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HIGHLIGHTS OF THIS ISSUE

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

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

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

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

[Dockets Nos. AO 225–A25, AO 247–A18; Milk Order No. 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Order Amending Orders

FINDINGS AND DETERMINATIONS

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Southern Michigan and Upstate Michigan marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

(1) The Southern Michigan order as hereby amended, and all of the terms and conditions thereof, which combine the Southern Michigan and Upstate Michigan marketing areas, will tend to effectuate the declared policy of the Act;

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1040.85.

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

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

(2) The issuance of this order, which amends and merges the Southern Michigan and Upstate Michigan orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the Southern Michigan order as hereby amended; and

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Southern Michigan and Upstate Michigan marketing areas shall be combined into one order—the Southern Michigan order (Part 1040). The Upstate Michigan order (Part 1043) is superseded thereby, and Part 1043 is hereby vacated. The handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

GENERAL PROVISIONS

§ 1040.1 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

§ 1040.2 Southern Michigan marketing area.

"Southern Michigan marketing area," hereinafter referred to as the "marketing area," means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith, and all craft moored thereat, and all territory wholly or partly therein occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments.

MICHIGAN COUNTIES

Alcona.	Lake.
Allegan (Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain Townships only).	Lapeer.
	Leelanau.
	Livingston.
	Macomb.
	Manistee.
	Mason.
	Mecosta.
Alpena.	Midland.
Antrim.	Missaukee.
Arenac.	Monroe (Ash and Berlin Townships only).
Barry.	
Bay.	
Benzie.	Montcalm.
Calhoun.	Montmorency.
Charlevoix.	Muskegon.
Cheboygan.	Newaygo
Clare.	Oakland.
Clinton.	Oceana.
Crawford.	Ogemaw.
Eaton.	Osceola.
Emmett.	Oscoda.
Genesee.	Otsego.
Gladwin.	Ottawa.
Grand Traverse.	Presque Isle.
Gratiot.	Roscommon.
Huron.	Saginaw.
Ingham.	St. Clair.
Ionia.	Sanilac.
Iosco.	Shiawassee.
Isabella.	Tuscola.
Jackson.	Washtenaw.
Kalamazoo.	Wayne.
Kalkaska.	Wexford.
Kent.	

§ 1040.3 Route disposition.

"Route disposition" means a delivery, either directly or through any distribution facility (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product classified as Class I milk to a wholesale or retail outlet other than a delivery to any milk or filled milk plant.

§ 1040.4 [Reserved]

§ 1040.5 Distributing plant.

"Distributing plant" means a plant in which milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area is processed or packaged and from which there is route disposition of fluid milk products in consumer-type packages or dispenser units in the marketing area.

§ 1040.6 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant. Such supply plant shall be equipped with stationary holding facilities.

§ 1040.7 Pool plant.

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

(a) A distributing plant, from which total route disposition except filled milk, during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products, except filled milk, from supply plants and cooperative associations pursuant to § 1040.9(c).

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraphs (1), (2), or (3) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), or (3) of this paragraph upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of April through September a unit shall not contain any plant which was not qualified under this paragraph either individually or as a member of a unit during the previous October through March.

(1) A plant from which the milk moved during the month to a distributing plant(s) qualified under paragraph (a) of this section is not less than 40 percent or the call percentage, whichever is higher, in any month October through March, and 30 percent or the call percentage, whichever is higher, in any month April through September, of the following net quantity: Subtract from the monthly receipts of Grade A milk at the plant (including receipts of a handler described in § 1040.9(c), (i) any receipts by transfer or diversion from another plant, and (ii) any milk utilized by the handler operating the plant qualifying pursuant to this paragraph for his own Class I disposition in consumer packages. If such plant has meet the required percentage during each of the months of October through March, it shall remain qualified under this subparagraph for each of the following months of April through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were qualified under this subparagraph in each of the preceding 13 months, not less than one-half of its total member producers' milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to such distributing plants either by shipment from the cooperative's plant or by direct delivery from farms is not less than 50 percent or the call percentage, whichever is higher, of the combined total of their member producer milk deliveries during the month.

(4) On written request by the handler or cooperative for the nonpool status of any plant automatically qualified as a pool plant under this paragraph April through September, made to the market administrator prior to the beginning of any month during such period, the plant shall be a nonpool plant for such month and thereafter until it requalifies under subparagraph (1) of this paragraph on the basis of actual shipments therefrom. To requalify as a pool plant under subparagraph (2) or (3) of this paragraph or on unit basis, such plant must first have met the shipping requirements of subparagraph (1) of this paragraph for 6 consecutive months.

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

(1) A producer-handler plant;

(2) An exempt plant; and

(3) A plant or facility at which during the month milk is fully subject to the classification, pricing, and payment provisions of another order issued pursuant to the Act and a greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the marketing area and to

pool plants regulated pursuant to such other order than is so disposed of in the Southern Michigan marketing area. A handler operating such plant shall be exempt for such month from all provisions of this part except §§ 1040.30(d), 1040.71(b), and 1000.5 of this chapter.

§ 1040.8 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 class 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 under this or any other Federal order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant, a producer-handler plant nor an exempt plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product is shipped during the month to a pool plant.

(e) "Exempt plant" means a plant, other than a plant described in paragraph (b) of this section, located outside the marketing area from which there is route disposition within the marketing area but from which the route disposition wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers. Only §§ 1040.32 and 1000.5 of this chapter shall apply to an exempt plant.

§ 1040.9 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any cooperative association with respect to producer milk diverted in accordance with § 1040.13 for the account of such association;

(c) Any cooperative association with respect to milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

(d) Any person who operates a partially regulated distributing plant;

(e) Any producer-handler; and

(f) Any person in his capacity as the operator of an other order plant from which fluid milk products are distributed on routes in the marketing area or shipped to a pool plant.

§ 1040.10 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which there is route disposition in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant and no milk products other than fluid milk products for reconstitution into fluid milk products; and

(b) Provides proof that: (1) The care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

§ 1040.11 [Reserved]

§ 1040.12 Producer.

