Co., and to two State Commissions, the Public Service Commission of Indiana and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection. Parties who have already been granted intervention in this docket are not required to file petitions of intervention in the present filing.

KENNETH F. PLUMB,
Secretary.

LAWRENCEBURG GAS TRANSMISSION CORPORATION

Computation of refunds to jurisdictional customers resulting from Texas Gas Transmission Corp. refund dated Mar. 30, 1973

Jurisdictional customer	Period Apr. 1, 1972, through July 31, 1972	
	Sales volume thousand cubic feet	Refund at $0.00194733 per thousand cubic feet
Lawrenceburg Gas Co.	919,276	$1,790.13
The Cincinnati Gas & Electric Co.	776,086	1,511.30
Total	1,695,362	3,301.43

COMPUTATION OF REFUND RATE PER THOUSAND CUBIC FEET

Refund received from Texas Gas Transmission Corp. on Mar. 30, 1973	$3,301.43.
Lawrenceburg Gas Transmission Corp. purchases from Texas Gas, Apr. 1, 1972, through July 31, 1972	1,695,362 M ft³
Refund rate ($3,301.43÷1,695,362 M ft³)	$0.00194733 per thousand cubic feet.

[FR Doc.73-9862 Filed 5-16-73;8:45 am]

[Docket No. E-8155]

NEW ENGLAND POWER SERVICE CO.

Notice of Proposed Changes in Rates and Charges

MAY 9, 1973.

Take notice that on April 25, 1973, New England Power Service Co. (the Company), tendered for filing an agreement dated April 17, 1973, between the Company and Massachusetts Electric Co. (Masselec), which amends exhibit D of the Company's contract for primary service for resale with Masselec which is the Company's FPC rate schedule No. 162. The Company states that as part of the settlement agreement in Docket Nos. E-7388 and E-7460, Masselec, in accordance with article 3.1 of said agreement, has retired from service its steam generating facilities at Webster Street and Lynnway as of December 22, 1972. The Company states further that in accordance with article 3.3 of said agreement, Masselec will amortize the former balance in the steam production reserve account in 1973, and subsequent years by annual charges of $200,000 to "Account 407, Amortization of Property Losses", and in accordance with the attached agreement, the Company agrees to reimburse Masselec for said expense.

The Company requests that the proposed amendment be permitted to become effective on January 1, 1973.

According to the Company, a copy of this filing is being sent to Masselec and to the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9860 Filed 5-16-73;8:45 am]

[Docket No. CI73-723]

PETROLEUM CORP. OF DELAWARE

Notice of Application

MAY 9, 1973.

Take notice that on April 30, 1973, the Petroleum Corp. of Delaware (Applicant), 1320 Esperson Building, Houston, Tex. 77002, filed in docket No. CI73-723 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Co., from the North Chacahoula Field, Assumption and LaFourche Parishes, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 180,000 M ft³ of gas per month for 1 year at 50 cents per M ft³ at 15.025 lb/in²a, subject to upward and downward Btu adjustment, plus tax reimbursement of 1 cent, 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 May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9852 Filed 5-16-73;8:45 am]

[Docket No. E-8157]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Proposed Changes in Rates and Charges

MAY 9, 1973.

Take notice that on April 27, 1973, Wisconsin Public Service Corp. (Wisconsin) tendered for filing fifth revised sheet No. 1, schedule W-1, being a proposed change in its rate schedule for primary resale service to municipals.

According to Wisconsin, the proposed changes are to increase the demand and energy charges to permit an increase in revenue of approximately 9.8 percent. Wisconsin states that based on test year 1972, the proposed changes will produce added revenues in the amount of $300,427.06. Wisconsin states further that the proposed rate increase is necessary to meet rising financial and operating costs. The proposed effective date of the rates contained in the filing is June 27, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9863 Filed 5-16-73;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Retention of Barnett Winston Mortgage Co.

Barnett Banks of Florida, Inc., Jacksonville, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's regulation Y, to retain indirect ownership of 100 percent of the voting shares of Barnett Winston Mortgage Co. (formerly known as Barnett Mortgage Co.), Winter Park, Fla. (Company), through its 100 percent owned subsidiary, Barnett Winston Co., Jacksonville, Fla. Company engages in the activity of originating, selling, and servicing FHA-VA permanent loans on single-family residences. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 6316). The time for filing comments and views has expired, and none has been timely received.

Applicant controls 40 banks with aggregate deposits of $1 billion, representing approximately 7 percent of the total deposits in commercial banks in Florida. Applicant's lead bank, Barnett Bank of Jacksonville National Association, Jacksonville, Fla. (Bank), with deposits of $233 million is the largest bank in the Duval County banking market controlling 16 percent of commercial deposits in the market. (All banking data are as of June 30, 1972.) Applicant's nonbanking activities which are relevant to this application are described hereinafter.

Applicant proposes that Company, with two offices in Winter Haven, an office in Tampa, and a recently opened office in Pinellas Park, Fla., would continue the activities of a mortgage company by originating as principal (i) insured or guaranteed permanent single-family residential mortgage loans for resale to unaffiliated institutional mortgage investors; (ii) loans for the construction of single-family residential properties for which FHA insurance or a VA guarantee commitment has been secured; and (iii) land acquisition and development loans for development of single-family residential projects for which FHA insurance or a VA guarantee commitment has been secured. Applicant also states that Company would continue servicing permanent single-family residential mortgage loans for unaffiliated institutional mortgage investors.

Company was organized de novo by Applicant in November 1970 for the purpose of acquiring on January 1, 1971, pursuant to section 4(c)(5) of the Bank Holding Company Act,[1] a mortgage banking company, General Mortgage Co. Applicant seeks permission through this application to operate Company under the broader authority contained in section 4(c)(8) of the act which would permit Company to make loans at places other than the premises of subsidiary banks.

The Board regards the standards of section 4(c)(8) for the retention of shares in a nonbanking company, previously operated by a bank holding company pursuant to section 4(c)(5), to be the same as the standards for a proposed section 4(c)(8) acquisition. Accordingly, the Board must find that neither the operation of the nonbanking company under section 4(c)(5), nor the Board's approval of the section 4(c)(8) application, would result in an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

The activities of Company include general mortgage banking functions such as originating, acquiring, and selling, for its own account or for others, loans and other extensions of credit secured by interests in real property and servicing mortgage loans and other extensions of credit for others. At the time Applicant organized Company, it owned Barnett Mortgage Advisers which acts as adviser to a real estate investment trust, Barnett Mortgage Trust. Since that time, Applicant has organized two subsidiaries that operate in the mortgage lending field: Barnett Winston Co., which presently owns 100 percent of the voting shares of Company and acts for independent investors in originating loans on income properties and construction loans; and Barnett Winston Investment Counselors, the adviser and agent for Barnett Winston Investment Trust.

The relevant market areas involved in the competitive evaluation of this proposal are the Orlando, Tampa-St. Petersburg, and Daytona Beach SMSA's (standard metropolitan statistical areas). Permanent lending on 1-to-4 unit residences is the primary product market in which competitive effects might have occurred. However, the combined market shares of Company and Applicant's banking subsidiaries for permanent loans on 1-to-4 unit residences for each of the years from 1970 through 1972 were less than 2 percent in the Orlando market, less than 4 percent in the Tampa-St. Petersburg market, and less than 3.5 percent for the years 1970 and 1971 in the Daytona Beach market. Applicant's other nonbanking subsidiaries have not and do not make loans of the type made by Company.

Florida is experiencing a rapid increase in population, and the attendant rise in housing growth and demand for mortgage loans on 1-to-4 unit residential properties indicate that Applicant would be a likely de novo entrant into the mortgage banking business conducted by Company absent Board permission to retain Company. However, considering the number of attractive Florida markets in which large mortgage companies are not presently represented, it appears that the removal of Applicant as a likely de novo entrant would have only slightly adverse effects on competition. Public benefits would appear to result from Applicant's retention of Company since Applicant's expertise in real estate lending and its financial resources can provide support for Company's expansion and its increased competitive effectiveness in mortgage banking market areas. Through Applicant's support, Company doubled its mortgage originations in 1971.

The Board's review of the record indicates that the continued affiliation of Company with Applicant would produce public benefits that would outweigh any slightly adverse effects on competition and that divestiture would be contrary to the public interest. There is no evidence in the record to indicate that the proposed retention would lead to an undue concentration of resources, conflicts of interest, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective May 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9805 Filed 5-16-73;8:45 am]

[1] Prior to June 30, 1971, a bank holding company could, under sec. 4(c)(5), directly acquire shares of a corporation to perform, at locations at which its subsidiary banks are authorized to engage in business, functions, such as mortgage banking, that national banks are empowered to perform directly (12 CFR 7.7379; 225.4(e); 250.141).

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., a bank holding company

within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of Sarasota, N.A., Sarasota, Fla. (Sarasota Bank), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls 40 banks with aggregate deposits of $1 billion, representing approximately 7 percent of the total deposits of commercial banks in the State and is the second largest banking organization in Florida. (All banking data are as of June 30, 1972 and reflect holding company formations and acquisitions approved through April 15, 1973, including three new acquisitions since January 1, 1973.) Since Bank is a proposed new bank, consummation of the proposal would not increase concentration in any market.

Sarasota Bank is proposed to be located in downtown Sarasota in the center of the Sarasota banking market, and the proposal would represent applicant's initial entry into the area. There are 13 banks in the Sarasota banking market, all of which are affiliated with bank holding companies presently in operation or whose formation has been approved by the Board. The two largest holding companies control over 72 percent of aggregate market deposits.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. De novo entry by applicant into the area will provide an additional banking alternative and may stimulate banking competition in the Sarasota area.

The financial and managerial resources and prospects of applicant and its subsidiaries are satisfactory in light of applicant's commitment to improve the capital position in several of its subsidiary banks. Banking factors are consistent with approval. The primary banking needs of the area are being adequately served, but Sarasota Bank will provide an additional banking alternative. Consideration relating to convenience and needs of the community served are therefore consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is hereby approved for the reasons summarized above. The transaction shall not be consummated (a) before June 11, 1973 or (b) later than August 10, 1973, and (c) Barnett Bank of Sarasota, N.A., Sarasota, Fla., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9806 Filed 5-16-73;8:45 am]

FIRST AMTENN CORP.

Order Approving Acquisition of Bank

First Amtenn Corp., Nashville, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)), to acquire the successor by merger to Volunteer-State Bank, Knoxville, Tenn. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls three banks with deposits of $737 million, representing about 8 percent of the deposits in commercial banks in Tennessee.[1] Acquisition of Bank (deposits of $23.3 million) would not result in a significant increase in the concentration of banking resources in Tennessee.

Bank is the 10th largest of 13 banks located in the Knoxville banking market, and controls about 2½ percent of total deposits in that market.[2] Applicant presently has one banking subsidiary in the Knoxville banking market, Union-Peoples Bank, Clinton, Tenn. (Clinton Bank), but this bank is of relatively small size with deposits of $31.9 million and a market share of 3½ percent. On the other hand, acquisition of Bank by applicant may enable Bank to provide greater competition in the commercial banking field for the two largest organizations in the Knoxville market, which together control over 50 percent of market deposits. The ownership of Bank and Clinton Bank would not have a substantially adverse effect on competition in commercial banking in the Knoxville banking market.

Applicant's nonbanking subsidiary, Guaranty Mortgage Co. (Guaranty), operates a loan production office in the Knoxville banking market. There is some existing competition between Bank and Guaranty, but as in the case of the competition between Bank and Clinton Bank, the amount is not substantial. Guaranty and Bank's greatest overlap in the mortgage field is in permanent mortgages for income producing property and even here their combined share would be less than 7 percent. Clinton Bank is not a factor in this product line. Moreover, 12 commercial banks, six savings and loan associations and at least 12 mortgage brokers would remain as alternative sources of mortgage funds. On the basis of the record before it the Board concludes that the competitive considerations relating to the proposed acquisition are consistent with approval of the application.

The financial and managerial resources and future prospects of applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before June 11, 1973, or (b) later than August 10, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 10, 1973.[4]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9809 Filed 5-16-73;8:45 am]

FIRST ARKANSAS BANKSTOCK CORP.

Order Approving Acquisition of L. E. Lay & Co., Inc.

First Arkansas Bankstock Corp., Little Rock, Ark., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's regulation Y, to acquire the insurance agency business of L. E. Lay & Co., Inc., Little Rock, Ark. (Company),

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[1] All banking data are as of June 30, 1972. Applicant's deposit figures do not include those of Farmers-Peoples Bank (deposits of $14.5 million), Milan, Tenn., whose acquisition by applicant was approved by the Board in an order dated Apr. 26, 1973.

[2] The Knoxville banking market is approximated by the Knoxville Standard Metropolitan Statistical Area, which consists of Anderson, Blount, and Knox Counties.

[3] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

[4] Board action was taken while Governor Robertson was a Board member.

and thereby to engage in the activities of acting as an insurance agent or broker with respect to mortgage redemption insurance, credit life, term life, or other life or accident and health insurance directly related to an extension of credit by Company. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 2439). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the act (12 U.S.C. 1843(c)).

Applicant, the largest banking organization in Arkansas, controls three banks with aggregate deposits of $305 million, representing 8.1 percent of the total deposits in commercial banks in the State. (Banking data are as of June 30, 1972.) Applicant also controls four nonbanking subsidiaries which engage in equipment leasing, owning and operating applicant's business offices, travel agency services,[1] and mortgage banking.

Applicant's acquisition of Company, which is engaged in mortgage banking activities, was approved by the Board on December 26, 1972 (38 FR 916). Applicant proposes to acquire the insurance agency business formerly conducted by Company, which involves acting as agent or broker with respect to mortgage redemption insurance, credit life, term life, or other life or accident and health insurance sold in connection with an extension of credit by Company. Due to the limited nature of its insurance activities, it does not appear that applicant's acquisition of the insurance agency business formerly conducted by Company would have any adverse effect on either existing or potential competition.

It is anticipated that the provision of credit-related insurance by Company will increase the convenience of its customers. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflict of interests, unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective May 10, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9808 Filed 5-16-73;8:45 am]

[1] Applicant acquired its travel agency business prior to June 30, 1971, (see § 225.4(e) of regulation Y).

[2] Voting for this action: Chairman Burns and Govenors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-42]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Committee on Guidance, Control and Information Systems Meeting

The NASA Research and Technology Advisory Council, Committee on Guidance, Control, and Information Systems will meet on May 22-23, 1973, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in room 625 of Federal Office Building 10B, 600 Independence Avenue SW. Members of the public will be admitted to the open portion of the meeting beginning at 8:30 a.m., on the agenda below on a first-come-first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council, Committee on Guidance, Control, and Information Systems serves in an advisory capacity only. In this capacity, the committee is concerned with electronic, electro-optic and electromechanical sensors, components and systems and their use in the guidance, control, and processing of information in aerospace vehicles. The current chairman is Prof. J. Frank Reintjes. There are 16 members. The following list sets forth the approved agenda and schedule for the May 22-23, 1973, meeting of the Guidance, Control, and Information Systems Committee. For further information, please contact Mr. Frank J. Sullivan; area code 202-755-2385.

MAY 22, 1973

Time	*Topic*
8:30 a.m.	Chairman and Executive Secretary's reports. (Purpose: To review results of Council meetings, budget outlook and fiscal year 1974 Guidance, Control, and Information Systems program plans.)
9 a.m.	Optical communication experiments review. (Purpose: To apprise the Committee on the status of plans for continued experimental activities.)
9:30 a.m.	Active controls technology ad hoc study. (Purpose: To review results of an ad hoc study of the NASA active controls technology program with the objective of obtaining Committee recommendations on that program.)
11 a.m.	Ad hoc panel on aerospace vehicle dynamics and control report. (Purpose: To review the findings of the ad hoc panel with the objective of obtaining comments for NASA's consideration.)
12:30 p.m.	Lunch.
1:45 p.m.	Low cost systems technology. (Purpose: To apprise the Committee of the aims and philosophy of NASA's space cost evaluation program as background for reviewing low cost technology programs.)
2:30 p.m.	Low cost navigation, guidance and control systems technology. (Purpose: To brief Committee on planned program activities in low-cost navigation, guidance, and control systems technology and obtain their comments and recommendations.

MAY 23, 1973

8:30 a.m.	Software technology. (Purpose: To examine Committee members' views and experiences with software systems with the objective of obtaining recommendations for NASA software research and development activities.)
11:30 a.m.	Executive session. (Purpose: To develop Committee action and recommendations on previously listed agenda items. Adjustments in funding levels and manpower assigned to the active controls technology program will be discussed. Changes in NASA policies, procedures, and organizational responsibilities needed to provide effective low-cost navigation, guidance, and control technology will be reviewed. Complementary Department of Defense programs will also be considered, which may require discussion of classified information. Interagency coordination and support activities important to software technology development will be considered.) (Close to public.)
12:30 p.m.	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-9826 Filed 5-16-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING MECHANICS

Agenda and Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Advisory Panel for Engineering Mechanics will be held at 8:30 a.m. on May 29, 1973 in room 517 at 1800 G Street NW., Washington, D.C. 20550. The purpose of this panel is to provide advice and recommendations concerning support for research in engineering mechanics.

The agenda for this meeting shall include:

MORNING

8:30—Introductions.
8:45—Meeting objectives:
- Review of current and future NSF budget outlook, 1973 and 1974.
- Review of other engineering mechanics related activities in NSF.
- Review of fiscal year 1973 engineering division grant activity.
- Review of organized research areas.

10:00—Coffee break.
10:30—General discussion and formation of program working groups.
12:00—Lunch.

AFTERNOON

1:15—Program working group meetings (room locations to be announced at meeting).
3:00—Coffee break.
3:30—Presentation of program working group conclusions.
4:00—Summary.
5:00—Adjournment.

This meeting shall be open to the public on a space available basis and individuals who wish to attend should notify Dr. Michael P. Gaus, section head, Mechanics Section, by telephone 202-632-5787 or by mail, room 340-2, 1800 G Street NW., Washington, D.C. 20550, not later than close of business on May 25, 1973.