"Producer" means any person, other than a producer-handler under any Federal order, who produces milk approved by any duly constituted regulatory agency for fluid consumption in the marketing area, which is moved to a pool plant or diverted pursuant to § 1040.13 from a pool plant to another plant. The term shall include such a person with respect to milk diverted to a pool plant from an other order plant (unless designated for Class III use) during any month in which the quantity diverted is greater than the quantity of milk physically received from such person at the plant from which diverted and such milk is exempt from the pooling provisions of the other order.

§ 1040.13 Producer milk.

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

(a) Received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.9(c); and

(b) Diverted to a nonpool plant (except a producer-handler plant) by the operator of a pool plant or a cooperative association as a handler pursuant to § 1040.9 (b) subject to the following conditions:

(1) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month shall not be producer milk.

(2) In any month of October through March, the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such producer's milk physically received at pool plants, as measured by days of production, shall not be producer milk. The days of production last diverted, which exceed the days of production received at pool plants shall not be producer milk.

(3) Milk which is subject to pooling under another Federal order, shall not be producer milk.

§ 1040.14 Other source milk.

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

(a) Receipts of fluid milk products and bulk fluid cream products from any source other than producers, handlers described in § 1040.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1040.40(b)(1);

(c) Products (other than fluid milk products and products specified in § 1040.40(b)(1)) from any source (including those products produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1040.40(b)(1)) for which the handler fails to establish disposition.

§ 1040.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk products" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in subparagraph (1) of this paragraph or in § 1040.40 (b) or (c)(1) (i) through (viii) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1040.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1040.17 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).

§ 1040.18 Cooperative association.

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

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

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

(c) To have all of its activities under the control of its members.

§ 1040.19 Call percentage.

"Call percentage" means the monthly percentage computed by the market administrator as follows:

(a) Estimate the aggregate pounds of Class I milk utilization, except filled milk, for the month including an additional 15 percent thereof as an operating margin, at pool distributing plants;

(b) Subtract therefrom the estimated pounds of milk which will be received at pool distributing plants during the month directly from producers' farms and from cooperative associations pursuant to § 1040.9(c);

(c) Divide any plus balance of estimated Class I milk, except filled milk, remaining by the estimated receipts of producer milk for the month at the supply plants;

(d) The announcement of the call percentage shall be made on or before the 1st day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and producer milk supplies are based, together with appropriate explanatory comments on the computations involved; and

(e) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to pool distributing plants. Any such reduction shall not result in a percentage requirement less than 40 in any month October through March.

§ 1040.20 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred directly to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

HANDLER REPORTS

§ 1040.30 Reports of receipts and utilization.

On or before the fifth working day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1040.9(c);

(3) Receipts of fluid milk products and fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1040.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1040.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1040.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1040.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

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

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1040.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1040.32 Other reports.

(a) Each handler described in § 1040.9 (a), (b), and (c) shall report to the market administrator on or before the fifth working day after the end of the month, the aggregate quantities of base milk, excess milk, and milk to be paid for either at the uniform or adjusted uniform price.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1040.30 and 1040.31, each handler and each operator of an exempt plant shall report such other information as the market administrator deems necessary to verify or establish such person's obligation under the order.

(c) When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1040.30, 1040.62, 1040.71, 1040.72, 1040.73, 1040.76, 1040.85, and 1040.86 which follows such holiday shall be postponed by the number of days lost as a result of such holiday.

CLASSIFICATION OF MILK

§ 1040.40 Classes of utilization.

Except as provided in §1040.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1040.30 shall be classified as follows:

(a) *Class I milk*. Except as provided in paragraph (c) of this section, Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk*. Except as provided in paragraph (c) of this section, Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, or any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt. Any product specified in this subparagraph that is modified by the addition of nonfat milk solids shall be Class II milk in an amount equal only to the weight of an equal volume of an unmodified 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:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in dry form;

(iv) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(v) Custards, puddings, and pancake mixes;

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vii) Evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(viii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in paragraph (b)(1) of this section; and

(ix) Any product that is not a fluid milk product and that is not specified in subdivisions (i) through (viii) of this subparagraph or in paragraph (b) of this section;

(2) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages;

(3) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(4) In fluid milk products and products specified in paragraph (b) of this section that are disposed of by a handler for animal feed;

(5) In fluid milk products and products specified in paragraph (b) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(6) In skim milk in any modified fluid milk product or modified product specified in paragraph (b)(1) of this section that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition or classified as Class II milk, as the case may be; and

(7) In shrinkage assigned pursuant to § 1040.41(a) to the receipts specified in § 1040.41(a)(2) and in shrinkage specified in § 1040.41 (b) and (c).

§ 1040.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1040.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in subparagraph (1) of such paragraph that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1040.9(c) and in milk diverted to such plant from another pool plant, except that in either case if the operator of the plant to which the milk is delivered purchases the milk on the basis of weights determined by farm bulk tank calibration and butterfat tests bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from other order plants, excluding milk received by diversion and the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in subparagraphs (1), (2), (4), (5), and (6) of this paragraph; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1040.9 (b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1040.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant except as provided in § 1040.43(d) shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1040.44(a)(12) and the corresponding step of § 1040.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1040.44(a)(7) or the corresponding step of § 1040.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1040.44(a)(11) or § 1040.44 (a)(12) or the corresponding steps of § 1040.44(b)), the skim milk or butterfat so transferred or diverted up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

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

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

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

(5) For the purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1040.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in (*a*) and (*b*) of this subdivision are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in subdivisions (ii) through (viii) of this subparagraph:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1040.30 for the month within which such transaction occurred; and

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

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1040.43 General classification rules.

In determining the classification of producer milk pursuant to § 1040.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1040.30 and shall compute the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1040.40, 1040.41, and 1040.42.

(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 in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1040.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) Milk in bulk delivered by a cooperative association as a handler under § 1040.9(c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his value of milk pursuant to § 1040.60.

§ 1040.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(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 in shrinkage specified in § 1040.41 (b);

(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 pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to subparagraph (7) (vi) 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 § 1040.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Except for the first month that a pool plant is subject to this subparagraph, subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1040.40(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;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to (excluding the quantity of such skim milk that was classified as Class III milk pursuant to § 1040.40(c) (6)), any product specified in § 1040.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) 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 § 1040.40(b) (1) that was not subtracted pursuant to subparagraphs (4), (5), and (6) 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;

(8) 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 (7) (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), (7) (v), and (8) (i) of this paragraph which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I at this allocation step the sum of the pounds of skim milk in receipts of producer milk, milk from a handler described in § 1040.9(c), 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 (7) (vi) 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;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1040.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to subparagraphs (5) and (7) (i) of this paragraph;

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

(11) Subtract from the pounds of skim milk remaining in each class pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step, with the quantity prorated to Class II and Class III combined being subtrated first from Class III and then from Class 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), (7) (v) and (8) (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 at this step were received;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class 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 subparagraphs (7) (vi) and (8) (iii) of this paragraph:

(i) Subject to the provisions of subdivision (ii) of this subparagraph, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1040.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step; and

(ii) Should the proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I;

(13) 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 from another pool plant according to the classification of such products pursuant to § 1040.42 (a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received pursuant to § 1040.43 (d), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

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

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to § 1040.44(a) (14) and the corresponding step of § 1040.44(b).

§ 1040.45 Market administrator's reports and announcements concerning classification.

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

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1040.44(a) (12) and the corresponding step of § 1040.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1040.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

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

CLASS PRICES

§ 1040.50 Class prices.

Subject to the provisions of § 1040.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60.

(b) *Class II price.* The Class II price shall be the Class III price plus 15 cents.

(c) *Class III price.* The Class III price shall be the basic formula price, but not to exceed an amount computed as follows:

(1) Multiply by 4.2 the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1040.51 Basic formula price.

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

§ 1040.52 Plant location adjustments for handlers.

(a) For producer milk received at a pool plant and classified as Class I milk without movement in bulk to another pool plant and for which a location adjustment is applicable, the Class I price computed pursuant to § 1040.50(a) shall be reduced pursuant to subparagraph (1) or (2) of this paragraph on the basis of the applicable rate per hundredweight for the location of such plant.

(1) *Zone rates.* For a plant located within the following described territory, including the cities located therein, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

ZONE I—NO ADJUSTMENTS

Genesee.	Monroe.
Lenawee.	Oakland.
Macomb.	Wayne.

Bay (except Gibson, Mount Forest, Pinconning, Garfield, and Fraser Townships).

Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove Townships).

St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville Townships).

Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter Townships).

ZONE II—3 CENTS

Ingham.	Livingston.
Jackson.	

Washtenaw (all the townships excluded from Zone I).

ZONE III—5 CENTS

Arenac.	Isabella.
Clinton.	Lapeer.
Eaton.	Midland.
Gladwin.	Sanilac.
Gratiot.	Shiawassee.
Huron.	Tuscola.

Bay (all the townships excluded from Zone I).

Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa Townships).

Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain Townships).

Saginaw (all the townships excluded from Zone I).

St. Clair (all the townships excluded from Zone I).

ZONE IV—7 CENTS

Barry.	Kalamazoo.
Branch.	Kent.
Calhoun.	Mecosta.
Hillsdale.	St. Joseph.

Allegan (all the townships excluded from Zone V).

Ionia (all the townships excluded from Zone III).

Montcalm (all the townships excluded from Zone III).

ZONE V—9 CENTS

Berrien.	Newaygo.
Cass.	Oceana.
Clare.	Ogemaw.
Iosco.	Osceola.
Lake.	Ottawa.
Mason.	Roscommon.
Missaukee.	Van Buren.
Muskegon.	

Allegan (except the townships of Dorr, Gunplain, Hopkins, Leighton, Martin, Otsego, Watson, and Wayland).

ZONE VI—12 CENTS

Alcona.	Manistee.
Crawford.	Oscoda.
Grand Traverse.	Wexford.
Kalkaska.	

ZONE VII—15 CENTS

Alpena.	Emmet.
Antrim.	Leelanau.
Benzie.	Montmorency.
Charlevoix.	Otsego.
Cheboygan.	Presque Isle.

(2) *Mileage rate.* For any plant at a location outside the territory specified in the preceding subparagraph (1) of this paragraph, the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest point in such territory as determined by the market administrator, and shall be the amount of the zone differential applicable at such point plus 1 cent for each 10 miles or fraction thereof from such point.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.7(a), the operator of the transferee-plant shall receive credit at the applicable zone or mileage rate, based on the location of the transferor-plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee-plant is in excess of the sum of receipts at such plant: (1) From producers, (2) from cooperative associations pursuant to § 1040.9(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor-plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

(c) The Class I price 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.

§ 1040.53 Announcement of class prices.

The market administrator shall announce publicly on or before the 5th day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1040.54 Equivalent price.

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

UNIFORM PRICES

§ 1040.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1040.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk and milk received pursuant to § 1040.43(d) in each class as determined pursuant to § 1040.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1040.44(a)(14) and the corresponding step of § 1040.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1040.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the 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 § 1040.44(a)(9) and the corresponding step of § 1040.44(b);

(d) Add the amount obtained from multiplying the difference between the 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 § 1040.44(a)(7) (i) through (iv) and the corresponding step of § 1040.44(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 § 1040.44(a)(7) (v) and (vi) and the corresponding step of § 1040.44(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 § 1040.44(a)(11) and the corresponding step of § 1040.44(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 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; and

(g) For the 1st month that this paragraph is effective with respect to handlers regulated under this part during the preceding month, subtract the amount obtained from multiplying the difference between the Class I price for the preceding month applicable at the location of the pool plant and the Class III price for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1040.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk. For the first month that this paragraph is effective with respect to handlers regulated under Part 1043 of this Chapter during the preceding month, subtract the amount obtained from multiplying the difference between the Class II price and the Class III price for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1040.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class II milk.