For further information concerning this panel, contact Dr. Michael P. Gaus, section head, Mechanics Section, room 340-2, 1800 G Street NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

MAY 10, 1973.

[FR Doc.73-9874 Filed 5-16-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

KENTUCKY

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 11, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kentucky resulting from servere storms and flooding beginning on or about March 19, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Kentucky. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Kentucky to have been adversely affected by this declared major disaster:

The counties of:

Ballard	Hickman
Carlisle	McCracken
Fulton	

Dated May 11, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9832 Filed 5-16-73;8:45 am]

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Mississippi, dated March 27, 1973, and published April 2, 1973 (38 FR 8489); amended April 5, 1973, and published April 9, 1973 (38 FR 9049); and amended April 12, 1973, and published April 18, 1973 (38 FR 9624); is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The counties of:

Amite	Panola
Clarke	Pike
Coahoma	Quitman
De Soto	Simpson
Franklin	Tate
Jones	Tunica
Marion	

Dated May 11, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9831 Filed 5-16-73;8:45 am]

TENNESSEE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 11, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Tennessee from severe storms and flooding, beginning about March 19, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Tennessee. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by this declared major disaster.

The counties of:

Dyer	Obion
Lake	Shelby
Lauderdale	Tipton

Dated May 11, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9833 Filed 5-16-73;8:45 am]

RAILROAD RETIREMENT BOARD

ACTUARIAL ADVISORY COMMITTEE; RAILROAD RETIREMENT ACCOUNTS

Notice of Public Meeting

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee with respect to the railroad retirement accounts will hold a meeting on May 31, 1973, at the offices of the chief actuary of the Railroad Retirement Board, 844 North Rush Street, Chicago, Ill. The agenda for the meeting will include a review of the preliminary findings of the 12th actuarial valuation, consideration of a new format for the valuation report, and a discussion of the possible effects of pending railroad retirement legislation.

The meeting will be open to the public. Persons wishing to submit written statements or to make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, Railroad Retirement Board, 844 North Rush Street, Chicago, Ill. 60611.

Dated May 11, 1973.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.73-9772 Filed 5-16-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AMERICAN LAND CO.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of American Land Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9796 Filed 5-16-73;8:45 am]

[File 500-1]

APPLIED SYNTHETICS CORP.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Applied Synthetics Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9797 Filed 5-16-73;8:45 am]

[File 500-1]

AUTOMATION SCIENCES, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Automation Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9794 Filed 5-16-73;8:45 am]

BOSTON STOCK EXCHANGE, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 10, 1973.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

National Detroit Corp..... File No. 7-4405

Upon receipt of a request, on or before May 26, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, By the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9768 Filed 5-16-73;8:45 am]

[70-5334]

CONSOLIDATED NATURAL GAS CO., ET AL.

Notice of Proposed Acquisition

MAY 8, 1973.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary companies, CNG Development Co., Ltd. (LNG, Ltd.), CNG Producing Co. (CNG Co.), Consolidated Natural Gas Service Co., Inc. (Service Company), Consolidated System LNG Co. (LNG Co.), Consolidated Gas Supply Corp. (Gas Supply), the East Ohio Gas Co. (East Ohio), the Peoples Natural Gas Co. (Peoples), the River Gas Co. (River), and West Ohio Gas Co. (West Ohio), have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and rules 43, 45, and 50(a)(2), promulgated thereunder as variously applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes, from time to time during 1973, to make loans aggregating up to $53 million to the subsidiary companies in the amounts set forth in the table below, for the purpose of financing 1973 capital expenditures presently totaling $167 million. The proposed loans will be evidenced by nonnegotiable long-term notes to be issued by the respective subsidiary companies and acquired by Consolidated. The notes will be dated as of the date of issuance, will bear an interest rate substantially equal to the effective cost of money to Consolidated in respect of its prospective issuance and sale of $50 million principal amount of debentures, and will be payable from 1978 through 1998, in amounts paralleling the sinking fund and maturity terms of the said debentures (see Holding Company Act release No. 17942, April 26, 1973), with the exception of the notes of Service Co., which mature in 1998 and are prepayable at any time without penalty.

Consolidated also proposes to issue and sell up to $55 million of short-term notes to a group of 43 banks during 1973. Such notes will bear interest at the prime commercial rate in effect from time to time at the Chase Manhattan Bank (N.A.), with changes in the interest rate becoming effective on the business day following any change at said bank. Prepayments may be made in whole or in part, from time to time, upon 5 days' notice, without penalty or premium. There will be no closing or related charges or commitment fee with respect to the obtaining of such bank loans. The notes will mature not more than 12 months from the date of the first borrowing.

No compensating balance requirements are imposed because of the level of bank deposits regularly maintained by the Consolidated companies, which amounted to approximately $25,400,000 as of March 31, 1973. Based on generally prevailing requirements, compensating balances on outstanding long-term bank loans and on short-term bank lines of credit used by and available to Consolidated, if imposed, would have been $15,760,000 as of that date.

Consolidated proposes to use the proceeds from said bank borrowings to make open account advances to its subsidiary companies aggregating up to $55 million for gas storage inventories, payable as gas is withdrawn and sold during the 1973-74 heating season. The advances to subsidiary companies will bear interest

at the same rate as the related bank borrowings by Consolidated and will be made in amounts as set forth in the table below. Also shown on the following table are open-account advances which Consolidated proposes to make to the subsidiary companies for working capital requirements from part of the proceeds of Consolidated's proposed sale (hereinafter more fully described) of $50 million of commercial paper and/or borrowings from a bank. These advances will be repaid not more than 1 year from the date of the first advance to each subsidiary with interest at substantially the same effective rate as incurred by Consolidated on the said commercial paper sale and/or bank borrowing. Of the $37,600,000, of open-account advances proposed for Gas Supply, $26 million would be used by it to purchase capital stock of CNG—the acquisition of which shares is the subject of a pending proceeding before this Commission. Open-account advances so used to acquire CNG Co., would be repaid through the issuance by Gas Supply of 260,000 shares of its capital stock, $100 par value pursuant to a post-effective amendment hereto.

Subsidiary company	Long-term notes	Advances for seasonal increase in gas storage inventories	Advances for working capital requirements
LNG Co	$6,500,000		
Gas Supply	18,000,000	$30,500,000	$37,600,000
East Ohio	16,100,000	16,000,000	5,400,000
Peoples	11,400,000	8,500,000	3,000,000
Service Co	900,000		
River	100,000		
Total	53,000,000	55,000,000	46,000,000

Consolidated further proposes to acquire, and the subsidiary companies set forth below propose to issue and sell to Consolidated, from time to time during 1973, capital stock up to the following amounts at the par value thereof:

Subsidiary	Number of shares	Aggregate par value
CNG, Ltd	33,000 ($100 Par Canadian)	$3,300,000
Gas Supply	65,000 ($100 Par)	6,500,000
LNG Co	45,000 ($100 Par)	4,500,000
East Ohio	110,000 ($50 Par)	5,500,000
Peoples	21,000 ($100 Par)	2,100,000
Total		21,900,000

The proceeds derived from the proposed sale of stock will be used for capital expenditures. Consolidated will use internal cash sources for the funds required to purchase such stock.

As indicated above, Consolidated proposes to issue and sell commercial paper, in the form of short-term promissory notes payable to bearer, in the aggregate face amount not to exceed $50 million outstanding at any one time to a dealer in commercial paper from time to time up to May 15, 1974. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $1 million directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sale.

No commission or fee will be payable by Consolidated in connection with the issue and sale of such commercial paper notes. The dealer, as principal, will reoffer such notes at a discount not to exceed one-eighth of 1 percent per annum less than the prevailing discount rate to Consolidated. Such notes will be referred to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by the dealer pursuant to repurchase agreement, such paper will be reoffered to others in the group of 200 customers. The issue and sale of commercial paper is to provide up to $46 million for the making of working capital advances to subsidiary companies as indicated above, and up to $4 million for working capital requirements of Consolidated.

Consolidated proposes, to the extent that it becomes impracticable to issue commercial paper, to borrow, repay, and reborrow from the Chase Manhattan Bank, from time to time up to May 15, 1974, an aggregate principal amount not to exceed $30 million outstanding at any one time, at the prime commercial rate of interest in effect on the date of each borrowing, upon the promissory note or notes of Consolidated having a maturity date not more than 90 days from the date of each borrowing, and with the right of prepayment in whole or in part at any time or from time to time without prior notice and without premium. The amount of commercial paper notes and notes payable to commercial banks will not collectively exceed $50 million outstanding at any one time. There will be no closing or related charges with respect to the obtaining of such bank loans.

Consolidated requests that, for the period commencing upon the date of the granting of this application-declaration and ending May 15, 1974, an exemption be allowed from the provisions of section 6(a) of the Act, pursuant to the first sentence of section 6(b), relating to the issue and sale of short-term notes, by increasing the 5 percent limitation contained in condition (3) thereof to a maximum of 8 percent, in order to permit Consolidated to have outstanding at any one time up to $50 million principal amount of short-term notes during such period.

Consolidated requests exception from the competitive bidding requirements of rule 50 with respect to the commercial paper, stating that such commercial paper will have maturities of 9 months or less, that current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications, and that it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the rule 24 certificates of notification regarding the issue and sale of the commercial paper and the subsidiary company financing be filed on a quarterly basis.

The application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the proposed long-term borrowings of Gas Supply and that the Public Utilities Commission of Ohio, has jurisdiction over the long-term borrowings proposed by East Ohio, River, and West Ohio. It is further stated that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to not exceed $9,000, including $6,250 for Service Co. charges, at cost. All of such fees and expenses are to be paid by Consolidated.

Notice is further given that any interested person may, not later than June 2, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission 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 applicants-declarants 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 application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a), and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9781 Filed 5-16-73;8:45 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 10, 1973, through May 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9785 Filed 5-16-73;8:45 am]

[File 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

MAY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 9, 1973, through May 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9766 Filed 5-16-73;8:45 am]

[File 500-1]

DALTO ELECTRONICS CORP.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in all securities of Dalto Electronics Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9786 Filed 5-16-73;8:45 am]

[812-3445]

DEAN WITTER & CO. INC. AND OVERLAND INCOME SECURITIES, INC.

Notice of Filing of Application

MAY 8, 1973.

Notice is hereby given that Dean Witter & Co. Inc., a registered broker-dealer corporation with its principal office at 14 Wall Street, New York, N.Y. 10005 (Witter), in connection with a proposed public offering of shares of common stock of Overland Income Securities, Inc. (the Company), 530 Commercial Street, San Francisco, Calif. 94111, registered under the Investment Company Act of 1940 (the Act) as a closed-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Witter and any other underwriters or dealers from section 30(f) of the Act to the extent that such section adopts section 16 of the Securities Exchange Act of 1934 (the Exchange Act) with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Witter, E. F. Hutton & Co., Inc. (One Battery Park Plaza, New York, N.Y. 10004), Kidder, Peabody & Co. Inc. (10 Hanover Square, New York, N.Y. 10005), Paine, Webber, Jackson & Curtis Inc. (140 Broadway, New York, N.Y. 10005), Reynolds Securities, Inc. (120 Broadway, New York, N.Y. 10005), and White, Weld & Co. Inc. (One Liberty Plaza, New York, N.Y. 10005) are the prospective representatives (the Representatives) of a group of underwriters (the Underwriters) being formed in connection with the above public offering. The Underwriters may in turn sell some of the Company's shares to a group of selling dealers (the Dealers).

Shares of the Company's common stock are to be purchased by the Underwriters pursuant to an underwriting agreement (the Underwriting Agreement) to be entered into between the Underwriters, represented by the Representatives, and the Company. It is also contemplated that one or more Dealers will offer and sell certain of the shares. It is intended that the several Underwriters and the Dealers will make a public offering of all of the Company's shares which such Underwriters are to purchase under the Underwriting Agreement and which the Dealers will purchase from the Underwriters pursuant to selling agreements at the prices therein specified, as soon on or after the effective date of the Company's registration statement on Form S-4 (the Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to underwriting commissions to be specified in the prospectus incorporated in the Registration Statement (the Prospectus) at the time the Registration Statement becomes effective under the Securities Act of 1933, as amended. Although 4,400,000 shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering, may vary depending upon market conditions and the exercise of an overallotment option granted to the Underwriters.

The application states that it is possible that the underwriting commitment of any one or more of the Underwriters, including each of the Representatives, and the selling commitment of one or more of the Dealers, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to the transactions in the securities of the Company, such Underwriter or Underwriters or Dealer or Dealers would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. The application states that the purpose of the purchase of the shares by the Underwriters and the Dealers will be for resale in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2 under the Exchange Act.

The application further states that it is possible that one or more of the Underwriters or Dealers, through their participation in the distribution of the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of rule 16b-2 thereunder. They may fail to meet the requirement stated in rule 16b-2(a)(3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under rule 16b-2 since it is possible that one or more of the Underwriters or Dealers who, pursuant to

the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company may be obligated to purchase more than 50 percent of the shares of the Company being offered.

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

The application states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets other than cash or business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus pursuant to which the shares will be offered and sold. No director or officer of the Representatives is a director or officer of either the Company, the Company's Adviser or the Adviser's parent, Wells Fargo & Co., and Witter does not anticipate that any partner, director, or officer of any other underwriter or Dealer which may participate in the offering, will be a director or officer of the Company, the Adviser, or Wells Fargo & Co.

Witter submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Witter further contends that the transactions sought to be exempted cannot lend themselves to the practices which section 16 of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Witter and the Company at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. 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 said application unless an order for a 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 Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9780 Filed 5-16-73;8:45 am]

[812-3458]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Application

MAY 10, 1973.

Notice is hereby given that, E. I. du Pont de Nemours & Co. (Applicant) Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act Applicant's proposed grant to Desarrollo Quimico Industrial, S. A. (Dequisa), a Spanish corporation, of an exclusive license to certain Spanish patents and the sale of certain related technical information. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.1 percent of the outstanding common stock of Applicant, which in turn owns 50 percent of the outstanding common stock of Dequisa. Under section 2(a)(9) of the Act, both Applicant and Dequisa are presumed to be controlled by Christiana and, under section 2(a)(3) of the Act, both Applicant and Dequisa are also affiliated persons of Christiana. The remaining 50 percent of Dequisa's outstanding common stock is owned by Energia e Industrias Aragonesas, S. A. (Eiasa), a Spanish corporation.

Dequisa, a manufacturer of carbamate fungicides, seeks to acquire from Applicant an exclusive license to certain Spanish patents to engage in the manufacture and sale of methylene chloride and chloroform. In consideration for the granting of such an exclusive license, Dequisa has agreed to issue to Applicant shares of stock of Dequisa which are valued by Applicant at approximately $425,000. In order to maintain a proportionate share ownership in Dequisa, Eiasa will purchase at approximately the same point in time as the Dequisa shares are delivered to Applicant in exchange for the patent license, an equal number of newly issued Dequisa shares for cash in the Spanish currency equivalent of $425,000.

In connection with Dequisa's preparations to manufacture methylene chloride and chloroform, Applicant has also agreed to disclose certain related technical information to Dequisa on a nonexclusive basis for which Dequisa will pay in cash the agreed upon value of such information and reimburse certain costs.

Applicant submits that the proposed transaction was negotiated on an arms-length basis and that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and further that the transaction is consistent with the general purposes of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from such company or any company controlled by such registered investment company any security or other property, with certain exceptions, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction 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 the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, no later than June 4, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the 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 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 mi from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations 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 Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9767 Filed 5-16-73;8:45 am]

[File 500-1]

FIRST SMALL BUSINESS INVESTMENT CO. OF TAMPA, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in all securities of First Small Business Investment Co. of Tampa, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9796 Filed 5-16-73;8:45 am]

[File 500-1]

GIANT STORES CORP.

Order Suspending Trading

MAY 4, 1973.

The common stock, $0.10 par value, of Giant Stores Corp., being traded on the American Stock Exchange, pursuant to provisions of the Securities, Exchange Act of 1934 and all other securities of Giant Stores Corp., being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange 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 exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 7, 1973, through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9788 Filed 5-16-73;8:45 am]

[File 500-1]

GOURDINE SYSTEMS, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Gourdine Systems, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9792 Filed 5-16-73;8:45 am]

[File 500-1]

ILLINOIS CAPITAL INVESTMENT CORP.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in and all securities of Illinois Capital Investment Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9791 Filed 5-16-73;8:45 am]

[File 500-1]

INLAND SYSTEMS, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Inland Systems, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9790 Filed 5-16-73;8:45 am]

[File 24SF-3934]

KIDSTUF, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 9, 1973.

I. Kidstuf, Inc., 341 North Maple Drive, Beverly Hills, Calif. 90210, filed a notification on form 1-A and offering circular with the San Francisco branch office on August 11, 1972. This filing related to a proposed offering of 100,000 shares of its common stock at $5 per share for an aggregate offering of $500,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder. The offering was not to be underwritten.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular of Kidstuf, Inc., contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, primarily and among other things:

1. The fact that unregistered shares of Kidstuf, Inc. were offered to the shareholders of a company called Kosmetic Koeds, Inc. of the State of Washington in connection with, but prior to, the proposed regulation A filing of Kidstuf, Inc.;

2. The unregistered shares sold to the original subscribers to the stock of Kidstuf, Inc. were made on the basis that a regulation A offering of the stock would be made at $5 per share, which would increase the $1 value of the shares offered to such original subscribers; and

3. The current occupations of Maxwell Stitts.

B. The terms and conditions of regulation A have not been complied with in that, primarily and among other things:

(1) The notification fails to reflect that promotional securities issued to Gary Sherwood were reoffered to the shareholders of Kosmetic Koeds, Inc.

(2) The offering circular fails to reflect the prior interest of Gary L. Sherwood in Kosmetic Koeds, Inc.;

(3) The offering circular fails to reflect the manner of sale of unregistered shares to the original subscribers of Kidstuf, Inc.; and

(4) The offering circular fails to disclose the current occupations of Maxwell Stitts.

C. The offering, if made, would be in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under regulation A be temporarily suspended,

It is ordered, Pursuant to rule 261(a) of the general rules and regulations

under the Securities Act of 1933, as amended, that the exemption of Kidstuf, Inc., under regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that notice of the time and place for any hearing will be promptly given by the Commission; and that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9764 Filed 5-16-73;8:45 am]

MIDWEST STOCK EXCHANGE

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 7, 1973.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Coastal States Gas Corp.... File No. 7-4403

Upon receipt of a request, on or before May 23, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, By the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9778 Filed 5-16-73;8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 7, 1973.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Coastal States Gas Corp.... File No. 7-4404

Upon receipt of a request, on or before May 23, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9779 Filed 5-16-73;8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 11, 1973.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Hughes Tool Co	7-4406
Robintech, Inc	7-4408
Sambo's Restaurants, Inc	7-4409
Sternco Industries, Inc	7-4410
Vetco Offshore Industries, Inc	7-4411

Upon receipt of a request, on or before May 27, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9784 Filed 5-16-73;8:45 am]

[File No. 500-1]

PENN-TECH CORP.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.20 par value, and all other securities of Penn-Tech Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9789 Filed 5-16-73;8:45 am]

[File No. 500-1]

PYRAMID COMMUNICATIONS, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Pyramid Communication, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9793 Filed 5-16-73;8:45 am]

[File No. 500-1]

RADIATION SERVICES, INC. (FORMERLY MERIDIAN FAST FOOD SERVICES, INC.)

Order Suspending Trading

MAY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Radiation Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 11, 1973, through May 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9765 Filed 5-16-73;8:45 am]

[File 2-24434]

ROCKWELL INTERNATIONAL CORP.

Notice of Application and Opportunity for Hearing

MAY 8, 1973.

Notice is hereby given that Rockwell International Corp. (Rockwell) has filed an application pursuant to section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission, that the trusteeship of Bankers Trust Co., a New York corporation (Bank) under an Indenture of Rockwell dated June 1, 1958, which has not been qualified under the Act, and an Indenture of Rockwell dated September 12, 1966, which has been qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under both indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes a trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from operation of this provision another indenture or indentures under which other securities of such obligor are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both indentures.

Rockwell alleges that:

1. It has outstanding

(a) As of February 28, 1973, $8,640,000 principal amount of 5¼ percent Sinking Fund Debentures due February 15, 1991, under an indenture (the 1966 Indenture) between Rockwell-Standard Corp. and the Bank. All of the obligations of Rockwell-Standard Corp. in connection with the 1966 Indenture have been assumed by Rockwell pursuant to a merger of Rockwell-Standard Corp. into North American Aviation, Inc., a predecessor of Rockwell on or about September 20, 1967. The 1966 Indenture has been qualified under the Act.

(b) As of February 16, 1973, $41,426,000 principal amount of 5¼ percent Sinking Fund Debentures due February 15, 1991, under an indenture (the 1966 Indenture) between Rockwell-Standard Corp. and the Bank. All of the obligations of Rockwell-Standard Corp. in connection with the 1966 Indenture have been assumed by Rockwell pursuant to a merger of Rockwell-Standard Corp. into North American Aviation, Inc., a predecessor of Rockwell on or about September 20, 1967. The 1966 Indenture has been qualified under the Act.

2. The 1958 Indenture and the 1966 Indenture are wholly unsecured. Rockwell is not in default under either of the indentures. The 4 percent debentures and the 5¼ percent debentures rank equally.

3. Both indentures contain provisions whereby a default under one indenture may result in a default under the other indenture.

4. That in its opinion such differences as exist between the 1958 Indenture and the 1966 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from serving as Trustee under both of said indentures.

5. Rockwell hereby waives notice of hearing and waives hearing in connection with this application and also waives any and all rights to specify procedures under the rules of practice of the Commission with respect to this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission, 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than May 31, 1973, request in writing that a hearing be held in such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9782 Filed 5-16-73;8:45 am]

[File 500-1]

SCIENTIFIC INCINERATION DEVICES, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Scientific Incineration Devices, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9795 Filed 5-16-73;8:45 am]

[File 500-1]

SCOTCO DATA, COM, INC.

Order Suspending Trading

MAY 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.101 par value, and all other securities of Scotco Data Com, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities

otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., on May 7, 1973, and continuing through May 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9787 Filed 5-16-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

MAY 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 9, 1973, through May 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-9783 Filed 5-16-73;8:45 am]

TARIFF COMMISSION

[22-32]

NONFAT DRY MILK

Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 14th day of May 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether 60 million pounds of nonfat dry milk described in item 115.50 of the "Tariff Schedules of the United States" (TSUS) may be imported into the United States during the period beginning May 11, 1973, and ending June 30, 1973, in addition to the quota-quantity specified for such article under TSUS item 950.02, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The text of the President's letter of May 10,1973, to the Commission follows:

Pursuant to section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculutre, and I agree with him, that there is reason to believe that additional supplies of nonfat dried milk may be imported during a temporary period ending June 30, 1973, without rendering or tending to render ineffective, or materially interfering with, the price support program for milk now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following article presently subject to section 22 quantitative limitations under item 950.02 of the Tariff Schedules of the United States:

Dried milk, provided for in part 4 of schedule 1 of the Tariff Schedules of the United States Annotated (1972), described in item 115.50 (Dried milk, other than buttermilk, containing not over 3 percent of butterfat).

The Secretary has also advised me, pursuant to section 22(b) of the Agricultural Adjustment Act, as amended, that a condition exists requiring emergency treatment with respect to nonfat dried milk and has therefore recommended that I take immediate action under section 22(b) to authorize the importation of 60,000,000 pounds during a temporary period ending June 30, 1973. I have therefore this day issued a proclamation establishing a special temporary quota of 60,000,000 pounds to be effective through June 30, 1973. This quota is in addition to the quantities otherwise authorized to be imported under section 22 quantitative limitations.

The United States Tariff Commission, is, therefore, directed to make an investigation under section 22 of the Agricultural Adjustment Act, as amended, to determine whether 60,000,000 pounds of the above-described article may be imported during a temporary period ending June 30, 1973, in addition to the quantities otherwise authorized to be imported under section 22 quantitative limitations, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk, and to report its findings and recommendations at the earliest practicable date.

Sincerely,

(Signed)
RICHARD NIXON.

Hearing.—A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 9:30 a.m., e.d.s.t., on May 24, 1973. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least by the close of business on May 21, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions.—Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on May 29, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and 19 true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential", as provided for in § 201.6 of the Commission's rules of practice and procedure.

By order of the Commission.

Issued May 15, 1973.

G. PATRICK HENRY, *Acting Secretary.*

[FR Doc.73-9919 Filed 5-16-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALABAMA DEVELOPMENTAL PLAN

Submission and Availability for Public Comment; Correction

In FR doc. 73-8928, published at page 11382 of the issue dated Monday, May 7, 1973, a correction is made by changing the last sentence in the second paragraph of item 1 to read as follows:

All safety and health standards and amendments thereto which have been adopted by the Secretary of Labor including those related to dockside maritime activities not subject to exclusive Federal jurisdiction are to be adopted by the State.

Signed at Washington, D.C., this 14th day of May 1973.

CHAIN ROBBINS, *Deputy Assistant Secretary of Labor.*

[FR Doc.73-9873 Filed 5-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 244]

ASSIGNMENT OF HEARINGS

MAY 14, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7965, Audrey J. Hansen, doing business as Safeway Moving and Storage Co., Von Der Ahe Van Lines, Inc., Pyramid Van Lines, Inc., and Transworld Movers, Inc., investigation of operations, now assigned May 17, 1973, at Kansas City, Mo., is canceled.

AB-5 sub 85, George P. Baker, Richard C. Bond and Jervis Langdon, Jr. trustees of the property of Penn Central Transportation Company, debtor, abandonment Harlem branch between Millerton and Ghent, Dutchess and Columbia Counties, N.Y., now being assigned continued hearing June 11, 1973, at Millerton, N.Y. in a hearing room to be later designated.

W-1258, T. L. Herbert & Sons, Inc., application dismissed.

MC 129631 sub 25, Pack Transport, Inc., now being assigned June 28, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. 35789, Sydney Libson v. the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees, now being assigned hearing June 25, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-136839, Josephine Koffman and Nancy J. Nimmo, doing business as Bergen Limousine Rental Service, now being assigned hearing June 27, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 110098 sub 124, Zero Refrigerated Lines, now assigned June 6, 1973, at Dallas, Tex., is advanced to May 30, 1973, in room 5A15-17, New Federal Building, 1100 Commerce Street, Dallas, Tex.

MC-69635 sub 4, the Fortune Corp., now assigned May 22, 1973, at Olympia, Wash., is canceled and the application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9870 Filed 5-16-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 14, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 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.

FSA No. 42685.—Woodpulp and woodpulp screenings from Tupper, Nova Scotia, Canada. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3037), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, as described in the application, from Tupper, Nova Scotia, Canada, to points in Eastern territory.

Grounds for relief.—Water competition.

Tariff.—Supplement 19 to Canadian National Railways tariff C.P. 120-6, ICC No. E. 552. Rates are published to become effective on June 18, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9869 Filed 5-16-73;8:45 am]

[Notice 273]

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 pt. 1132), appear below:

Each application (except as otherwise specifically noted), filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 6, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74396. By order of May 10, 1973, the Motor Carrier Board approved the transfer to Interamerican Star Truck & Warehouse Corp., doing business as Star Truck & Transfer Co. and Pioneer Truck Co., Los Angeles, Calif., of the certificate and certificate of registration in Nos. MC-119286 and MC-119286 (sub-No. 2), both issued July 25, 1969, to Star Truck & Warehouse Corp., doing business as Star Truck & Transfer Co., and Pioneer Truck Co., Los Angeles, Calif., authorizing and evidencing authority for the transportation of general commodities, with certain exceptions, between specified points wholly within the State of California. Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-74426. By order of May 10, 1973, the Motor Carrier Board approved the transfer to Pak Moving, Inc., Suisun City, Calif., of the operating rights in certificate No. MC-135714 (sub-No. 1), issued July 18, 1972, to Carl E. Houghton, doing business as Houghton Moving and Storage, Suisun City, Calif., authorizing the transportation of used household goods between points in Solano, Napa, Sonoma, Contra Costa, Yolo, and San Joaquin Counties, Calif. Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111, attorney for applicants.

No. MC-FC-74450. By order of May 10, 1973, the Motor Carrier Board approved the transfer to Superior Cartage of Washington, Inc., Seattle, Wash., of the operating rights in certificate No. MC-114121 (sub-No. 1), issued February 20, 1956, to Sunset Transfer & Storage, Inc., Spokane, Wash., authorizing the transportation of general commodities, with exceptions, between specified points and areas in Washington. James F. Loveridge, Jr., 2920 Seattle-First National Bank Building, Seattle, Wash., 98154, attorney for applicants.

No. MC-FC-74457. By order entered May 10, 1973, the Motor Carrier Board approved the transfer to Cecil E. Alto, and Robert A Alto, doing business as Alto Bros. Trucking, Eureka, Calif., of that portion of the operating rights set forth in certificate No. MC-129732 (sub-No. 4), issued January 17, 1973, to Empire Fuel & Transfer Co., Coos Bay, Oreg., authorizing the transportation of logs, lumber, pilings, plywood, poles, posts, and wooden shingles, between points in Klamath, Jackson, Josephine, Curry, and Coos Counties, Oreg. Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9868 Filed 5-16-73;8:45 am]

[Ex Parte 241, Rule 19; Exemption 41]

NATIONAL RAILWAYS OF MEXICO AND MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that cars are being returned by the National Railways of Mexico at Brownsville, Tex., contrary to normal routing, due to congestion at Laredo, Tex., and that the Missouri Pacific Railroad Co. has agreed to accept cars at that point, despite its inability to use cars at that point.

It is ordered, That pursuant to the authority vested in me by car service rule 19, cars received at Brownsville, Tex., by the Missouri Pacific Railroad Co., may be loaded for one trip without regard to car service rules 1 and 2.

Effective May 10, 1973.

Expires May 31, 1973.

Issued at Washington, D.C., May 10, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 73-9867 Filed 5-16-73;8:45 am]

[Notice No. 38]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 11, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

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

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

No. MC 2202 (sub-No. 448), filed April 12, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh, P.O. Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Packard Electric Division of General Motors Corp., at or near Clinton, Miss., as an off-route point in connection with applicant's regular route authority between Birmingham, Ala., and Dallas, Tex.

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

No. MC 2962 (sub-No. 48), filed April 4, 1973. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Woodlawn and Lake City, Ky.: From Woodlawn over U.S. Highway 62 to Lake City, and return over the same route; as an alternate route for operating convenience only in connection with carriers authorized regular route operations, serving no intermediate points and serving termini for purpose of joinder only.

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

No. MC 7640 (sub-No. 35), filed April 12, 1973. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products* and *materials, equipment, and supplies* used in the installation thereof, from Camden, N.J., to points in North Carolina, Tennessee, and West Virginia.

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

No. MC 9251 (sub-No. 3), filed April 11, 1973. Applicant: S & M TRUCK LINE, INC., 510 North Water Street, Silverton, Oreg. 97381. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, plywood mouldings, and building materials*, from Vancouver, Wash., to points in Marion County, Oreg.

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

No. MC 13123 (sub-No. 71), filed April 9, 1973. Applicant: WILSON FREIGHT CO., a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Kelsey-Hayes at or near Walcott, Iowa, as an off-route point in connection with carrier's authorized regular route operations.

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

No. MC 13134 (sub-No. 32), filed April 18, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, Ohio 45656. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk), from Ludington and Midland, Mich., to points in Ohio, Virginia, West Virginia, and Maryland, those in that part of Kentucky, on and east of Interstate Highway 75, and those in that part of Pennsylvania on and west of U.S. Highway 219.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated hearing with other applicants seeking similar authority.

No. MC 19778 (sub-No. 83), filed March 5, 1973. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION CO., a corporation, 516 West Jackson Boulevard, suite 508, Chicago, Ill., 60606. Applicant's representative: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

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

ing: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Rockford, Ill., and Beloit, Wis.; from Rockford over U.S. Highway 51 to Beloit and return over the same route; (2) between Rockford, Ill., and junction of Illinois Highway 89 and Interstate Highway 80; from Rockford over U.S. Highway 51 to junction of U.S. Highways 51 and 34, thence west and south over U.S. Highway 34 to junction of U.S. Highway 34 and Illinois Highway 89, thence south over Illinois Highway 89 to junction of Illinois Highway 89 and Interstate Highway 80 and return over the same route; (3) between Freeport, Ill., and Beloit, Wis.; from Freeport over Illinois Highway 75 to junction of Illinois Highway 75 and Illinois Highway 2, thence north over Illinois Highway 2 to Beloit and return over the same route; (4) between Bensenville and Northbrook, Ill.; from Bensenville over York Road to junction of York Road and Illinois Highway 83, thence north over Illinois Highway 83 to junction of Illinois Highway 83 and Illinois Highway 68, thence east on Illinois Highway 68 to Northbrook, and return over the same route; (5) between Darien, Wis., and junction of Illinois Highway 137 and U.S. Highway 41; from Darien over U.S. Highway 14 to junction of U.S. Highway 14 and Walworth County Road B, thence east over Walworth County Road B to junction of Walworth County Road B and U.S. Highway 12, thence south over U.S. Highway 12 to junction of U.S. Highway 12 and Illinois 137, thence east over Illinois 137 to junction of Illinois Highway 137 and Illinois Highway 120, thence east over Illinois Highway 120 to junction of Illinois 120 and Illinois Highway 21, thence south over Illinois Highway 21 to junction of Illinois 21 and Illinois Highway 176, thence east over Illinois Highway 176 to U.S. Highway 41 and return over the same route; (6) between junction of Illinois Highways 1 and 17 and Seymour, Ind.; from junction of Illinois Highway 1 and Illinois Highway 17 over Illinois Highway 1 to junction of Illinois Highway 1 and U.S. Highway 150, thence over U.S. Highway 150 to junction of U.S. Highways 150 and 40, thence east over U.S. Highway 40 to Indiana Highway 46, thence east over Indiana Highway 46 to junction of Indiana Highways 46 and 37, thence south over Indiana Highway 37 to junction of Indiana Highway 37 and U.S. Highway 50, thence east over U.S. Highway 50 to Seymour and return over the same route; (7) between Fond Du Lac and De Pere, Wis.; from Fond Du Lac over U.S. Highway 41 to De Pere and return over the same route; (8) between Janesville and Mineral Point, Wis.; from Janesville over Wisconsin Highway 11 to junction of Wisconsin Highways 11 and 23, thence north over Wisconsin Highway 23 to Mineral Point, Wis., and return over the same route; (9) between Dubuque, Iowa, and La Crosse, Wis.; from Dubuque over U.S. Highway 52 to junction of U.S. Highways 52 and 18, thence east over U.S. Highway 18 to junction of U.S. Highway 18 and Wisconsin Highway 35, thence north over Wisconsin Highway 35 to La Crosse and return over the same route; (10) between Marquette and Spencer, Iowa; from Marquette over U.S. Highway 18 to Spencer and return over the same route; (11) between Dewitt and Des Moines, Iowa; from Dewitt over U.S. Highway 30 to junction of U.S. Highways 30 and 63, thence south over U.S. Highway 63 to junction of U.S. Highways 63 and 6, thence west over U.S. Highway 6 to Des Moines and return over the same route; (12) between Cedar Rapids and West Union, Iowa; from Cedar Rapids over U.S. Highway 151 to junction of U.S. Highway 151 and Iowa Highway 38, thence north over Iowa Highway 38 to junction of Iowa Highways 38 and 3, thence west over Iowa Highway 3 to junction of Iowa Highways 3 and 154, thence north and west over Iowa Highway 154 to junction of Iowa Highways 154 and 150, thence north over Iowa Highway 150 to West Union and return over the same route; (13) between Cedar Rapids and Ottumwa, Iowa; from Cedar Rapids over Iowa Highway 149 to junction of Iowa Highway 149 and U.S. Highway 63, thence south over U.S. Highway 63 to Ottumwa and return over the same route; (14) between Davenport, Iowa, and Kansas City, Mo.; from Davenport, Iowa, over U.S. Highway 61 to junction of U.S. Highway 61 and Iowa Highway 92, thence west over Iowa Highway 92 to junction of Iowa Highway 92 and U.S. Highway 218, thence south over U.S. Highway 218 to junction of U.S. Highways 218 and 34, thence west over U.S. Highway 34 to junction of U.S. Highways 34 and 69, thence south over U.S. Highway 69 to Kansas City and return over the same route; (15) between West Union, Iowa, and Austin, Minn.; from West Union, Iowa, over Iowa Highway 150 to junction of Iowa Highway 150 and U.S. Highway 52, thence north over U.S. Highway 52 to junction of U.S. Highway 52 and Iowa Highway 9, thence west over Iowa Highway 9 to junction of Iowa Highway 9 and U.S. Highway 63, thence north over U.S. Highway 63 to junction of U.S. Highway 63 and Minnesota Highway 56, thence west and north over Minnesota Highway 56 to junction of Minnesota Highway 56 and Interstate Highway 90, thence west over Interstate Highway 90 to Austin and return over the same route; (16) between St. Paul and Duluth, Minn.; from St. Paul over Interstate Highway 35E to junction of Interstate Highways 35E and 35, thence north over Interstate Highway 35 to Duluth and return over the same route; (17) between Minneapolis, Minn., and junction of Interstate Highway 35W and Interstate 35; from Minneapolis over Interstate Highway 35W to junction of Interstate Highways 35W and 35 and return over the same route; (18) between Faribault and Zumbrota, Minn.; from Faribault over Minnesota Highway 60 to Zumbrota and return over the same route; (19) between Alden, Minn., and Sioux Falls, S. Dak.; from Alden over U.S. Highway 16 and Interstate Highway 90 to Sioux Falls and return over the same route; (20) between Mitchell and Rapid City, S. Dak.; from Mitchell over Interstate Highway 90 to Rapid City and return over the same route; (21) between junction of South Dakota Highway 34 and U.S. Highway 281 and Redfield, S. Dak.; from junction of South Dakota Highway 34 and U.S. Highway 281 over U.S. Highway 281 to Redfield and return over the same route; (22) between junction of South Dakota Highway 50 and South Dakota Highway 35 and Platte, S. Dak.; from junction of South Dakota Highways 50 and 35 over South Dakota Highway 50 to Platte and return over the same route; (23) between junction of South Dakota Highway 37 and U.S. Highway 18 and Stickney, S. Dak.; from junction of South Dakota Highway 37 and U.S. Highway 18 over U.S. Highway 18 to Junction of U.S. Highways 18 and 281, thence north to Stickney and return over the same route; (24) between junction of South Dakota Highway 34 and South Dakota Highway 25 and junction of South Dakota Highway 25 and U.S. Highway 12; from junction of South Dakota Highway 34 and South Dakota Highway 25 over South Dakota Highway 25 to junction of South Dakota Highway 25 and U.S. Highway 12 and return over the same route; (25) between Channing and Champion, Mich.; from Channing over Michigan Highway 95 to junction of Michigan Highway 95 and U.S. Highway 41, thence west over U.S. Highway 41 to Champion and return over the same route; (26) between Crystal Falls and Ontonagon, Mich.; from Crystal Falls over U.S. Highway 141 to junction of U.S. Highway 141 and Michigan Highway 28, thence west over Michigan Highway 28 to junction of Michigan Highway 28 and U.S. Highway 45, thence north over U.S. Hfghway 45 to Ontonagon and return over the same route; serving on the above specified routes, all intermediate points and all off-route points located within 5 miles of the above specified routes which are stations on the rail lines of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. Restriction: The service to be authorized herein will be subject to the following conditions: (a) The service to be performed shall be limited to service which is auxiliary to, or supplemental of, rail service of Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., hereafter called the Railroad; (b) carrier shall not serve any points not stations on the rail lines of the Railroad, except as otherwise authorized; and (c) shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by