§ 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).

For each month the market administrator shall compute:

(a) The 3.5-percent value of all milk by:

(1) Combining into one total the values computed pursuant to § 1040.60 for all handlers who filed the reports prescribed by § 1040.30 for the month and who made the payments pursuant to § 1040.71 for the preceding month;

(2) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.75(a)(1); and

(3) Adding not less than one-half of the unobligated balance in the producer-settlement fund.

(b) A uniform price as follows:

(1) Divide the aggregate value computed pursuant to paragraph (a) of this section by the sum of the following:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1040.60(f); and

(2) Subtract not less than six nor more than 7 cents from the price computed pursuant to paragraph (a) of this section.

(c) An adjusted uniform price for the purpose of payments pursuant to § 1040.92(c) by deducting from the uniform price computed pursuant to paragraph (b) of this section 25 percent of the difference between the uniform price and the excess milk price, rounded to the nearest cent.

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c).

(e) A uniform price for base milk as follows:

(1) Multiply the total pounds of excess milk for the month by the excess milk price;

(2) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1040.92 (d) and (e)(2) by the uniform price for the month;

(3) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 1040.92(c) by the adjusted uniform price for the month;

(4) Subtract the total values arrived at in subparagraphs (1), (2), and (3) of this paragraph and § 1040.71(a)(2)(ii) from the total 3.5-percent value of all producer milk arrived at in paragraph (a) of this section;

(5) Divide the resultant value by the total hundredweight of base milk; and

(6) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5-percent butterfat content.

§ 1040.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price, the adjusted uniform price, the price for base milk, and the price for excess milk.

PAYMENTS FOR MILK

§ 1040.70 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 §§ 1040.71, 1040.76, and 1040.77 and out of which he shall make all payments due handlers pursuant to §§ 1040.72 and 1040.77.

§ 1040.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in subparagraph (1) of this paragraph exceeds the amount specified in subparagraph (2) of this paragraph:

(1)(i) The total value of milk of the handler for such month as determined pursuant to § 1040.60; or

(ii) In the case of a cooperative association which is a handler, the value, at the uniform price for base milk, of milk delivered to other handlers pursuant to § 1040.43(d).

(2) The sum of:

(i) The value of such handler's receipts of producer milk as specified in § 1040.73 excluding any applicable location adjustment pursuant to § 1040.75(a) (2) and (3); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1040.60(f).

(b) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in subparagraph (1) of this paragraph to route disposition in this marketing area by multiplying the quantity of such skim milk

by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1040.72 Payments from the producer-settlement fund.

On or before the 14th 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 § 1040.71(a)(2) exceeds the amount computed pursuant to § 1040.71(a)(1). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1040.73 Payments to producers and to cooperative associations.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform prices computed pursuant to § 1040.61 adjusted by the location and butterfat differentials pursuant to §§ 1040.75 and 1040.74, respectively, less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer. If by such date such handler has not received full payment for such month pursuant to § 1040.72 he may reduce such payments uniformly, per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold;

(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 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; and

(3) The foregoing payment and the submission of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the 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 association.

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association, which is a handler with respect to milk received by him from a pool plant operated by such cooperative association, or by bulk tank delivery pursuant to § 1040.9(c), not less than an amount computed by multiplying the uniform price for base milk subject to the location adjustment, if any, applicable at the transferee-plant as provided by § 1040.75 and the butterfat differential provided by § 1040.74 by the total hundredweight of milk received by such handler from the cooperative association.

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class III milk price for the preceding month.

§ 1040.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the base price and excess price or the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.113 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1040.75 Plant location adjustments for producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payments to producers or cooperative associations pursuant to § 1040.73 each handler:

(1) May deduct for base milk and milk to be paid for at the uniform price or adjusted uniform price the rate per hundredweight applicable pursuant to § 1040.52(a) (1) or (2) for the location of the plant at which the milk was first physically received.

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.9(c) at a pool plant located in those townships, including the cities located therein, of Oakland County other than Royal Oak and Southfield, all in the State of Michigan.

(3) Shall add not less than 8 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.9(c) at a pool plant located within Wayne County and the townships of Royal Oak and Southfield including the cities located therein, in Oakland County, all in the State of Michigan.

(b) When milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location adjustment rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For purposes of computation pursuant to §§ 1040.71 and 1040.72, the uniform price shall be adjusted at the rates set forth in § 1040.52 applicable at the location of the nonpool plant from which the other source milk was received except that the uniform price by such adjustment shall not be less than the Class III price.

§ 1040.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1040.30(b) and 1040.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool 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 the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in subparagraph (3) of this paragraph by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1040.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1040.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1040.60 for such handler shall include, in lieu of the value of other source milk specified in § 1040.60(f) less the value of such other source milk specified in § 1040.71(a)(2)(ii), a value of milk determined pursuant to § 1040.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1040.7(b)(1), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1040.30 (b) and 1040.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply 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 verification purposes; and

(*c*) The value of milk determined pursuant to § 1040.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments (adjusted to 3.5 percent butterfat value using the butterfat differential pursuant to § 1040.74) by the operator of such partially regulated distributing plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments (adjusted to 3.5 percent butterfat value using the butterfat differential pursuant to § 1040.74) by the operator of such nonpool supply plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if subparagraph (1)(iii) of this paragraph applies.

§ 1040.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the fifth day after such notice.

§ 1040.78 Charges on overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1040.71, 1040.77, 1040.85, and 1040.86, shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1040.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a handler described in § 1040.9(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 13th day after the end of the month 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including milk of such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1040.44(a)(7) and (11) and the corresponding steps of § 1040.44(b), except such other source milk that is excluded from the computation pursuant to § 1040.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1040.76(a)(2).