carrier, an immediately prior or an immediately subsequent movement by rail.

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

No. MC 59655 (sub-No. 3), filed March 13, 1973. Applicant: SHEEHAN CARRIERS, INC., 52 Lime Kiln Road, Suffern, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products*, and *materials, equipment, and suppplies* used or useful in the manufacture and sale of paper and paper products, between the facilities of Clevepak located in New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, and the District of Columbia.

NOTE.—Applicant states requested authority will not be tacked with present authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 24379 (sub-No. 38), filed March 14, 1973. Applicant: LONG TRANSPORTATION CO., a corporation, 9850 Pelham Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., at Romeo, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

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

No. MC 28067 (sub-No. 17), filed April 13, 1973. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, rough quarried and semi-finished, from Providence, R.I., to Barre, Vt., and (2) *quarring equipment, machinery, and supplies* moving with shipments of stone, between Barre, Vt., and Providence, R.I.

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

No. MC 28951 (sub-No. 22), filed April 6, 1973. Applicant: ROSS TRANSFER, INC., P.O. Box 271, Chadron, Nebr. 69337. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Chadron and Alliance, Nebr.; fron. Chadron over U.S. Highway 385 to Alliance, and return over the same route, serving all intermediate points and the off-route point of Hemingford, Nebr.

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

No. MC 30844 (sub-No. 461), filed April 20, 1973. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Chicago and Deerfield, Ill., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas, restricted to shipments originating at the plantsite and warehouse facilities utilized by Kitchens of Sara Lee at the above-named origins.

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

No. MC 35320 (sub-No. 136), filed March 5, 1973. Applicant: T.I.M.E.—DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., at Romeo, Mich., as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Detroit, Mich.

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

No. MC 37396 (sub-No. 2), filed April 2, 1973. Applicant: BOWLING GREEN STORAGE & VAN CO., a corporation, 80 Hermann Place, Yonkers, N.Y. 10710. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Jersey, Connecticut, and Nassau, Ulster, Suffolk, Westchester, Dutchess, Putnam, Rockland, Orange, New York, Kings, Queens, Bronx, and Richmond Counties, N.Y., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, cratings, and containerization or unpacking, uncrating, and decontainerization of such traffic.

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

No. MC 42487 (sub-No. 808), filed February 26, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), and *salt and fertilizer*, serving the Pacific International Freeport Center, located in Tooele County, Utah, as an off-route point in connection with carrier's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 50493 (sub-No. 54), filed March 20, 1973. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. 18069. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, dry, in bulk, (1) between points in Luzerne County, Pa., on the one hand, and, on the other, points in New York; and (2) between points in Hudson County, N.J., on the one hand, and, on the other, points in Maine.

NOTE.—Applicant also holds contract carrier authority under MC 115859 (sub-No. 1), therefore, dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority and serve points in various Eastern States. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 51146 (sub-No. 316), filed April 6, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. Du Jardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Oil City, Pa., to points in Michigan and Wisconsin.

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

No. MC 52921 (sub-No. 21), filed April 13, 1973. Applicant: RED BALL, INC., P.O. Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Simsboro, La., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Mississippi, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport or New Orleans, La.

No. MC 55778 (sub-No. 17), filed April 13, 1973. Applicant: MOTOR DISPATCH, INC., 2559 South Archer Avenue, Chicago, Ill. 60608. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., Romeo, Mich., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—Common control was approved in MC-F-11601. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 61231 (sub-No. 71), filed April 13, 1973. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Mid-States Steel and Wire, Division of Keystone Consolidated Industries, at Crawfordsville, Ind., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority can be tacked with its building materials authority at Des Moines, Iowa, to serve points in Oklahoma, Texas, Arizona, New Mexico, Colorado, Montana, and Wyoming, however, applicant further states that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the appplication may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61396 (sub-No. 247), filed April 12, 1973. Applicant: HERMAN BROS. INC., 2501 North 11th, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay* and *foundry moulding sand treating compounds*, in bulk, from the plantsite of American Colloid Co., at or near Bell Fourche, S. Dak., and Upton, Wyo., to points in Iowa, Minnesota, Kansas, Nebraska, Wisconsin, Missouri, Illinois, Michigan, and Indiana.

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

No. MC 61592 (sub-No. 303), filed April 9, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture and operation of: (1) Agricultural, industrial, and construction machinery and equipment, (2) lawn, garden, and home maintenance equipment, and (3) recreational vehicles and equipment, between the plant and warehouse sites of Deere & Co. in Dodge County, Wis., on the one hand, and, on the other, Moline, Ill., restricted to the transportation of traffic originating at or destined to the plant and warehouse sites of Deere & Co. in Dodge County, Wis.

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

No. MC 64373 (sub-No. 7), filed April 2, 1973. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 25, Cowpens, S.C. 29330. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities of Southern Engineering Co., and Marko Engineering Co., at or near Charlotte, N.C., to points in South Carolina.

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

No. MC 64808 (sub-No. 16), filed March 9, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Street, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *advertising materials*, from Milwaukee, Wis., to points in Pennsylvania and West Virginia; (2) *malt beverages*, in containers, and *advertising materials* from Cleveland, Ohio, to points in West Virginia and Maryland; (3) *malt beverages*, in containers, and *advertising materials* from Columbus, Ohio, and Fort Wayne, Ind., to points in West Virginia; (4) *lime, limestone, and lime products* (except in bulk) between points in Marion, Barbour, Monongalia, Taylor, Harrison, Lewis, Upshur, Randolph, Preston, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Ohio, Maryland, and Pennsylvania; and (5) *lumber, lumber products, and waste materials*, between points in Marion County, W. Va., on the one hand, and, on the other, points in Virginia.

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

No. MC 64932 (sub-No. 514), filed April 18, 1973. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reprocessed acid*, in bulk, in tank vehicles, from Lafayette, Ind., to Chicago, Ill., and points in its commercial zone.

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

No. MC 65781 (sub-No. 4), filed April 18, 1973. Applicant: DAWN MOVING AND STORAGE CO., INC., 6009 Wayzata Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Chicago, Ill., and points in Minnesota, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, and Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its authority under MC-65781, at Chicago, Ill., and points in Minnesota to serve points in various upper Midwestern States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 73165 (sub-No. 321), filed March 12, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment and compacters;* (2) *materials, machinery, equipment, parts, attachments, accessories, and supplies* (except commodities in bulk) for

material handling equipment and compacters; and (3) *commodities* (except commodities in bulk) used in the manufacture, installation, and distribution of commodities named in (1) and (2) above; (a) between Enterprise, Ala., Wayne, Mich., Exeter, Pa., and Minden, La., and (b) between Enterprise, Ala., Wayne, Mich., Exeter, Pa., and Minden, La., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii).

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

No. MC 73688 (sub-No. 61), filed April 6, 1973. Applicant: SOUTHERN TRUCKING CORP., 1500 Orenda Avenue, P.O. Box 7182, Memphis, Tenn. 38107. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moldings*, from Covington, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin.

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

No. MC 75320 (sub-No. 162) (correction), filed January 31, 1973, published FEDERAL REGISTER issue of March 1, 1973, and republished as corrected this issue. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Worth, Tex., and Jackson, Miss., from Fort Worth over U.S. Highway 80 and Interstate Highway 20 to Jackson, and return over the same route, serving the intermediate point of Dallas, Tex., also serving Monroe, La., for purposes of joinder only. Restriction: The authority described above is restricted against the transportation of traffic originating at, destined to, or interchanged with connecting carriers at Atlanta, Ga.; Birmingham and Mobile, Ala., and points within the commercial zones of each as defined by the Commission; (2) between Monroe, La., and intersection of U.S. Highways 165 and 82, at or near Montrose, Ark., as an alternate route for operating convenience only, from Monroe over U.S. Highway 165 to its intersection with U.S. Highway 82, at or near Montrose, and return over the same route, serving no intermediate points. Restriction: The authority described above is restricted to the transportation of traffic originating at, destined to, or interchanged with connecting carriers at points in Mississippi.

NOTE.—Common control may be involved. Applicant states no duplicating authority is sought. The purpose of this republication is to clarify route (1) above which publication was incomplete in previous publication. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Jackson, Miss.

No. MC 82492 (sub-No. 78), filed April 4, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods* and *frozen bakery goods*, from Cleveland, Ohio, to points in the Lower Peninsula of Michigan.

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

No. MC 94350 (sub-No. 333), filed April 12, 1973. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, (1) from points in Tangipahoa Parish, La., to points in the United States (except Alaska and Hawaii), and (2) from points in Darlington County, S.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

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

No. MC 95540 (sub-No. 866), filed March 23, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's represetative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus concentrate, canned citrus products, and dried citrus pulp*, from points in Willacy, Starr, Hidalgo, Cameron, and Nueces Counties, Tex., to points in Illinois, Michigan, Wisconsin, and Minnesota.

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

No. MC 99866 (sub-No. 4), filed March 30, 1973. Applicant: VALLEY TRANSPORTATION & WAREHOUSE CO., INC., 1825 South Black Canyon, Phoenix, Ariz. 85009. Applicant's representative: Baldo J. Lutich, 4747 North 22d Street, suite 400, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except liquid commodities in bulk), between Tucson, Casa Grande, and Phoenix, Ariz., on the one hand, and, on the other, the Hecla Mining Co. Lakeshore project located approximately 32 miles southwest of Casa Grande, Ariz.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Tucson, Ariz., or Las Vegas, Nev.

No. MC 103993 (sub-No. 766), filed April 18, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lauderdale County, Miss., to points in the United States (except Alaska and Hawaii).

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

No. MC 103993 (sub-No. 767), filed April 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Jefferson and Tangipahoa Parishes, La., to points in the United States (except Alaska and Hawaii).

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

No. MC 103993 (sub-No. 768), filed April 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, and sections of buildings*, on undercarriages,

from points in Boulder County, Colo., to points in the United States (except Alaska and Hawaii).

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

No. MC 104523 (sub-No. 55), filed April 5, 1973. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bags, containers, and wrappers*, from Quincy, Ill., to Columbus, Nebr., and Comanche and Hereford, Tex., and (2) *dry animal and poultry feed, dry animal and poultry mineral mixtures, animal and poultry tonics, insecticides (other than agricultural), livestock and poultry feeders and equipment, and premiums and advertising matters relating to such products*, from Quincy, Ill., to points in Kansas, restricted to shipments either originating at or destined to the plantsites and facilities of Moorman Manufacturing Co.

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

No. MC 106398 (sub-No. 648), filed March 15, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building parts and accessories* used in the installation thereof when shipped with such parts, from the plantsite and storage facilities of H. H. Robertson Co. at Ambridge, Pa., to points in Florida, Georgia, the Upper Peninsula of Michigan, Minnesota, Oklahoma, Texas, Virginia, and Wisconsin.

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

No. MC 106398 (sub-No. 649), filed March 15, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses and buildings, parts, and accessories* when shipped therewith, from Grantham, N.H., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

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

No. MC 106398 (sub-No. 650), filed March 16, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Pontotoc County, Miss., to points in the United States (except Alaska and Hawaii).

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

No. MC 106398 (sub-No. 651), filed March 16, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Broome County, N.Y., to points in the United States (except Alaska and Hawaii).

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

No. MC 106398 (sub-No. 656), filed April 9, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Darlington County, S.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Columbia, S.C.

No. MC 106603 (sub-No. 126), filed March 15, 1973. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from Ripley, Miss., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Applicant also holds contract carrier authority under MC 46240 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108298 (sub-No. 33), filed March 14, 1973. Applicant: ELLIS TRUCKING CO., INC., 1205 South Platte River Drive, Denver, Colo. 80233. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of the Ford Motor Co., at Romeo, Mich., as an off-route point in connection with carrier's present regular-route operations.

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

No. MC 108884 (sub-No. 25), filed March 19, 1973. Applicant: ROGERS TRANSFER, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen imported meats*, in refrigerated equipment, restricted to shipments having a prior movement by water, from points in New York Harbor area, Ex parte 140, 49 CFR part 303, Philadelphia, Pa., and Wilmington, Del., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

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

No. MC 110325 (sub-No. 55), filed March 30, 1973. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment),

serving the plantsite and warehouse sites of the Pulvair Corp., located in Shelby County, Tenn., as an off-route point in connection with carrier's otherwise authorized regular-route operations from and to Memphis, Tenn.

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

No. MC 111545 (sub-No. 182), filed April 18, 1973. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction, and road making equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities named in (1) above, between the plantsite of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin, restricted to the transportation of shipments originating at or destined to the above named plantside.

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

No. MC 111729 (sub-No. 381), filed March 20, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ophthalmic goods, small machinery and tools relative thereto, and business papers and records*, moving therewith, between Fort Wayne, Ind., on the one hand, and, on the other, points in Michigan and Ohio; (2) *business papers, records, audit and accounting media of all kinds*, moving therewith, (a) between Greensboro, N.C., on the one hand, and, on the other, Anderson, Charleston, and Greenville, S.C.; and (b) from New York, N.Y., and points in Nassau and Westchester Counties, N.Y., and those in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., to Worcester, Mass.; and (3) *business papers, records audit and accounting media of all kinds, and business machines office equipment and accessories thereto*, limited to articles and packages not to exceed 50 lb from one consignor to one consignee on any one day, between Fort Wayne, Ind., on the one hand, and, on the other, Coldwater, Hillsdale, and Quincy, Mich.; and Lancaster, Ohio.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112963 (sub-No. 39), filed April 9, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, enamel, sealers, and thinners*, in bulk, in tank vehicles, from Templeton, Mass., to Torrington, Conn.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the operations may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114211 (sub-No. 193), filed April 13, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities in (1) above, between the plantsites of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (sub-No. 194), filed April 13, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Oregon and Washington to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Tacoma or Seattle, Wash.

No. MC 14211 (sub-No. 195), filed April 27, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, loaders, platforms, feeders, trailers, wagons, augers, spreaders, buckets, hoists, accessories, attachments, and parts*, from points in Wright County, Minn., to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials, and supplies*, used in the manufacture or distribution of the above described commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Wright County, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114290 (sub-No. 68) (correction), filed April 4, 1973, published in the FEDERAL REGISTER, issue of May 3, 1973, and republished as corrected this issue. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101.

NOTE.—The purpose of this republication is to show the correct docket number assigned thereto, as shown above, in lieu of No. MC 11429 (sub-No. 68), which was in error.

No. MC 115311 (sub-No. 146), filed March 29, 1973. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe and cast iron pipe fittings*, from Lynchburg, Va., to points in West Virginia, Kentucky, Tennessee, Missouri, Arkansas, Louisiana, Oklahoma, Texas, Mississippi, Alabama, Georgia, Florida, and Kansas; and (2) *plastic pipe, tubing, and fittings*, from Lynchburg, Va., to points in West Virginia, Kentucky, Tennessee, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Missouri, Alabama, Georgia, Florida, North Carolina, South Carolina, Kansas, and Iowa.

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

No. MC 115331 (sub-No. 344), filed March 30, 1973. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, from Augusta, Ark.,

to points in Missouri, Arkansas, Tennessee, and Mississippi, and (2) *clay, clay products, and jointing materials*, (a) from Texarkana, Tex., and Pittsburg, Kans., to points in Missouri, and (b) from St. Louis, Mo., to points in Texas and Kansas.

NOTE.—Common control may be involved. Applicant states that the requested authority under part (1) above can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 116763 (sub-No. 250), filed April 9, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded woodpulp products, and ingredients, materials, supplies, and equipment* used in the manufacturing, packaging, and distribution of molded woodpulp products, (1) between Welch, Wash., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Washington); (2) between Florin, Calif., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and California), restricted to the transportation of traffic in (1) and (2) above which either originates at or is destined to, the facilities of Keyes Fibre Co., at Welch, Wash., or Florin, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 116763 (sub-No. 251), filed April 9, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Charlestown, Malden, Everett, Norwood, Mansfield, Cambridge, and Boston, Mass.; Saylesville, Cumberland, and Pawtucket, R.I., and North Grosvenor Dale, Conn., to points in Florida and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 116763 (sub-No. 254), filed April 19, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and dehydrated foods*, from Boise, Burley, Fruitland, Nampa, and Weiser, Idaho, and Ontario, Oreg., to points in Michigan, and those in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii).

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

No. MC 118831 (sub-No. 100), filed April 16, 1973. Applicant: CENTRAL TRANSPORT, INC., Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) from points in North Carolina to points in Alabama, Florida, and Georgia; (2) from points in South Carolina, to points in Alabama and Florida, and (3) from the plantsite of Gowen Chemicals at Chesapeake, Va., to points in North Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states no duplicating authority is being sought. The purpose of this application is to eliminate the gateway of Charlotte, N.C. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 119632 (sub-No. 57), filed April 6, 1973. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and materials and supplies* used in the packaging, display, sale, and distribution of food and food products, from Cincinnati, Ohio, to Batavia, N.Y.

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

No. MC 119641 (sub-No. 112), filed April 9, 1973. Applicant: RINGLE EXPRESS, INC., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moldings*, from Covington, Tenn., to points in Illinois, Indiana, and the Lower Peninsula of Michigan.

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

No. MC 119777 (sub-No. 252), filed April 12, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moldings*, from Covington, Tenn., to points in Connecticut, Delaware, Kentucky, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 119777 (sub-No. 253), filed April 17, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crates, crating, veneer, baskets, treads, risers, sills, molding, cardboard cartons, nails, flooring, lumber, treated poles, treated piling, treated lumber, treated crossarms, and treated crossties*, between points in Tennessee on and west of U.S. Highway 31 on the one hand, and, on the other, points in Kentucky, Indiana, Michigan (Lower Peninsula), Ohio, West Virginia, Pennsylvania, New York, New Jersey, Illinois, Wisconsin, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Virginia, North Carolina, South Carolina, Maryland, Delaware, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority in No. MC-126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 119777 (sub-No. 254), filed April 18, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments, and accessories*, of the commodities named in (1) above, between the plantsites of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in

Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-126970 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 119880 (sub-No. 58), filed April 2, 1973. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty wooden whiskey barrels*, from Peoria and Delavan, Ill., to Detroit, Mich.

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

No. MC 120800 (sub-No. 50), filed January 26, 1973. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in semitrailers, from points in Navajo County, Ariz., to points in California.

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

No. MC 124692 (sub-No. 108), filed March 26, 1973. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between points in Washington, Oregon, Idaho, Montana, Utah, Nevada, California, Wyoming, North Dakota, South Dakota, Nebraska, Colorado, and Arizona; (2) between points in California, on the one hand, and, on the other, points in Arizona and New Mexico; (3) from points in Ohio and Pennsylvania to points in North Dakota, South Dakota, Wyoming, Utah, Idaho, Oregon, Washington, Nevada, Montana, California, and Arizona; (4) between points in Utah, on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Kansas, Oklahoma, Wisconsin, Illinois, Arizona, and New Mexico; (5) from points in Illinois, Indiana, Kansas, and Missouri to points in Arizona, New Mexico, Nevada, California, and Colorado; and (6) from points in California to points in Missouri, Iowa, Minnesota, Kansas, Illinois, Wisconsin, Michigan, and Indiana.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Further, applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., with a continuance in Chicago, Ill.

No. MC 125254 (sub-No. 17), filed March 16, 1973. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East Fifth Street, P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, ninth floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold, distributed, or used by persons engaged in the manufacturing, processing, and milling of grain products (except in bulk), (a) from Muscatine, Iowa, to points in Illinois, Indiana, Missouri, and Wisconsin, restricted to shipments originating at the facilities of Grain Processing Corp. or its subsidiary, Kent Feeds, and destined to the named destinations, and (b) from points in Illinois, Indiana, Missouri, and Wisconsin to Muscatine, Iowa, restricted to shipments originating at the named origins and destined to the facilities of Grain Processing Corp. or its subsidiary, Kent Feeds, at Muscatine, Iowa.

NOTE.—Applicant states the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 125616 (sub-No. 7), filed April 11, 1973. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. 21740. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), restricted to the transportation of shipments having a prior or subsequent movement by air, between Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Loudoun County, Va.; and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, Shippensburg and Hanover, Pa., points in Adams, Bedford, Franklin, Fulton, and Somerset Counties, Pa., and points in Montgomery County, Md., on and west of a line beginning at the Howard and Montgomery County line, thence south along Maryland Highway 339 to junction Maryland Highway 124, thence along Maryland Highway 124 to junction Maryland Highway 112 at or near Darnestown, Md., thence along Maryland Highway 112 to Senaca, Md., thence south to the Maryland-Virginia State line.

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

No. MC 125777 (sub-No. 142), filed April 2, 1973. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal alloys*, in dump vehicles, from Belleville, Mich., to Whiting, Ind., Hillsboro, Ill. and Trenton, N.J.; (2) *slag*, in bulk, between the plantsite of H. B. Reed & Co. at Gary, Ind., and points in Iowa, Missouri, Michigan, Kentucky, Wisconsin, Minnesota, Pennsylvania, and Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, Wayne, Geauga, Lorain, and Portage Counties); and (3) *salt*, in bulk, in dump vehicles, from Ferrysburg, Holland, and Benton Harbor, Mich., to points in Indiana.

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

No. MC 125996 (sub-No. 33), filed March 7, 1973. Applicant: ROAD RUNNER TRUCKING, INC., 7728 F Street, Omaha, Nebr. 68137. Applicant's representative: Arnold Burke, 127 North Dearborn, suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet or rugs, and carpet or rug padding and material and supplies used in the installation thereof*, from the plantsite and warehouse facilities of General Felt Industries, Inc., at City of Commerce, and Pico Rivera, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, New Mexico, Nevada, Oregon, Washington, and those in that part of Texas on and west of U.S. Highway 83; (2) *rug or carpet padding*, from the plantsite and warehouse facilities of General Felt Industries, Inc., at Trenton, N.J., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; (3) *rug or carpet padding*, from Jeannette, Pa., to points in Alabama, Connecticut, Delaware Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; (4) *carpet or rugs and carpet or rug padding and materials and supplies used in the installation thereof*, from the plantsite and warehouse facilities of

General Felt Industries, Inc., at Philadelphia, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and those in that part of Ohio on and west of U.S. Highway 23 and Interstate Highway 75; (5) *rug padding*, from Columbus, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and those in that part of Texas east of U.S. Highway 83; (6) *carpets or rugs and carpet or rug padding and materials and supplies used in the installation thereof*, from the plantsite and warehouse facilities of General Felt Industries, Inc., at Chicago, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, those in that part of Colorado east of Interstate Highway 25, and those in that part of Texas on and east of U.S. Highway 83; (7) *carpet padding*, from the plantsite and warehouse facilities of General Felt Industries, Inc., located at Dallas, Tex., and Shelbyville, Tenn., to points in the United States (except Alaska and Hawaii); and (8) *carpet padding*, from Russellville, Ky., Temple, Tex., and Richmond, Va., to points in the United States (except Alaska and Hawaii), restricted in all of the above to shipments originating at the named origins and destined to the named destinations.

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

No. MC 126844 (sub-No. 20), filed April 12, 1973. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass rods and glass tubing*, from Millville and Vineland, N.J., and Parkersburg, W. Va., to Syracuse, Nebr.; and (2) *glassware, glass containers, caps, covers, tops, stoppers, corrugated cartons, and accessories for glassware and glass containers*, from Millville, N.J., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Nebraska.

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

No. MC 127539 (sub-No. 29), filed April 9, 1973. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. La Bissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat products*, from Spokane, Wash., to Seattle, Wash., Portland, Oreg., and Stockton, Alameda, Oakland, San Francisco, San Jose, and Los Angeles, Calif.

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

No. MC 128007 (sub-No. 49), filed April 12, 1973. Applicant: HOFER, INC., P.O. Box 583, 20th and By-Pass, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Labette County, Kans., to points in Louisiana, Oklahoma, Wisconsin, Indiana, New Mexico, Minnesota, North Dakota, South Dakota, Michigan, Arizona, Kentucky, Tennessee, Mississippi, Ohio, Utah, and Nevada.

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

No. MC 128117 (sub-No. 17), filed April 11, 1973. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Graham County, N.C., to points in Arkansas, Louisiana, Oklahoma, Texas, and New Mexico.

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

No. MC 128375 (sub-No. 94), filed April 13, 1973. Applicant: CRETE CARRIER CORP., Box 249, Crete, Nebr. 68333. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products and related items* (except cigarettes and redried tobacco), from Owensboro, Ky., to Durham, N.C., under contract with Liggett & Myers Inc.

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

No. MC 128383 (sub-No. 28), filed March 30, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between John F. Kennedy International Airport at New York, N.Y., and Philadelphia International Airport at Philadelphia, Pa., on the one hand, and, on the other, Logan International Airport at Boston, Mass., restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—Applicant states that the requested authority could be joined at John F. Kennedy International Airport or Philadelphia International Airport with its existing authority under MC-128383 and subs 3 and 6 and provide service between Logan International Airport on the one hand, and, on the other, Friendship International Airport, Anne Arundel County, Md., Dulles International Airport, Fairfax and Loudoun Counties, Va., Washington National Airport, Gravelly Point, Va., La Guardia Airport, New York, N.Y., Newark Airport, Newark, N.J., and various points in New Jersey and Pennsylvania. Applicant further states it has pending applications which could be tacked with the requested authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128772 (sub-No. 9), filed April 16, 1973. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneaplois, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Rochester, Minn., to Charleston, W. Va., Salem, Va., Kansas City, Kans., Hazelwood, Mo., Memphis and Nashville, Tenn., North Little Rock, Ark., Houston and Irving, Tex., East Point, Ga., Woodlawn, Springdale, Solon, and Port Columbus, Ohio, Livonia and Grand Rapids, Mich., Fort Wayne, Indianapolis, and Greensburg, Ind., Louisville, Ky., East Peoria, Ill., and Pittsburgh, Pa., under contract with Pace Dairy Foods Co.

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

No. MC 128878 (sub-No. 28), filed April 12, 1973. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glue, glue stock, and formaldehyde*, in bulk, in tank vehicles, from the plantsite or storage facilities of the Chembound Corp. located in Winn Parish, La., to points in Arkansas, Louisiana, Oklahoma, and Texas; (2) *resins*, from Owentown, Tex., to points in Arkansas, Louisiana, and Mississippi; and (3) *dry fertilizer and dry fertilizer ingredients*, from Paris, Tex., to points in Oklahoma, Arkansas, and Louisiana.

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

No. MC 133168 (sub-No. 2), filed March 30, 1973. Applicant: DELTA EXPRESS, INC., P.O. Box 776, Natchitoches, La. 71457. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill, and forest products, particle board, wallboard, fiberboard, pulpboard, poles, piling, posts*, and *ties*, from points in Louisiana on and north of U.S. Highway 190 and on and west of the Mississippi River (except points in East Carroll, West Carroll, Madison, Tensas, Point Coupee, and St. Landry Parishes, La.), to points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant holds motor contract carrier permits in No. MC-133501 (sub-Nos. 2 and 3), and requests their concurrent revocation with the grant of authority requested herein. Applicant states that no duplicating authority is sought and that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 133220 (sub-No. 8), filed April 20, 1973. Applicant: RECORD TRUCK LINE, INC., P.O. Box 11, Henderson, Tenn. 38340. Applicant's representative: R. Conner Wiggins, Jr., 100 North Main Building, suite 909, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention sprinkler systems and fire prevention sprinkler systems parts, accessories, and attachments, and tools, devices and apparatus used in the installation and erection thereof;* (2) *pipe fittings, pipe connections, castings, valves, air heaters, and blowers and parts*, from the plantsite and warehouse facilities of (a) ITT-Grinnell Corp. located at Cranston and West Kingston, R.I., Warren, Ohio, and Canton, Mass. (b) Grinnell Fire Protection Systems Co., Inc., located at Canton, Mass., and (c) Kennedy Valve Manufacturing Co., Inc., located at Elmira, N.Y. (all of said facilities in items (a), (b), and (c) being subsidiaries of ITT-Grinnell Corp.), to points in the United States (except Alaska and Hawaii); and (3) *materials, tools, devices, and apparatus* used in the fabrication, assembly, and installation of the commodities described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to (a) ITT-Grinnell Corp. located at Cranston and West Kingston, R.I., Warren, Ohio, and Canton, Mass. (b) Grinnell Fire Protection Systems Co., Inc., located at Canton, Mass., and (c) Kennedy Valve Manufacturing Co., Inc., located at Elmira, N.Y. (all of said facilities in items (a), (b), and (c) being subsidiaries of ITT-Grinnell Corp.), under contract with ITT-Grinnell Corp.

NOTE.—Applicant also holds common carrier authority under MC 125227 (sub-Nos. 7 and 10), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 133788 (sub-No. 6), filed April 9, 1973. Applicant: E-Z MESSENGER SERVICE, INC., 61 Voorhis Lane, Hackensack, N.J. 07601. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies* used in the manufacture of or used by personnel while engaged in the manufacture of cosmetics and toiletries, limited to shipments not exceeding 350 lb per shipment, between Lakewood, N.J., points in Bergen, Passaic, Hudson, Morris, Middlesex, Monmouth, Somerset, Union, Warren, and Essex Counties, N.J., those in Nassau and Suffolk Counties, N.Y., New York, N.Y., Oaks, Lafayette Hill, Chadds Ford, and Philadelphia, Pa., and Bridgeport, Wallingford, Naugatuck, and Waterbury, Conn., on the one hand, and, on the other, Suffern, N.Y.; (2) *materials and supplies* used in the manufacture of cosmetics and toiletries, limited to shipments in drums not exceeding 450 lb per shipment, between Hazlet, N.J., on the one hand, and, on the other, Hillburn and Suffern, N.Y.; and (3) *toilet preparations*, not to exceed 350 lb per shipment, between Suffern, N.Y., and Newark, Del., under continuing contracts in (1), (2) and (3) above with Avon Products, Inc.

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

No. MC 134323 (sub-No. 40), filed March 15, 1973. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners and conditioners, humidifiers, dehumidifiers, and related items* (except those items, which because of size or weight require the use of special equipment), from the plantsite and warehouse facilities of Fedders Corp. at Edison, N.J., to points in Minnesota, North Dakota, South Dakota, Michigan, Ohio, and Indiana, under contract with Fedders Corp.

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

No. MC 134978 (sub-No. 6), filed April 26, 1973. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, S.C. 29323. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, and *dry fertilizer materials* (except in bulk in tank vehicles), from points in Spartanburg County, S.C., to points in North Carolina, Tennessee, and Virginia.

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

No. MC 135213 (sub-No. 4), filed April 13, 1973. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshone Street, Lovell, Wyo. 82431. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and accessories*, from Lovell, Wyo., and Billings, Mont., to points in Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming, under contract with the Lovell Clay Products Co.

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

No. MC 135524 (sub-No. 11), filed January 29, 1973. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, Ohio 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, Ohio 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit* (other than iron and steel), *fittings, parts, attachments, accessories, materials, supplies, and equipment* used and necessary for the installation, completion, maintenance and manufacture thereof, between Rootstown Township, Portage County, Ohio, and points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columba.

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

No. MC 135643 (sub-No. 4) (amendment), filed November 24, 1972, published in the FEDERAL REGISTER issue of January 26, 1973, and republished, as amended, this issue. Applicant: SAFE TRANSPORT, INC., 610 Cooper Street, Hamilton, Ill. 62341. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough-sawn cooperage stock, barrel staves, and heating,*

(1) from Delavan, Hamilton, Murphysboro, Peoria, and Tremont, Ill., to Lebanon and Louisville, Ky., and (2) from Pinckneyville, Ill., to Louisville, Ky., under a continuing contract, or contracts, with Blue Grass Cooperage Co., a Division of Brown-Forman Distillers Corp. of Louisville, Ky.

NOTE.—The purposes of this republication are to: (a) Indicate applicant's request for service as described in (2) above; and (b) indicate the new supporting shipper as named above, in lieu of Hiram Walker & Sons, Inc., as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 136035 (sub-No. 2), filed March 6, 1973. Applicant: WALTER S. DUNNING AND WALTER H. DUNNING, a partnership, doing business as W. S. DUNNING & SON, 902 South Chester Road, West Chester, Pa. 19380. Applicant's representative: Walter Harvey Dunning, Warwick Furnace Road, Rural Delivery No. 2, Pottstown, Pa. 19464. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and food products*, in containers, between West Chester and Kennett Square, Pa., and points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *nonwood containers, and packaging materials, labels, pallets, and salt*, from points in New Jersey, New York, Delaware, Michigan, Maryland, Ohio, Indiana, and Illinois, to West Chester and Kennett Square, Pa., under contract with Grocery Store Products Co.