§ 1040.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1040.73(a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which payment is not made pursuant to § 1040.73(b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1040.73 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

BASE-EXCESS PLAN

§ 1040.90 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 1040.92 multiplied by the number of days for which his milk production is delivered during the month.

§ 1040.91 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 1040.92 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1040.94, for the 12-month period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 1040.93(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d) and (e) of this section a producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at not less than the adjusted uniform price computed pursuant to § 1040.61(c);

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid not less than the uniform price for all milk delivered; and

(e) When a plant first becomes a pool plant any producer delivering to such plant may:

(1) Establish a base on deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator; or

(2) Elect payment at not less than the uniform price computed pursuant to § 1040.61(b) until the second February 1, after such plant first became a pool plant. Such election must be made on or before the end of the first month for which it is effective.

§ 1040.93 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family;

(2) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership which must define the financial invested interest, financial and management responsibility, division of income and expenses, and sharing of profits or losses; and

(3) Bases may be held jointly through the formation of a bona fide partnership provided such base was established by the partnership in accordance with § 1040.92 and if such partnership is terminated the base may be divided among the partners as specified in writing to the market administrator; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm;

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under State or Federal authority; or

(3) A producer who is quarantined from the market by evidence of pesticide or herbicide residue in his milk supply as evidenced by Federal or State authority.

§ 1040.94 Relinquishing a base.

A producer notifying the market administrator that he relinquishes his established base shall be paid pursuant to the provisions of § 1040.92(c) beginning with the first day of the month in which such notification is received by the market administrator until the next February 1.

§ 1040.95 Computation of base.

The market administrator shall calculate a base for each producer in accordance with § 1040.92 and advise the producer and the handler receiving the milk of such base.

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

Effective date: April 1, 1973.

Signed at Washington, D.C., February 13, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-3162 Filed 2-16-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10955]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

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

Airborne ATC Transponder Equipment; Correction

The document amending Parts 37, 43, 91, 121, 127, and 135 of the Federal Aviation Regulations, published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28495; FR Doc. 72-22184), is corrected as follows:

1. By striking the number "135-33" that appears in the bracketed portion of the heading and inserting the number "135-34" in place thereof;

2. By striking the word "Administration" from paragraphs (a)(1)(i) and (a)(1)(ii) of § 37.180; and

3. By striking the number "24.75" that appears in the last line of Table 1 of Appendix F to Part 43 and inserting the number "24.65" in place thereof.

Issued in Washington, D.C., on February 13, 1973.

J. H. SHAFFER,
Administrator.

[FR Doc.73-3154 Filed 2-16-73;8:45 am]

[Airspace Docket No. 72-NW-09]

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

Alteration of Transition Area

Correction

In FR Doc. 73-1422, appearing at page 2332 in the issue of Wednesday, January 24, 1973, in the fourth line from the bottom of the last paragraph directly below the signature, the figure "32", should read "37".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2341]

PART 13—PROHIBITED TRADE PRACTICES

Corinthian Carpets, Inc. and Joseph M. Carson

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) (Cease and desist order, Corinthian Carpets, Inc., et al., Dalton, Ga., Doc. C-2341, Jan. 10, 1973)

In the Matter of Corinthian Carpets, Inc., a Corporation, and Joseph M. Carson, Individually and as an Officer of Said Corporation.

Consent order requiring a Dalton, Ga., manufacturer and seller of carpets and rugs, among other things to cease manufacturing for sale, selling, or distributing carpeting which does not meet the acceptable criteria for carpeting under the flammable Fabrics Act, as amended.

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

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

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

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

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since March 13, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

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

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

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

By the Commission.

Issued January 10, 1973.

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

[FR Doc.73-3177 Filed 2-16-73;8:45 am]

[Docket No. 8838]

PART 13—PROHIBITED TRADE PRACTICES

Philip Morris, Inc.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) (Cease and desist order, Philip Morris, Inc., New York, N.Y., Doc. No. 8838, Jan. 9, 1973)

In the Matter of Philip Morris, Incorporated, a Corporation.

Consent order requiring a New York City distributor and seller of razor blades, among other things to cease distributing razor blades attached to, inserted in or included with other products which are unsolicited and sent or distributed to recipient's home or distributed or sold to retailers for resale to customers unless accompanied with a clear and conspicuous disclosure that a razor blade is present; distributing razor blades which are unsolicited without "special packaging."

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

It is ordered, That respondent Philip Morris, Inc., a corporation, its successors and assigns, and its officers, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale or distribution of razor blades in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Distributing or causing distribution of razor blades attached to, inserted in, or included with other products by respondent which are:

(a) Unsolicited by recipient and sent or delivered to recipient's home, or

(b) Distributed or sold to retailers for resale to consumers;

unless there is a clear and conspicuous disclosure that there is a razor blade present.

2. Distributing or causing the distribution of razor blades which are unsolicited by recipient and sent or delivered to recipient's home without special packaging. For purposes of this order, the term "special packaging means packaging that is designed or constructed to be

significantly difficult for children under 6 years of age to open within a reasonable time although not difficult for adults to open, but does not mean packaging which all such children cannot open within a reasonable time.

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

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

By the Commission, with Commissioner Jones dissenting.[1]

Issued January 9, 1973.

CHARLES A. TOBIN,
Secretary.

[FR Doc.73-3176 Filed 2-16-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 801—GENERAL POLICIES

On October 7, 1972, there was published in the FEDERAL REGISTER (37 FR 21355), a notice of proposed rule making with proposed general policies concerning the operations of the Commission.

All comments submitted with respect to the proposed policies were considered and the following changes were made as a result of the comments received:

PART 801—General Policy is amended as follows:

1. The table of contents is amended by adding new §§ 801.4 *Project review* and 801.13 *Proviso*.

2. Section 801.0 (c), (d), and (e) are revised to read as set forth below.

3. Section 801.2 (a)(3) and (b)(7) are revised to read as set forth below.

4. Section 801.3 is amended as follows:

a. Paragraphs (a) and (b) are revised;

b. Paragraph (c) is deleted;

c. Paragraph (d) is redesignated as paragraph (c) and is revised; and

d. Paragraph (e) is redesignated as paragraph (d) to read as set forth below.