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

No. MC 136951 (sub-No. 1), filed April 4, 1973. Applicant: DONALD GODFREY BRINKMAN, doing business as RED TAG EXPRESS CO., 10604 Northeast 45th Street, Vancouver, Wash. 98662. Applicant's representative: Thomas G. Karter, 3076 East Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive, industrial, motorcycle, lawnmower, truck, tractor, and machine parts, accessories, and related items*, new, used, or reconditioned, between points in Multnomah and Washington Counties, Oreg., on the one hand, and, on the other, points in Clark and Cowlitz Counties, Washington.

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

No. MC 136647 (sub-No. 12), filed April 10, 1973. Applicant: GREEN MOUNTAIN CARRIERS, INC., P.O. Box 1319, Albany, N.Y. 12201. Applicant's representative: Wilmot E. James, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material* as described in appendix VI to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 (except marble, stone, and slate), from Rutland, Vt., to points in Ohio, Jacksonville, Ill., and Gastonia, N.C.

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

No, MC 138119 (sub-No. 2), filed March 19, 1973. Applicant: RAYMOND HARRISON, doing business as ASSOCIATED CASKET CO., 744 Washington Street, Pittsburgh, Pa. 15218. Applicant's representative: Louis Kwall, 2018 Monongahela Avenue, Pittsburgh, Pa. 15218. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial caskets*, from Pittsburgh, Pa., to Morgantown and Wheeling, W. Va., Cambridge, Ohio, Cumberland, Md., and other points in western Pennsylvania, under continuing contracts with Batesville Casket Co. and Aurora Casket Co.

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

No. MC 138221 (sub-No. 1), filed March 25, 1973. Applicant: ORBIT STULL, Rural Route No. 1, Fairfield, Ill. 62837. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber*, from points in Edwards, Hamilton, Wabash, Wayne, and White Counties, Ill., to points in Jasper, Lake, and Vigo Counties, Ind., under contract with E. S. Guilliams and Glen McCormick, doing business as McCormick Saw Mill.

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

No. MC 138246 (sub-No. 1), filed April 4, 1973. Applicant: BAY CITY TRADING CO., a corporation, 5603 Southwest Hood, Portland, Oreg. 97201. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23 Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* otherwise exempt from economic regulation under section 203 (b)(6) of the Interstate Commerce Act and *foods*, in vehicles, equipped with mechanical refrigeration when transported in mixed loads with the above described commodities, from Seattle, Wash., to points in Multnomah, Washington, and Clackamas Counties, Oreg.

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

No. MC 138538, filed March 1, 1973. Applicant: LEE'S CARRIER CORP., 4340 Northwest, 37th Avenue, Miami, Fla. 33142. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, Fla. 33134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Folded paper boxes, paperboard corrugated boxes, paper products, and materials and machinery* used in the manufacture of these products, from points in Dade County, Fla., Montgomery, Ala., Landrum, S.C., Philadelphia, Pa., Baltimore and Sevren, Md., New Haven, Conn., and Richfield, N.J., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Maine, Vermont, New Hampshire, and the cities of Pascagoula, Miss., and Baton Rouge, Bogalusa, and New Orleans, La.), and points in California, Arkansas, and Missouri, under contract with Simkins Industries, Inc.

NOTE.—Applicant holds common carrier authority under MC 133268 and sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Atlanta, Ga.

No. MC 138588 (sub-No. 1), filed April 9, 1973. Applicant: CHAMBERS TRUCK RENTALS, INC., 5 Bartel Place, Huntington Station, N.Y. 11746. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (except in bulk), from Rochester and Nyack, N.Y., Cranston, R.I., Fort Wayne, Ind., Winston-Salem, N.C., and points in the New York, N.Y., commercial zone as defined by the Commission, to Central Islip, N.Y.; and (2) *empty pallets, cases, and barrels*, from Central Islip, N.Y., to Rochester and Nyack, N.Y., Cranston, R.I., Fort Wayne, Ind., Winston-Salem, N.C., and points in the New York, N.Y., commercial zone as defined by the Commission, under contract with Bay Beverages, Inc.

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

No. MC 138604 (sub-No. 1), filed April 9, 1973. Applicant: WILLIAM THOMAS WHITE, doing business as QUICK DELIVERY SERVICE, 251 West 39th Street, New York, N.Y. 10018. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished piece goods*, between Westbury, Long Island, N.Y., on the one hand, and, on the other, Hoboken and North Bergen, N.J., and points in the New York, N.Y., commercial

zone as defined by the Commission, under contract with Nat Bassen Textiles, Inc.

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

No. MC 138642, filed April 16, 1973. Applicant: CURTIS TRANSPORTATION CO., INC., 3112 15th Street, P.O. Box 89, Tuscaloosa, Ala. 35401. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by vehicle, over irregular routes, transporting: *Sand, gravel, clay, aggregate, cement, concrete, and products* of the above commodities, between points in Tuscaloosa County, Ala., on the one hand, and, on the other, points in Mississippi and Alabama, restricted to the transportation of shipments under a continuing contract, or contracts, with Curtis Concrete Products, Inc.

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

No. MC 138646, filed April 19, 1973. Applicant: CEMENT TRANSPORT, INC., P.O. Box 10207, Charleston, S.C. 29411. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Gifford-Hill & Co., Inc., near Harleyville, S.C., to points in North Carolina, Virginia, Georgia, Tennessee, and Florida.

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

MOTOR CARRIER OF PASSENGERS

No. MC 13300 (sub-No. 90), filed October 31, 1972. Applicant: CAROLINA COACH CO., a corporation, 1201 South Blount Street, P.O. Box 1591, Raleigh, N.C. 27602. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Raleigh, N.C., and Durham, N.C., serving all intermediate points; from Raleigh over Interstate Highway 40 to junction Durham North-South Expressway, and thence over Durham North-South Expressway to Durham and return over the same route.

NOTE.—Applicant seeks authority under 49 CFR 1042.1 of Part 1042, "Superhighway and Deviation Rules," by the instant application.

No. MC 107586 (sub-No. 22), filed February 25, 1973. Applicant: CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: Stuart L. Poelman, Seventh floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers; between Cove Fort and Beaver, Utah, serving no intermediate points, from Cove Fort over Interstate Highway 70 to its junction with Interstate Highway 15 and thence over Interstate Highway 15 to Beaver and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 116333 (sub-No. 3), filed April 19, 1973. Applicant: CHARLES H. MORSE, doing business as MORSE'S BUS SERVICE, 52 Merrill Street, Plymouth, N.H. 03264. Applicant's representative: Charles H. Morse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in that part of New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line and proceeding along New Hampshire Highway 9 to Northwood, and thence along U.S. Highway 4 to Portsmouth, to points in Connecticut, Florida, Georgia, Maine, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9623 Filed 5-16-73;8:45 am]

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THURSDAY, MAY 17, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 95

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE FRONTIER MARKETING AREA

Notice of Proposed Rulemaking

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1140]

[Docket No. AO-376]

MILK IN THE FRONTIER MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the U.S. Courthouse, Old Federal Building (Courtroom 1), 111 South Wolcott Street, Casper, Wyo., beginning at 10 a.m., local time, on June 26, 1973, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Frontier marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR pt. 900).

The hearing is for the purpose of:

(a) Receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof;

(b) Determining whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate of foreign commerce;

(c) Determining whether there is need for a marketing agreement or order regulating the handling of milk in the area; and

(d) Determining whether the proposed marketing agreement and order or appropriate modifications thereof will tend to effectuate the declared policy of the act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mountain Empire Dairymen's Association and Federated Dairy Farms.

Proposal No. 1.

PART 1140—MILK IN THE FRONTIER MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

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1140.85 Assessment for order administration.
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GENERAL PROVISIONS

§ 1140.1 General provisions.

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

DEFINITIONS

§ 1140.2 Frontier marketing area.

"Frontier marketing area" hereinafter called the "marketing area," means all territories within the perimetric boundaries of the Wyoming counties listed below, including all territory occupied by Government (municipal, county, State, or Federal) reservations, installations, institutions, or other governmental establishments. Where such an establishment is located partly within and partly without the designated boundaries, the marketing area shall include the entire area encompassed by such establishment.

Albany.	Natrona.
Big Horn.	Niobrara.
Carbon.	Park (except Yellowstone National Park).
Converse.	Platte.
Fremont.	Washakie.
Goshen.	
Hot Springs.	
Laramie.	

§ 1140.3 Route.

"Route" for purposes of §§ 1140.7 and 1140.8 means delivery of a fluid milk product from a distributing plant to a retail or wholesale outlet (including delivery through a distributing point, plant store, vendor, or vending machine) except delivery to a plant.

§ 1140.4 [Reserved]

§ 1140.5 [Reserved]

§ 1140.6 [Reserved]

§ 1140.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except a plant exempt pursuant to § 1140.8 or § 1140.19.

(a) Any plant, hereinafter referred to as a "distributing pool plant," in which during the month fluid milk products are processed or packaged and from which:

(1) An amount equal to 50 percent or more of the total receipts of Grade A fluid milk products (including milk diverted by the operator of such plant to a nonpool plant(s) pursuant to § 1140.13 (c)(2)) is distributed as fluid milk products, except filled milk, on routes; and

(2) An amount equal to 20 percent or more of such receipts is distributed as fluid milk products, except filled milk, on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month an amount equal to 50 percent of its dairy farm supply of Grade A milk (including Grade A milk diverted by the operator of such plant to a nonpool plant(s) pursuant to § 1140.13 (c)(2)) is moved to the distributing pool plant(s) as fluid milk products, except filled milk. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 1140.8 Nonpool plant.

"Nonpool plant" means any milk, or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

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

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

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant.

§ 1140.9 Handler.

"Handler" means:

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

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

(c) A cooperative association with respect to milk of its member producers which is diverted pursuant to § 1140.13 (c) (1) to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated or under contract to such cooperative association if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk;

(e) A producer-handler; or

(f) Any person who operates an exempt plant as defined in § 1140.19.

§ 1140.10 Producer-handler.

(a) "Producer-handler" means any person who is an individual, partnership, or corporation and who operates a milk processing or packaging plant and a dairy farm and who meets all the following conditions:

(1) Provides proof satisfactory to the market administrator that the ownership, care, and management of the dairy animals and other resources necessary to produce the entire volume of milk received at the plant operated by such person is the exclusive enterprise of and at the sole risk of such person;

(2) Provides proof satisfactory to the market administrator that the ownership and management of the milk processing or packaging plant is the exclusive enterprise of and at the sole risk of such person;

(3) Neither receives nor distributes fluid milk products from any source except those derived from milk produced pursuant to paragraph (a) (1) of this section, and who does not dispose of more than an average of 300 lb/d for the month;

(4) Provides proof satisfactory to the market administrator that the ownership and management of the business of distributing the fluid milk products is the exclusive enterprise of, and at the sole risk of such person; and

(5) For the purpose of this section, all fluid milk products distributed on routes or at stores operated by him or by any person who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he (including, in the case of a corporation, any stockholder therein) has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store distribution.

(b) Sections 1140.40 through 1140.45, 1140.50 through 1140.54, 1140.60, 1140.61, 1140.71 through 1140.78, 1140.85 and 1140.86 shall not apply to a producer-handler.

§ 1140.11 [Reserved]

§ 1140.12 Producer.

"Producer" means any person (other than a producer-handler as defined in any order (including this part) issued pursuant to the act) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is received at a pool plant or diverted from a distributing pool plant to a nonpool plant within the limits set forth in § 1140.13 (c).

§ 1140.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm) which is:

(a) Received from producers at a pool plant but not including milk of producers for which a cooperative association is the handler pursuant to § 1140.9 (d);

(b) Received by a cooperative association handler pursuant to § 1140.9 (c) and (d);

(c) Diverted from a distributing pool plant to a nonpool plant within the limits set forth in paragraphs (c) (1) and (2) of this section.

(1) A cooperative association may divert for its account the milk of any member-producer from whom at least three deliveries of milk are received during the month at a distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of its member-producer milk received at distributing pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative association shall specify the dairy farmers whose milk is ineligible as producer milk.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any producer (other than a member of a cooperative association) from whom at least three deliveries of milk are received during the month at his pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of the milk received at such pool plant during the month from producers who are not members of a cooperative association.

§ 1140.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products from any source except:

(1) Producer milk;

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

(3) Receipts from a cooperative association pursuant to § 1140.9(d); and

(b) Products (except Class II products, received from pool plants) other than fluid milk products, from any source (including those produced in the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products produced in the plant or in a form which can be converted into fluid milk products.

§ 1140.15 Fluid milk product.

"Fluid milk product" means any product containing 6.5 percent or more of milk solids (other than sodium caseinate) with less than 9 percent butterfat (6 percent butterfat in the case of eggnog and eggnog-flavored milk drinks) and 27 percent milk solids-not-fat but more than 20 percent moisture, all computed on the basis of weight, excluding additives not derived from milk.

§ 1140.16 [Reserved]

§ 1140.17 Filled milk.

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

1140.18 Cooperative association.

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

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

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

(c) To have its entire activities under the control of its members.

§ 1140.19 Exempt plant.

(a) An "exempt plant" is a plant which meets the conditions of paragraph (a) (1), (2), or (3) of this section.

(1) A plant meeting the requirements of § 1140.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary deter-

mines, a greater quantity of Class I milk, except filled milk, was distributed during the month on routes in such other Federal order marketing area than was distributed on routes in this marketing order area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition, except filled milk, is made on routes in such other marketing area, unless notwithstanding the provisions of this paragraph, it would be regulated under such other order;

(2) A plant meeting the requirements of § 1140.7(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is distributed during the month on routes in this marketing area than is distributed in such other marketing area but which plant would be, nevertheless, fully regulated under such other Federal order; or

(3) Any distributing plant from which less than an average of 300 lb of Class I milk per day, except filled milk, is distributed on routes in the marketing area during the month.

(b) The provisions of this part shall not apply to exempt plants except as provided in §§ 1140.32 and 1140.76A.

§§ 1140.20—1140.29 [Reserved]

HANDLER REPORTS

§ 1140.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) The receipts of milk and the pounds of butterfat contained therein:

(i) From producers, including that diverted pursuant to § 1140.13(c); and

(ii) From cooperative association handlers pursuant to § 1140.9(d);

(2) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand both in bulk and in packages at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route distribution of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route distribution of filled milk;

(6) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmers whose milk was so diverted;

(iii) The pounds of skim milk and butterfat from each dairy farmer contained in the milk so diverted;

(iv) The number of deliveries of milk of the dairy farmer received at his distributing pool plant; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1140.9 (c) or (d) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmers whose milk was so diverted;

(iii) The pounds of skim milk and butterfat from each dairy farmer contained in the milk so diverted;

(iv) The number of deliveries of milk of the dairy farmer received at a distributing pool plant; and

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted fluid milk products in fluid milk products distributed on routes in the marketing area.

§ 1140.31 Payroll reports.

On or before the 23d day of each month the following handlers shall report as follows to the market administrator:

(a) Each handler who operates a pool plant(s) shall submit to the market administrator his payroll for receipts of producer milk at each of his pool plants during the preceding month which shall show:

(1) The name and the days of delivery of each producer from whom milk was received during the month with the address of any producer for whom such information was not furnished previously;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer, identifying separately those producers for whom a cooperative association is authorized to collect payments pursuant to § 1140.73(c);

(3) The amount of payment to each producer (except member producers in the case of a cooperative association) to each cooperative association on behalf of its producer members and to each cooperative association handler; and

(4) The nature and amount of any deductions or charges involved in such payments.

(b) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1140.76(a) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; and

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1140.9(c) and (d) the name and the number of deliveries, with the address of any producers not previously reported, the total pounds of milk and the average butterfat content thereof which was received from each producer.

§ 1140.32 Other reports.

Each producer-handler, each handler operating an exempt plant and each handler making payments pursuant to § 1140.76(a) and (b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

CLASSIFICATION OF MILK

§ 1140.40 Classes of utilization.

(a) Class I milk shall be all skim milk (including reconstituted or recombined skim milk) and butterfat:

(1) Disposed of from a plant in the form of fluid milk products, except:

(i) Fluid milk products in uses classified as Class II milk or Class III milk.

(ii) Fluid milk products to which nonfat milk solids are added shall be Class I milk in an amount equal to the weight of such finished products.

(2) Used to produce milkshake, milkshake base and other flavored mixes which are not further processed in a commercial establishment.

(3) Used to produce concentrated milk, flavored milk, or flavored milk drinks disposed of for fluid consumption.

(4) Disposed of as a fluid milk product containing less than 6 percent nonmilk fat (or oil).

(5) In inventory of fluid milk products in packaged form on hand at the end of the month; or

(6) Not specifically accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Disposed of as cream (sweet or sour), plastic cream, aerated cream, frozen cream, and any mixtures of milk, skim milk, or cream containing 9 percent or more of butterfat, anhydrous butterfat, and eggnog containing 6 percent or more butterfat.

(2) Used to produce yogurt, cottage cheese, creamed or partially creamed cottage cheese, any other cheese containing more than 50 percent moisture, cheese dips, sour cream, and any sour mixtures of cream and milk or skim milk containing 9 percent or more butterfat.

(3) Used to produce any product containing 6 percent or more nonmilk fat (or oil) that resembles any product specified in paragraphs (b) (1) and (2) of this section.

(4) Used to produce frozen dessert mixes, including milkshake and milkshake base for further processing in commercial establishments.

(5) Used to produce evaporated milk, evaporated skim milk, condensed milk, and condensed skim milk (sweetened or unsweetened canned or in bulk), canned liquid diet formulas, and canned liquid formulas for infant feeding.

(6) Used to produce a nonfluid milk product not otherwise specified in Class II or Class III milk.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce dry whole milk, nonfat dry milk, dry whey, dry buttermilk, casein, lactose, and other dried products, including food and feed mixtures containing 20 percent or less moisture.

(2) Used to produce cheese not defined as Class II.