5. The heading of § 801.4 and paragraph (d)(2) are revised to read as set forth below.

6. Section 801.5 (a)(4) and (b) are revised to read as set forth below.

7. In § 801.7, paragraph (d) is deleted and paragraph (e) is redesignated as paragraph (d) to read as set forth below.

8. Section 801.9(b)(1) is revised to read as set forth below.

9. The following new § 801.13 *Proviso* is added to read as set forth below.

[1] Statement by Commissioner Jones filed as part of the original document.

Effective date. These rules shall become effective on March 22, 1973.

Dated: February 8, 1973.

[SEAL] ROBERT J. BIELO,
Executive Director.

Notice is hereby given that the Susquehanna River Basin Commission, pursuant to section 15.2 of the Susquehanna River Basin Compact (84 Stat. 1509 et seq.) is proposing adoption of policies concerning the operations of the Commission.

Prior to final adoption of the policies consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, PA 17055 by November 15, 1972. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed policies should submit his request, in writing, by November 15, 1972.

Copies of the proposed policies can be secured from the above address or from any of the signatory parties at the following addresses:

U.S. Commissioner, Susquehanna River Basin Commission, Room 5202, Interior Building, Washington, D.C. 20240.

Secretary, Department of Environmental Resources, Commonwealth of Pennsylvania, Post Office Box 1467, Harrisburg, PA 17120.

Secretary, Department of Natural Resources, State of Maryland, State Office Building, Annapolis, MD 21401.

First Deputy Commissioner, Department of Environmental Conservation, State of New York, 50 Wolf Road, Albany, NY 12201.

PART 801—GENERAL POLICIES

AUTHORITY: 3.1, 3.5(1) and 15.2 Public Law 91-575 (84 Stat. 1509 et seq.).

§ 801.0 Introduction.

(a) The Governors of the States of New York, Pennsylvania, and Maryland, and a representative of the President of the United States are members of the Susquehanna River Basin Commission. The Commission is a regional governmental agency whose purpose is to effect comprehensive multiple purpose planning for the conservation, utilization, development, management, and control of the water and related natural resources of the basin, which includes part of New York, Pennsylvania, and Maryland.

(b) The Susquehanna River Basin Compact provides broad authority for the Commission to carry out basinwide planning programs and projects, and to take independent action as it determines essential to fulfill its statutory regional governmental role.

(c) The objectives of the Commission are to: (1) Develop cooperative and coordinated Federal, State, local, and private water and related natural resources planning within the basin, (2) formulate, adopt, effectuate, and keep current a comprehensive plan and a water resources program for the immediate and long-range use and development of the water resources of the basin, (3) provide for orderly collection and evaluation of data, and for the continuing promotion and conduct of appropriate research relating to water resources problems, (4) establish priorities for planning, financing subject to applicable laws, development and use of projects and facilities essential to effectively meet identified water resource needs, (5) and to maintain these resources in a viable state.

(d) The Commission shall employ a multiobjective approach recognizing national economy, regional development and environmental quality in planning for the use and development of the water resources of the basin.

(e) It is the purpose of this document to set forth the objectives of the Commission and to present certain basic policies that (1) have basinwide application, (2) are specifically pertinent to the formulation of a comprehensive plan, (3) will serve as guidelines for all agencies or individuals with planning responsibilities for the development and use of the water resources of the basin, (4) form the basis for working relationship between the Commission and other agencies having related responsibilities in the basin. This statement will be amended and updated from time to time.

§ 801.1 Standard definitions.

(a) Many terms that will be used in official Commission documents may have slightly different meanings to various groups. To avoid confusion and to increase the clarity of the meaning the Commission applies to frequently used terms standard definitions will be utilized.

(b) The Commission will use the standard definitions set forth for the terms shown in section 1.2 of the Compact,[1] and will add terms and appropriate definitions as deemed necessary.

§ 801.2 Coordination, cooperation, and intergovernmental relations.

(a) The interstate nature of the Susquehanna River Basin and the broad regional authority of the Commission require clear and effective working relationships with the States, Federal Government, and local and private sectors in all matters relating to the water resources of the basin.

[1] Filed as part of FR Doc. 72-17234, Oct. 7, 1972.

(1) The Federal Government will be encouraged and asked to participate in water resources projects and programs having national or broad regional significance. The Commission will act to encourage local initiative to solve water resources problems within a local and regional context, but when faced with obviously needed action that is not forthcoming from other sources will act, in accordance with the Compact, on its own.

(2) The Compact provides authority for the Commission to serve in a regulatory capacity and also to act as a managing and operating agency. The Commission will exercise its regulatory authority mainly in interstate matters or where signatory authority is not being effectively exercised or where the signatory has little or no authority to act. Similarly, the Commission may manage and operate various facilities if it is determined that this is an area in which an important and necessary service can be rendered.

(3) Should it become necessary for the Commission to undertake development, management and operation of projects, arrangements for repayment of all project costs and eventual operation and maintenance costs will be appropriately prorated among the signatories or otherwise financed in accordance with the Compact.

(4) The Commission will utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with the Compact.

(5) In its actions the Commission will maintain a high level of public visibility. Broad government, public, and private sector commentary on Commission proposals and findings will be invited, and to the extent possible be incorporated and reflected in decisions for finalization of plans, projects, and programs having significant effect on the water resources of the basin. A concerted effort will be made to keep the Commission and its activities readily available to government and public scrutiny, and responsive to their concerns.

(b) The Commission shall exercise its regional jurisdiction in an effort to avoid and minimize conflicts and duplication of effort and shall:

(1) Cooperate with and help coordinate Federal, State, local government, and private sector efforts in all matters relating to the planning, conservation, preservation, use, development, management and control of the water resources of the basin.

(2) Develop administrative agreements, as needed, with appropriate agencies of the signatories and other agencies to facilitate achievement of the Commission's objectives and related responsibilities of other agencies by minimizing duplication of effort and maximizing the contributions the respective agencies are best able to make.