(3) Used to produce butter.

(4) Used to produce condensed whey and buttermilk for animal feed.

(5) In that portion of fortified milk products excluded from Class I milk pursuant to paragraph (a)(1)(ii) of this section.

(6) In fluid milk products or Class II products which are dumped after prior notification to and opportunity for verification by the market administrator;

(7) In inventory of bulk fluid milk products on hand at the end of the month;

(8) In shrinkage at each pool plant assigned pursuant to § 1140.41(b)(1), not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1140.13(a); plus

(ii) One and one-half percent of receipts from a cooperative association in its capacity as handler pursuant to § 1140.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of warm weights determined by farm bulk tank calibrations and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iii) One and one-half percent of receipts of milk in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of disposition of milk in bulk tank lots to other milk plants either by transfers or diversions;

(9) In shrinkage allocated pursuant to § 1140.41(b)(2); and

(10) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1140.9 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and tests are used as the basis of receipt at the plant to which delivered.

§ 1140.41 Assignment of shrinkage.

The market administrator shall assign a handler's shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) For each handler prorate the resulting amount between:

(1) The pounds of skim milk and butterfat in other source milk received in bulk in the form of fluid milk products exclusive of that specified in § 1140.40(c)(8); and

(2) The maximum pounds of skim milk and butterfat computed pursuant to § 1140.40(c)(8) divided by 0.02.

§ 1140.42 Classification of transfers and diversions.

Skim milk and butterfat disposed of in the form of a fluid milk product (or a Class II product moved between pool plants) by a handler, including a handler pursuant to § 1140.9(c), either by transfers or diversions, shall be classified as follows:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1140.9(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1140.44(i);

(2) If the transferor plant received during the month other source milk to be assigned pursuant to § 1140.44(d), the skim milk and butterfat so transferred shall be classified so as to assign the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be assigned pursuant to § 1140.44 (h) or (i), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants.

(b) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from paragraph (b)(3) of this section:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in paragraph (b)(3) of this section in his report submitted to the market administrator pursuant to § 1140.30 for the month within which such transaction occurred;

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

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

(i) Any Class I utilization distributed on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(ii) Any Class I utilization distributed on routes in the marketing area of another order issued pursuant to the act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to paragraph (b)(3) (i) and (ii) of this section shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph, the same conditions of audit, classification, and assignment shall apply;

(c) If transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in paragraph (c) (1), (2), or (3) of this section:

(1) If transferred in packaged form, classification shall be in the classes to which assigned as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in Class I if assigned as a fluid milk product under the other order to Class I, in Class II if assigned to Class II under an order which provided three classes and in Class III if assigned to Class III under the other order or if assigned to Class II under an order which provides only two classes (including assignment under the conditions set forth in paragraph (c)(3) of this section);

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

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

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat assigned to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat assigned to another class shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1140.40.

§ 1140.43 General classification rules.

(a) All skim milk and butterfat which is required to be reported pursuant to § 1140.30 shall be classified by the market administrator pursuant to §§ 1140.40–1140.45.

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

(c) For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1140.30 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1140.9 (c) and (d) and was not received at a pool plant.

(d) For each pool plant or for each handler pursuant to § 1140.9 (c) and (d), compute the amount by which total butterfat classified pursuant to § 1140.40 exceeds total receipts of butterfat.

§ 1140.44 Assignment of classification to producer milk.

After making the computations pursuant to § 1140.43, the market administrator shall determine each month for each handler the classification of milk received from producers by each handler pursuant to § 1140.9 (c) and (d) which was not received at a pool plant and the classification of milk received in bulk from pool plants operated by cooperative associations and from handlers pursuant to § 1140.9(d) at a pool plant(s). For the purpose of this section and §§ 1140.60 and 1140.85, milk that was physically received at a pool plant from a handler pursuant to § 1140.9(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant. The total of skim milk and butterfat from all sources shall be assigned in the following manner:

(a) Subtract from the total pounds in Class III the pounds classified as Class III pursuant to § 1140.41(b)(2).

(b) Subtract from the remaining pounds in each class the pounds in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to paragraph (d)(5) of this section as follows:

(1) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

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

(c) Subtract from the remaining pounds in Class I, the pounds in inventory of fluid milk products in packaged form on hand at the beginning of the month.

(d) Subtract in the order specified below from the pounds remaining in each class, in series beginning with Class III, the pounds in each of the following:

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

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

(3) Receipts of fluid milk products from a producer-handler, as defined in any order (including this part) issued pursuant to the act;

(4) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

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

(e) Subtract, in sequence beginning with Class III in the order specified below, from the pounds remaining in Class III and Class II;

(1) The pounds in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to paragraph (d)(4) of this section, for which the handler request Class III utilization, but not in excess of the pounds remaining in Class III and Class II;

(2) The pounds remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to paragraph (d)(4) of this section, which are in excess of the pounds determined as follows:

(i) Multiply the pounds remaining in Class I by 1.25; and

(ii) Subtract from the result the sum of the pounds in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to paragraph (d)(5) of this section.

(3) The pounds in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to paragraph (d)(5) of this section, in excess of similar transfers or diversions to such plant but not in excess of the pounds remaining in Class III (and Class II), if the lowest classification under each order was requested by the operators of both plants;

(f) Subtract from the pounds remaining in each class, in series beginning with Class III, the pounds in inventory of bulk fluid milk products on hand at the beginning of the month;

(g) Add to the remaining pounds in Class III milk the pounds subtracted pursuant to paragraph (a) of this section;

(h) Subtract from the pounds remaining in each class, pro rata to the total pounds remaining in each class the pounds in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to paragraph (d)(4) or (e)(1) or (2) of this section. (For purposes of this subtraction at a pool plant(s) operated by a cooperative association, milk in fluid milk products transferred to the pool plant of another handler shall be added to the remaining pounds in each class pro rata to the market average utilization announced pursuant to § 1140.45(a).)

(i) Subtract from the pounds remaining in each class, in the following order, the pounds in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to paragraph (d)(5) or (e)(3) of this section:

(1) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III and Class II milk combined;

(i) The estimated utilization in each class, by all handlers, as announced for the month pursuant to § 1140.45(a); or

(ii) The pounds remaining in each class at the pool plant(s) of the handler. (For purposes of such computation at a pool plant(s) of a cooperative association, the pounds remaining shall include any remainder of the quantity added pursuant to paragraph (h) of this section);

(j) Subtract from the pounds remaining in each class the pounds received from pool plants of other handlers according to the classification assigned pursuant to § 1140.42(a); and

(k) If the remaining pounds in all classes exceed the pounds contained in milk received from producers, from pool plants operated by cooperative associations, and from cooperative associations pursuant to § 1140.9(d), subtract such excess from the remaining pounds in series beginning with Class III. Any amount so subtracted shall be known as "overage."

§ 1140.45 Market administrator's reports and announcements concerning classification.

(a) Whenever required for purposes of assigning receipts from other order plants pursuant to § 1140.44(l) the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of producer milk to all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are assigned pursuant to § 1140.44 pursuant to such report, and thereafter any change in such assignment required to correct errors disclosed in verification of such report;

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

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1140.50 Class prices.

(a) *Class I milk.*—The Class I price shall be the basic formula price for the second preceding month plus $2.15.

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

(c) *Class III milk.*—The Class III price shall be the basic formula price for the month.

§ 1140.51 Basic formula.

The "basic formula" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5-percent-butterfat basis and rounded to the nearest cent.

§ 1140.52 Location adjustments to handlers.

(a) Milk received from producers and from cooperative association handlers pursuant to § 1140.9(d) at a pool plant, or diverted to a nonpool plant, located outside the marketing area and more than 75 miles from the county courthouse at Casper, Wyo., by shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1140.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located beyond 75 miles from such courthouse, provided that such resulting price if applied to milk received at a plant in Montana shall not be less than the price established by the Montana Milk Control Board and if applied to milk received at a plant in Wyoming shall not be less than the price established by the Wyoming Department of Agriculture, Division of Markets, Milk Market Order Section.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1140.9(d). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1140.53 Announcement of class prices.

The market administrator shall publicly announce, on or before the fifth day of each month:

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

(b) The Class II and Class III prices for the preceding month.

§ 1140.54 Equivalant price.

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

UNIFORM PRICE

§ 1140.60 Pool obligation of each handler.

The pool obligation of each pool handler and of each cooperative association handler pursuant to § 1140.9 (c) and (d) for each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1140.44, by the applicable class prices (adjusted pursuant to § 1140.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class by the class prices, plus or minus an amount computed as follows: multiply the pounds of overage by 0.035 and subtract such result from the pounds determined pursuant to § 1140.43(d) and multiply this result by the butterfat differential specified in § 1140.74 times 10.

(c) Add the amounts computed pursuant to paragraphs b(1) and (2) of this section:

(1) Multiply the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight subtracted from Class I pursuant to § 1140.44(f); and

(2) Multiply the difference between the Class III price for the preceding month and the Class II price for the current month by the hundredweight subtracted from Class II milk pursuant to § 1140.44(f).

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to other source milk subtracted from Class I pursuant to § 1140.44(d) except that for receipts of fluid milk products assigned to Class I pursuant to § 1140.44 (d) (4) and (5) the Class I price shall be adjusted to the location of the transferor plant; and

(e) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received (such adjusted price not to be less than the Class III price) with respect to the pounds subtracted from Class I pursuant to § 1140.44(h).

§ 1140.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1140.60 for all handlers who filed the reports prescribed for the month and who made the payments pursuant to §§ 1140.70 and 1140.73 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1140.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1140.60(e); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location adjustment is applicable.

§ 1140.62 Announcement of uniform price and butterfat differential.

On or before the 12th day of each month, the market administrator shall announce the uniform price for producer milk computed pursuant to § 1140.61,

and the butterfat differential computed pursuant to § 1140.74, for the preceding month.

PAYMENTS FOR MILK

§ 1140.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1140.71, 1140.76, 1140.76A, 1140.77, and 1140.78 and out of which he shall make all payments pursuant to §§ 1140.72 and 1140.77, provided that any payments due to any handler shall be offset by any payments due from such handler.

§ 1140.71 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1140.60 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1140.73(c).

(b) The sum of:

(1) The value of milk received by such handler from producers at the uniform price adjusted by the applicable differential pursuant to § 1140.75;

(2) The amount to be paid to cooperative associations pursuant to § 1140.73(c); and

(3) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1140.60(e).

§ 1140.72 Payments from the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1140.71(b) exceeds the amount computed pursuant to § 1140.71(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1140.73 Payments to producers and to cooperative associations.

Except as provided in paragraphs (b) and (c) of this section, each handler except a cooperative association shall make payments as specified in paragraph (a) of this section to each producer from whom milk was received:

(a)(1) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received during the first 15 days of the month at the class III price for the preceding month;

(2) On or before the 16th day after the end of the month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1140.61 subject to the butterfat differential pursuant to § 1140.74 and location adjustment pursuant to § 1140.75, plus or minus adjustments for errors made in previous payments to such producers and less:

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Marketing service deductions pursuant to § 1140.86; and

(iii) Deductions specified in § 1140.80.

(b) If by the 16th day after the end of the month such handler has not received full payment for such delivery period pursuant to § 1140.72 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of balance from the market administrator;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraph (a) of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed with the market administrator by the cooperative association and shall be subject to verification through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator, and shall be subject to his determination;

(d) For milk received from a pool plant operated by a cooperative association or by bulk tank delivery pursuant to § 1140.9(d), each handler shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) A final settlement equal to the value of such milk at the uniform price, adjusted by the applicable differentials pursuant to §§ 1140.74 and 1140.75, less payment made pursuant to subparagraph (1) of this paragraph and deductions pursuant to § 1140.80.

(e) In making the payments to producers pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

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

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

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

§ 1140.74 Butterfat differential.

The applicable uniform price to be paid to producers pursuant to § 1140.61 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential rounded to the nearest one-tenth cent, computed at 0.115 times the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the preceding month.

§ 1140.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price to be paid for milk received at a pool plant from producers, in bulk from pool plants operated by cooperative associations, and from cooperative association handlers pursuant to § 1140.9(d) may be reduced by the amount of the location differential applicable at the location of the pool plant at which such milk was first physically received from producers, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of such nonpool plant, each at the rates set forth in § 1140.52; and

(b) For purposes of computations pursuant to §§ 1140.71 and 1140.72 the uniform price shall be adjusted at the rates set forth in § 1140.52 applicable at the location of the nonpool plant from which the milk was received, except that the price so determined shall not be less than the Class III price.

§ 1140.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1140.30 and 1140.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1140.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other plant shall be classified as Class III (or Class II) milk if assigned to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so assigned to Class I milk, except that reconstituted milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1140.61(e) and a credit in the amount specified in § 1140.71(b)(3) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1140.30 and 1140.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1140.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant:

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers or from a cooperative association at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the pounds of fluid milk products disposed of as Class I milk on routes in the marketing area;

(2) Deduct the pounds of fluid milk products received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of an order issued pursuant to the act;

(3) Deduct the quantity of reconstituted fluid milk products in fluid milk products disposed of on routes in the marketing area;

(4) From the value of such fluid milk products at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted fluid milk products specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such fluid milk products at the Class III price.

§ 1140.76A Payments by a handler operating an exempt plant.

Each handler operating an exempt plant, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was assigned to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(b) Compute the value of the quantity assigned in paragraph (a) of this section to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

§ 1140.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer, a cooperative association, or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1140.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1140.71, 1140.76, 1140.76A, 1140.77, and 1140.78 shall be increased 1 percent for each month or portion thereof beginning with the third day following the date by which such obligation was payable: *Provided*, That:

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

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

§ 1140.80 Additional deductions from payments to producers or cooperative associations.

Proper deductions (as to purpose and amount) may be deducted from payments to producers or cooperative associations, if authorized in writing by such producer or cooperative association and approved by the market administrator. In ascertaining the propriety of the amount of such deductions, the market administrator shall be authorized to collect data and other evidence as necessary from handlers and others affected or involved to determine whether such deduction is appropriate for the goods received or services rendered and does not impair the statutory requirement that prices established under this part shall be applied uniformly to all handlers. If the data or facts necessary to make the above evaluation are not made available to the market administrator, any deductions involved shall be deemed to be inappropriate.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1140.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including milk received from a cooperative association handler) and such handler's own production;

(b) Other source milk assigned to Class I pursuant to § 1140.44 (d) and (h); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1140.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in mak-

ing payments to producers for milk (other than milk of his own production) pursuant to § 1140.73, shall deduct 12 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money shall be used by the market administrator to provide marketing information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

Proposed by Cream of the Valley Dairies, Inc., Dairy Gold Foods Company and Jersey Creamery, Inc.

Proposal No. 2.

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GENERAL PROVISIONS

§ 1140.1 General provisions.

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

DEFINITIONS

§ 1140.2 Frontier marketing area.

"Frontier marketing area," hereinafter called the "marketing area," means all territories within the perimetric boundaries of the counties listed below, including all territory occupied by Government (municipal, County, State, or Federal) reservations, installations, institutions, or other governmental establishments. Where such an establishment is located partly within and partly without the designated boundaries, the marketing area shall include the entire area encompassed by such establishment.

WYOMING COUNTIES

Albany	Johnson
Big Horn	Laramie
Campbell	Natrona
Carbon	Niobrara
Converse	Park
Crook	Platte
Fremont	Sheridan
Goshen	Washakie
Hot Springs	Weston

MONTANA COUNTIES

Big Horn
Yellowstone

§ 1140.3 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant: *Provided*, That packaged fluid milk products, except filled milk, that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1140.23, shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant.

§ 1140.4 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a producer-handler or the plant of a handler exempt pursuant to § 1140.16.

(a) Any plant, hereinafter referred to as a "distributing pool plant," in which during the month fluid milk products are processed or packaged and from which (1) an amount equal to 50 percent or more for the months of September through February and 40 percent or more for the months of March through August of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products, except filled milk, on routes, and (2) 10 percent or more of such receipts, or 12,000 pounds per day, whichever is less, are disposed of as fluid milk products, except filled milk, on routes in the marketing area:

Provided, That, if two or more distributing plants are operated by the same handler and if each said plant meets the requirement of 10 percent or 12,000 pounds per day, whichever is less, of disposition in the marketing area as described in this paragraph (a) at (2); each of said plants may be qualified as a pool distributing plant, if the combinations of the receipts and the combinations of the dispositions at all of said plants meet the 50 percent and the 40 percent requirements as described in paragraph (a) (1) of this section;

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s) as fluid milk products, excepted filled milk. Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 1140.5 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

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

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

(c) "Partially regulated distributing plant" means a nonpool plant that is

neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant.

§ 1140.6 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a milk plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

§ 1140.7 Handler.

"Handler" means:

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

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant pursuant to § 1140.10(a) for the account of such cooperative association;

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

(e) A producer-handler, or any person who operates an exempt plant.

§ 1140.8 Producer-handler.

(a) "Producer-handler" means any person who is an individual, partnership or corporation and who operates a milk processing or packaging plant and a dairy farm and who meets all the following conditions:

(1) Provides proof satisfactory to the market administrator that the ownership, care, and management of the dairy animals and other resources necessary to produce the entire volume of milk received at the plant operated by such person is the exclusive enterprise of and at the sole risk of such person.

(2) Provides proof satisfactory to the market administrator that the ownership and management of the milk processing or packaging plant is the exclusive enterprise of and at the sole risk of such person; and

(3) Neither receives nor distributes fluid milk products from any source except those derived from milk produced pursuant to paragraph (a)(1) of this section, and who does not dispose of more than an average of 300 pounds per day for the month.

(4) Provides proof satisfactory to the market administrator that the ownership and management of the business of distributing the fluid milk products is the exclusive enterprise of, and at the sole risk of such person; and

(5) For the purpose of this section, all fluid milk products distributed on routes or at stores operated by him or by any person who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he (including, in the case of a corporation, any stockholder therein) has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store distribution.

§ 1140.9 Application of provisions to producer-handler.

Sections 1140.19 through 1140.24, §§ 1140.25 through 1140.28, §§ 1140.29 through 1140.30, and §§ 1140.33 through 1140.40, shall not apply to a producer-handler.