(3) Build upon present water resources planning and related activities of the signatory parties, local government, other public bodies, and the private sector and fully consider their recommendations and suggestions.

(4) Establish advisory committees as needed for specific assignments and seek meaningful liaison with sources of technical and scientific expertise.

(5) Share with interested parties results of investigations, studies, tests, and research undertaken by the Commission in an appropriate manner and form.

(6) Conduct its regular meetings announced in advance and open to the public.

(7) Depend upon existing public and private agencies for the construction, operation, and maintenance of projects except when the project is necessary to further the comprehensive plan and the responsible agency does not act or when the Commission is asked to act by one or more signatories, one or more local governments, or other responsible entities.

(8) Require that the planning of projects affecting the water resources of the basin by Federal, State, local agencies and private organizations be undertaken in coordination with the Commission and in accordance with the Compact.

(9) Require that periodic reports of projects affecting water resources within the basin and listings of discharge permits granted, and similar activities undertaken by offices or agencies of the signatory parties, be submitted to the Commission.

§ 801.3 **Allocations, diversions, withdrawals and release.**

(a) The extremes in availability of water in the basin means that water will not always be available when and where it is needed. One of the responsibilities of the Commission is to act upon requests for allocations, withdrawals, or diversions of water for in-basin or out-of-basin use. Water emergencies may be expected to develop in portions of the basin due to drought conditions or other causes. The Commission will act promptly to effect alleviation of the condition to the extent possible.

(b) The Commission will require evidence that proposed interbasin transfers of water will not jeopardize, impair or limit the efficient development and management of the Susquehanna River Basin's water resources, or any aspects of these resources for in-basin use, or have a significant unfavorable impact on the resources of the basin and the receiving waters of the Chesapeake Bay.

(c) The Commission may, in making decisions on allocations, diversions, withdrawals, and releases, consider the following principles among others:

(1) That allocations, diversions, or withdrawals of water be based on the common law principles of riparian rights which entitles landholders in any watershed to draw upon the natural stream flow in reasonable amounts and be entitled to the stream flow not unreasonably diminished in quality or quantity by upstream use or diversion of water; and on the maintenance of the historic seasional variations of the flows into Chesapeake Bay.

(d) When the need arises for action on requests for allocations, diversions, or withdrawals of water from either surface or ground waters of the basin the Commission shall:

(1) Allocate waters of the basin to and among the signatory States to the Compact as the need appears, and impose related conditions, obligations, and release requirements.

(2) Determine if a proposed allocation, withdrawal or diversion is in conflict with or will significantly affect the comprehensive plan, and assure existing immediate and projected long term local and regional uses are protected.

(3) Impose conditions, obligations and release requirements for dams and/or diversion structures to protect prior local interests, downstream interests, and environmental quality.

(4) In the matter of drought, disasters or catastrophes, natural or manmade, which cause actual and immediate shortage of available and usable water supply, determine and delineate the area of shortage and by unanimous vote declare a state of water supply emergency therein, and impose direct controls on any and all allocations, diversions and uses of water to meet the emergency condition.

(5) In water emergencies coordinate the efforts of Federal, State, local, and other persons and entities in dealing with the emergency.

(6) Determine and delineate, after public hearing, areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the comprehensive plan.

(7) When areas in need of protection from overdemand of safe yield of the supply have been delineated, declare such areas protected from further depletion, with the consent of the member or members from the affected State or States.

(8) Require that no person divert or withdraw from any protected area water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the Commission may prescribe by general regulation or pursuant to a permit granted heretofore under the laws of any of the signatory States.

§ 801.4 **Project review.**

(a) The Compact provides generally that no project affecting the water resources of the basin shall be undertaken by any person, governmental authority, or other entity prior to approval by the Commission.

(b) In many instances, one or more of the signatory parties will exercise project review authority regarding proposed projects in the basin coming under the purview of the Commission. Accordingly the Commission will direct its attention to reviewing the completeness and effectiveness of the review procedures of the signatories and will endeavor to minimize duplication of staff effort, and time and cost to the applicant.

(c) The Commission will establish exempt categories in accordance with the section 3.10-3 of the Compact, and for projects determined not to have a substantial effect on the water resources of the basin. In dealing with Federal or federally licensed projects, the Commission will take the provisions of reservations (r) and (w) of United States PL 91-575 (84 Stat. 1509) and provisions of the Compact into account.

(d) It is expected that project review procedures will be modified following adoption of the comprehensive plan. In the meantime the Commission will:

(1) Base its review and comments pertaining to proposed projects within the basin coming under the purview of the Commission, on review and comments of signatory parties. In general, the Commission review will seek to ascertain the completeness of procedures followed by the signatory parties in their review, and will refrain from specifically rechecking detailed evaluations. (Susquehanna River Basin Commission Resolution No. 72-5)

(2) Require as it determines necessary, submission of pertinent project plans and documents for its independent review and approval. The purpose of this review will be to ascertain whether all relevant provisions of the Compact and actions taken pursuant thereto have been observed:

(i) When the Commission has determined that a project may have significant effect on the water resources of the basin.

(ii) When a proposed project does not fall under the review jurisdiction of any agency of the signatory parties.

§ 801.5 Comprehensive plan.

(a) The Compact requires that the Commission formulate and adopt a comprehensive plan for the immediate and long-range development and use of the water resources of the basin.

(1) The plan will include existing and proposed public and private programs, projects, and facilities which are required, in the judgment of the Commission, to meet present and future water resources needs of the basin. Consideration shall be given to the effect of the plan, or any part of the plan, on the receiving waters of the Chesapeake Bay. The Commission shall consult with interested public bodies and public utilities and fully consider the findings and recommendations of the signatory parties, their various subdivisions and interested groups. Prior to adoption of the plan the Commission shall conduct at least one public hearing in each signatory State.

(2) The plan will reflect consideration, of the multiobjectives of national economy, regional development and environmental quality; and multipurpose use of projects.