§ 1140.10 Producer.

"Producer" means any person (other than a producer-handler as defined in any Federal order including this part) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is received at a pool plant or diverted to a nonpool plant within the limits set forth in paragraphs (a) and (b) of this section. The term shall not include such person with respect to milk diverted to a pool plant from an other order plant if the operator of both the transferor plant and the transferee plant have requested Class III classification in the reports of receipts and utilization filed with their respective market administrators:

(a) A cooperative association may divert for its account the milk of any member-producer from whom at least 3 days of milk production are received during the month at a distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of its member producer milk received at distributing pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk.

(b) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, from whom at least 3 days of milk production are received during the month at his distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of the milk received at such distributing pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section. Diversions in excess of such percentages shall not be considered as producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.

(c) For the purposes of the requirements of § 1140.4, milk diverted for the account of the operator of a distributing pool plant, shall be included in the receipts of the pool plant from which diverted.

(d) For purposes of location adjustments pursuant to §§ 1140.28 and 1140.39, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

§ 1140.11 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer. This definition shall not include milk diverted to an other order plant if such milk is fully subject to the pricing and pooling provisions of the other order.

(a) With respect to receipts at a pool plant for which the handler operating such plant is to be responsible pursuant to § 1140.31:

(1) Received directly from such producer; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 1140.10;

(b) With respect to the additional receipts of a cooperative association:

(1) For which the cooperative association is the handler pursuant to § 1140.7(c), subject to the limitations and conditions provided in § 1140.10; and

(2) For which the cooperative association is the handler pursuant to § 1140.7(d).

§ 1140.12 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products from any source except (1) producer milk; (2) fluid milk products received from other pool plants; and (3) receipts from a cooperative association pursuant to § 1140.7(d), and

(b) Products (other than fluid milk products and products specified in § 1140.23(b)(1)) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1140.13 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, reconstituted milk, or skim milk, fortified milk or skim milk, and any mixture in fluid form of milk or skim milk or cream except for such mixtures that are included in the products, uses and dispositions included in Class II classification under § 1140.23(b)

and in Class III classification under § 1140.23(c).

§ 1140.14 Filled milk.

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

§ 1140.15 Cooperative association.

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

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

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1140.16 Exempt plants.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except as specified in paragraph (c) of this section:

(a) A plant meeting the requirements of § 1140.4(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proporton of its Class I disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1140.4(a) which also meets the pooling requirements of another Federal order on the the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1140.18 through 1140.20) and allow verification of such reports by the market administrator.

MARKET ADMINISTRATOR

§ 1140.17 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a)–(h) [Reserved]

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the sixth day of each month, the Class I price and the Class I butterfat differential for the following month, computed pursuant to §§ 1140.27(a) and 1140.29(a), respectively;

(2) On or before the sixth day of each month, the Class II and Class III prices and the Class II and Class III butterfat differentials for the month computed pursuant to § 1140.27(b) and § 1140.29(b), respectively; and

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1140.32, and the butterfat differential computed pursuant to § 1140.38, for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(k) [Reserved]

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1140.26(a) and the corresponding step of § 1140.26(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1140.26 pursant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

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

REPORTS

§ 1140.18 Reports of receipts and utilization.

On or before the seventh day after the end of each month exclusive of Sundays and holidays recognized by the Federal Government, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) The receipts of milk and the pounds of butterfat contained therein:

(i) From producers, including that diverted pursuant to § 1140.10(b); and

(ii) From cooperative association handlers pursuant to § 1140.7(d);

(2) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand both in bulk and in packages at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the route disposition of Class I milk outside the marketing area, and a statement showing separately in-area and outside area route disposition of filled milk;

(6) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual producers so diverted;

(iii) The pounds of skim milk and butterfat from each producer contained in the milk so diverted;

(iv) The number of days milk of the producer was received at a pool plant of the diverting order; and

(7 Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1140.7 (c) or (d) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual producers so diverted;

(iii) The pounds of skim milk and butterfat from each producer contained in the milk so diverted;

(iv) The number of days milk of the producer was received at a pool plant of the diverting order; and

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area.

§ 1140.19 Payroll reports.

On or before the 23d day of each month the following handler shall report as follows to the market administrator:

(a) Each handler who operates a pool plant(s) shall submit to the market administrator his payroll for receipts of milk at each of his pool plants during the preceding month which shall show:

(1) The name and the days of delivery of each producer for whom milk was received during the month with the address of any producer for whom such information was not furnished previously;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer, identifying separately those producers for which a cooperative association is authorized to collect payments pursuant to § 1140.34(b);

(3) The amount of payment to each producer, to each cooperative association on behalf of its producer-members and to each cooperative association handler; and

(4) The nature and amount of any deductions or charges involved in such payments.

(b) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1140.33(a) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; and

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1140.6 (c) and (d) the name and the number of days of delivery, with the address of any producers not previously reported, the total pounds of milk and the average butterfat content thereof which was received from each producer.

§ 1140.20 Other reports.

Each producer-handler, each handler required to report pursuant to § 1140.16 and each handler making payments pursuant to § 1140.33(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

CLASSIFICATION

§ 1140.21 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1140.18 shall be classified by the market administrator pursuant to the provisions of §§ 1140.22 through 1140.26. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1140.22 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1140.18 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1140.7 (c) or (d) and was not received at a pool plant. Producer milk for which a cooperative association is the responsible handler pursuant to § 1140.7 (c) or (d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1140.26 and computation of obligation pursuant to § 1140.31.

§ 1140.23 Classes of utilization.

Subject to the conditions set forth in §§ 1140.24 through 1140.26, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of a fluid milk product except:

(i) Any Class I products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content.

(ii) As classified pursuant to paragraph (b) and (c) of this section.

(2) In inventory of fluid milk products in packaged form on hand at the end of the month.

(b) *Class II milk.*—Except as provided in paragraph (c) of this section, Class II shall be all skim milk and butterfat:

(1) Disposed of as sweet cream or cream mixtures containing 9 percent or more of butterfat, eggnog containing 6 percent or more butterfat, or yogurt. Any product specified in this subparagraph that is modified by the addition of nonfat milk solids shall be Class II milk in amount equal only to the weight of an equal volume of a nonmodified product of the same nature and butterfat content;

(2) In packaged inventory at the end of the month of the products specified in subparagraph (1) of this paragraph; and

(3) Used to produce cottage cheese, lowfat cottage cheese and dry curd cottage cheese.

(c) *Class III milk.*—Class III milk shall be all skim milk and butterfat:

(1) Used to produce sour cream and sour cream products, including dips; plastic cream, frozen cream, anhydrous milk fat, and aerated cream; condensed or dry butterfat; butter; cheese other than cottage cheese; whey; ice cream and ice cream mixes; frozen dessert mixes; evaporated milk (plain or sweet) and condensed milk (plain or sweet); condensed skim milk (plain or sweet) any milk product in dry form, including nonfat dry milk, dry whole milk, dry whey; milk shake and milk shake mixes containing 12 percent or more total solids; custards; puddings; and pancake mixes;

(2) In inventory or bulk fluid milk products at the end of the month;

(3) Contained in any fortified milk product in excess of the pounds classified as Class I pursuant to paragraph (a)(1)(i) of this section and as Class II pursuant to paragraph (b)(1) of this section;

(4) In fluid milk products or Class II products disposed of for animal feed;

(5) In fluid milk products or Class II products which are dumped;

(6) Sterilized products in hermetically sealed containers;

(7) Disposed of in fluid milk products to any commercial food processing establishment, which does not dispose of fluid milk products for fluid consumption;

(8) In shrinkage at each pool plant allocated pursuant to § 1140.24(b), not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1140.11(a); plus

(ii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1140.7(d) except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iii) One and one-half percent of receipts (except cream) in bulk from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) One and one-half percent of disposition in bulk (except cream) to other milk plants either by transfers or diversions;

(9) In shrinkage allocated pursuant to § 1140.24(b)(2); and

(10) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1140.7 (c) or (d) not being delivered to pool plants and

nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and tests are used as the basis of receipt at the plant to which diverted.

§ 1140.24 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

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

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat contained in producer milk and other milk receipts specified in § 1140.23(b); and (2) Skim milk and butterfat in other source milk, exclusive of that specified in § 1140.23(b).

§ 1140.25 Classification of transfers and diversions.

Skim milk and butterfat disposed of in the form a fluid milk product (or bulk cream) by a handler, including a handler pursuant to § 1140.7(c), either by transfers or diversions, shall be classified as follows:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1140.7(d) shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1140.26(a)(9)(b);
and the corresponding step of § 1140.26

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1140.26(a)(8) and the corresponding step of § 1140.26(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1140.26(a)(8) or (9) and the corresponding steps of § 1140.26(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1140.18, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1140.18 for the month within which such transaction occurred;

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

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

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

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

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph, the same conditions of audit, classification and allocation shall apply;

(d) If transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

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

(2) If transferred or diverted in bulk form, classification shall be in Class I if allocated as a fluid milk product under the other order to Class I, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

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

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

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to another class shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1140.23.

§ 1140.26 Allocation of skim milk and butterfat classified.

The market administrator shall determine each month for each handler the classification of milk received from producers by each handler pursuant to § 1140.7 (c) and (d) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1140.7(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1140.7(d) shall be considered as a receipt of producer milk at the transferee plant.

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

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1140.23(c)(8);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent

amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (8)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

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

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1140.23(b) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk that was used to produce or added to (excluding the quantity of such milk that was classified as Class III milk pursuant to § 1140.23(c)(3) any product specified in § 1140.23(b)(1), but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of Class I products in packaged form on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1140.23(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II;

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

(i) Other source milk (except that received in the form of a fluid milk product) and packaged inventory at the beginning of the month of products specified in § 1140.23(b)(1) that was not subtracted pursuant to subparagraphs (4), (5), and (7) of this paragraph;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

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

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to subparagraph (2) of this paragraph; and

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

(9) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2) and (8)(v) of this paragraph for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2), (8)(v), and (9)(i) of this paragraph which were in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I at the allocation step the sum of the pounds of skim milk in receipts of producer milk, milk from a handler described in § 1140.7(d), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to subparagraph (7)(vi) of this paragraph; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraph (8)(v) of this paragraph, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(10) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

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

(12) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (2), (8)(iv), and (9)(i) and (ii) of this paragraph and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated in this step were received;

(13) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (8)(v) or (9)(iii) of this paragraph:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III and Class II milk combined:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1140.17(l); or

(b) The pounds of skim milk remaining in each class at the pool plant(s) of the handler. (For purposes of such computation at a pool plant(s) of a cooperative association, the pounds remaining shall include any remainder of the quantity added pursuant to subparagraph (12) of this paragraph.);

(14) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products and bulk fluid cream products received from pool plants of other handlers according to the classification assigned pursuant to § 1140.25(a); and

(15) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, from pool plants operated by cooperative associations, and from cooperative associations pursuant to § 1140.7(d), subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage."

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

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Provided: That for any month during which any association of producers, or group of producers, demands of a pool plant handler or handlers in payment for producer milk deliveries any sum in excess of the total obligation of such handler or handlers according to the order prices, as a condition of milk delivery to said handler or handlers by such cooperative association or group of producers:

(a) This order shall cease to be effective for such month; or, in the alternative;

(b) The allocation provisions of the order shall be applied in such manner as to allocate producer milk and other source milk to the classes pro rata, and no payment shall be made into the pool by such pool plant handler or handlers with respect to any other source milk allocated to any class.

Minimum Prices

§ 1140.27 Class prices-basic formula price.

(a) *Basic formula price.*—The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth

cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class prices.*—Subject to the provisions of §§ 1140.28 and 1140.29, the class prices per hundredweight for the month shall be as follows:

(1) *Class I milk.*—The Class I price shall be the basic formula price for the second preceding month plus $2;

(2) *Class II milk.*—The Class II price shall be the basic formula price for the preceding month plus 15 cents;

(3) *Class III milk.*—The Class III price for the months of July through November and the months of January through April shall be the basic formula price for the preceding month; and for the months of May, June, and December shall be the basic formula price for the preceding month less 12 cents.

§ 1140.28 Location adjustments to handlers.

(a) For milk received at a pool plant or diverted to a nonpool plant located outside the base zone and classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1140.27(b)(1) shall be decreased 1.5 cents for each 10 road miles or fraction thereof that such plant is located beyond the perimeter of the base zone.

(b) For the purpose of calculating such adjustments:

(1) All distances shall be by shortest hard-surfaced highway and/or all-weather roads, as determined by the market administrator;

(2) Transfers between pool plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1140.7(d), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price differential applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) The "base zone" shall include the area within the "marketing area" specified in § 1140.2.

§ 1140.29 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1140.27 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.*—Multiply the butter price specified in § 1140.27(a) for the preceding month by 1.25 and divide the result by 10;

(b) *Class II milk.*—Multiply said butter price by 1.15 and divide the result by 10;

(c) *Class III milk.*—Multiply said butter price by 1.0 and divide the result by 10.

§ 1140.30 Use of equivalent prices.

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

Determination of Uniform Prices

§ 1140.31 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler and of each cooperative association handler pursuant to § 1140.7 (c) and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1140.26(c), by the applicable class prices (adjusted pursuant to §§ 1140.28 and 1140.29);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1140.26(a)(ii) and the corresponding step of § 1140.26(b), by the applicable class prices, as adjusted by the butterfat differential specified in § 1140.38, that are applicable at the location of the pool plant;

(c) Add the amount obtained by multiplying the difference between the appropriate Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1140.26(a)(10) and the corresponding step of § 1140.26(b), for the current month;

(d) Add the amount obtained from multiplying the difference between Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1140.26(a)(8) (i) through (iv) and the corresponding step of § 1140.26 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1140.26(a)(8) (v) and (vi) and the corresponding step of § 1140.26(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1140.26(a)(12) and the corresponding step of § 1140.26(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers full regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Add the amount obtained by multiplying the difference between the appropriate Class I price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1140.26(a)(6) and the corresponding step of § 1140.26(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

§ 1140.32 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the value computed pursuant to § 1140.31 for all handlers who filed the reports prescribed by § 1140.18 for the month and who made the payments pursuant to §§ 1140.34 and 1140.36 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1140.39;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1140.38 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1140.26(f); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location adjustment is applicable.

PAYMENTS FOR MILK

§ 1140.33 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1140.18 and 1140.19(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1140.31 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1140.31(e) and a credit in the amount specified in § ——— with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1140.18 and 1140.19(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1140.4(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other other order plants except that deducted under a similar provision of another order issued pursuant to the act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content;

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

§ 1140.34 Payment to producers and cooperative associations.

Except as provided in paragraph (b) and (c) of this section, each handler except a cooperative association shall make payment as specified in paragraph (a) of this section to each producer from whom milk is received:

(a) (1) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(2) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1140.32 subject to the butterfat differential computed pursuant to § 1140.38 and location adjustment computed pursuant to § 1140.39, plus or minus adjustments for errors made in previous payments to such producers and less:

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Marketing services deductions pursuant to § 1140.42; and

(iii) Proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 1140.37 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraph (a) of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association: and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(c) For milk received from a pool plant operated by a cooperative association or by bulk tank delivery pursuant to § 1140.7(d), each handler shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) A final settlement equal to the value of such milk at the uniform price, adjusted by the applicable differentials pursuant to §§ 1140.38 and 1140.39, less payment made pursuant to subparagraph (1) of this paragraph.

(d) In making the payments to producers pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

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

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

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

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

§ 1140.35 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1140.16, 1140.33, 1140.36, and 1140.40, and out of which he shall make payments pursuant to §§ 1140.37 and 1140.40.

§ 1140.36 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1140.31 for such handler; and

(2) In the case of a cooperative association which is a handler the minimum amounts due from other handlers pursuant to § 1140.34(c);

(b) The sum of:

(1) The value of milk received by such handler from producers at the uniform price adjusted by applicable differentials pursuant to §§ 1140.38 and 1140.39;

(2) The amount to be paid to cooperative associations pursuant to § 1140.34(c); and

(3) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1140.31(e).

§ 1140.37 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount (for each pool plant, if applicable), if any, by which the amount computed pursuant to § 1140.36(b) exceeds the amount computed pursuant to § 1140.36(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments to handlers pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available; and the payments to producers and cooperative associations required of the handler under § 1140.34 shall be reduced in amount appropriate to such reduced payments to the handler from the producer-settlement fund.

§ 1140.38 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 1140.36 shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1140.29, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest 10th of a cent.

§ 1140.39 Location differentials to producers and on nonpool milk.

(a) For producer milk received at a pool plant or diverted to a nonpool plant suant to §§ 1140.36 and 1140.37, the uniform price shall be adjusted at the rate set forth in § 1140.28; and

(b) For purposes of computations pursant to §§ 1140.36 and 1140.37, the uniform price shall be adjusted at the rates set forth in § 1140.28 applicable at the location of the nonpool plant from which the milk was received.

§ 1140.40 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer, a cooperative association, or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1140.41 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1140.26(a) (4) and (8) and the corresponding steps of § 1140.26(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1140.42 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1140.34, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

MISCELLANEOUS PROVISIONS

§ 1140.43 Milk unfit for human consumption.

In the event milk received from a producer, cooperative association, or dairy farmer is determined by the appropriate health authorities to be unfit for human consumption because of the presence of pesticides, antibiotics, or other adulterants, such milk shall not be considered or treated as producer milk nor as other source milk, and shall not be treated as a receipt by the handler for the purpose of this order; and nothing contained in this order shall preclude the handler from pursuing his right of action in the ordinary course of law against such producer, cooperative association or dairy farmer or other party with respect to damages experienced by the handler as the result of the intake of such milk.

Proposed by Sheridan County Milk Producers, Inc.

Proposal No. 3.

Include Campbell, Johnson, and Sheridan Counties, Wyo., in the marketing area.

Proposed by the University of Wyoming.

Proposal No. 4.

" 'Exempt plant' means a plant operated by a governmental agency that has no route disposition other than on its own premises or to other governmental establishments."

Copies of this notice may be procured from the Hearing Clerk, room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on May 11, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-9741 Filed 5-16-73;8:45 am]