(3) Water quantity and water quality planning will be studied together and correlated to the extent feasible, with existing and proposed land uses. The development of a basinwide land use study to enable full consideration of basic and alternative proposals to meet water resources needs will be explored.

(4) An important phase of the plan formulation process is a thorough review and evaluation of the Susquehanna River Basin Coordinating Committee Study report, pertinent plans and reports of the signatories, including water quality standards and other data available. The findings and recommendations presented in the Susquehanna River Basin Coordinating Committee Study report will be considered for incorporation in the Commission's plan to the extent they are feasible and compatible with the current and projected needs and interests.

(5) Essentially the comprehensive plan will reflect the findings of an analysis of a mix of alternative futures for industrial, agricultural, residential, and recreational development in the basin.

(6) The Commission will act diligently to promote Federal, State, local governmental, and private sector cooperation and coordination in the implementation of the adopted plan. It is expected that recommended development programs will be undertaken by the signatories, local governmental agencies, or private interests. If expeditious action by others is not forthcoming or is not possible the Commission will act in accordance with the Compact to implement programs, projects, and standards to the extent necessary to further the aims of the comprehensive plan.

(b) The comprehensive plan shall provide for the immediate and long-range use, development, conservation, preservation, and management of the water resources of the basin. The plan will be presented in a form and order as determined by the Commission and shall include, but not be limited to the following:

(i) Statement of authority, purpose, objectives, and scope.

(ii) Description of the physical and human environment.

(iii) Inventory of the basin's water resources and existing developments and facilities.

(iv) Projection of immediate and long-range water resources needs of the basin.

(v) Description of a general system of measures and programs, including water quality and other standards as determined necessary, and reasonable alternatives considered essential to and capable of satisfying water resources needs into the reasonably foreseeable future.

(vi) Criteria used for review and acceptance of projects within the plan.

(vii) Procedures for updating and modifying the plan.

(viii) Necessary appendices.

§ 801.6 Water supply.

(a) The Susquehanna River Basin is rich in water resources. With proper planning and management, and with adequate public and private investment in treatment, storage, and distribution facilities, the high potential of the basin to provide water of suitable quality for a wide array of public and private purposes into the foreseeable future should be possible.

(b) The Commission may regulate the withdrawal of waters of the basin not regulated by the signatory parties for domestic, municipal, industrial, and agricultural uses if regulation is considered essential to further the aims set forth in the comprehensive plan.

(c) The Commission shall study the basin's water supply needs, the potential surface and ground water resources, and the interrelationships to meet these needs through existing and new facilities and projects. Efficient use and management of existing facilities with emphasis on the full utilization of known technology will be explored in meeting water supply needs for domestic, municipal, agricultural, and industrial water supply before new programs or projects are approved.

§ 801.7 Water quality.

(a) The signatory States have the primary responsibility in the basin for water quality management and control. However, protection of the water resources of the basin from pollution, and actions by the signatory parties to achieve abatement and control of pollution are important to the Commission.

(b) The signatory parties have adopted water quality standards for the intra and interstate waters of the basin. Initially these standards will serve as the basis for the Commission's water quality program in the comprehensive plan.

(c) The Commission's role in water quality management and control essentially will be one of coordination to ensure water quality standards are adequate to protect broad public water resources interests, and that uniform policies and enforcement are affected by the signatories.

(d) The Commission, if necessary, shall recommend to the signatory parties amendment of the standards of quality for any waters of the basin in relation to their reasonable and necessary use. The Commission may adopt water quality standards, after public notice and hearing, and may undertake investigations, studies, and surveys pertaining to existing water quality, probable future water quality, and the effects of new materials and proposed discharges.

(e) The Commission shall:

(1) Encourage and coordinate efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality in accordance with established standards.

(2) Promote government and private sector implementation of maximum practical use of waste utilization and treatment technology.

(3) Promote and encourage State and local governments and industry to plan for regional waste water treatment and management.

(4) In cooperation with appropriate agencies of the signatory parties, make periodic inspections to ascertain the state of compliance with appropriate water quality standards, and as needed establish and operate water quality monitoring stations.

§ 801.8 Flood plain management and protection.

(a) Periodic inundation of lands along waterways has not discouraged development of flood hazards areas. Major floods cause loss of life, extensive damages, and other conditions not in the public interest. A balanced flood plain management and protection program is needed to reduce the flood hazard to a minimum.

(b) The Commission may regulate the use of flood prone lands with approval of the appropriate signatory party, to safeguard public health, welfare, safety and property, and to sustain economic development.

(c) To foster sound flood plain controls, as an essential part of water resources management, the Commission shall:

(1) Encourage and coordinate the efforts of the signatory parties to control modification of the Susquehanna River and its tributaries by encroachment.

(2) Plan and promote implementation of projects and programs of a structural and nonstructural nature for the protection of flood plains subject to frequent flooding.

(3) Assist in the study and classification of flood prone lands to ascertain the relative risk of flooding, and establish standards for flood plain management.

(4) Promote the use of flood insurance by helping localities qualify for the national program.

(5) Assist in the development of a modern flood forecasting and warning system.

§ 801.9 Watershed management.

(a) The character, extent, and quality of water resources of a given watershed are strongly affected by the land use practices within that watershed. Accordingly the Commission will maintain close liaison with Federal, State, and local highway, mining, soil, forest, fish and wildlife, and recreation agencies and with government agencies dealing with urban and residential development programs.

(b) The Commission shall:

(1) Promote sound practices of watershed management including soil and water conservation measures, land restoration and rehabilitation, erosion control, forest management, improvement of fish and wildlife habitat, and land use in highway, urban, and residential development as related to water resources.

§ 801.10 Recreation.

(a) The use of surface water resources of the basin for recreation purposes is extensive. Swimming, fishing, boating, and other water oriented activities have regional and local economic benefit as well as recreational benefit.

(b) The Commission shall cooperate with public and private agencies in the planning and development of water-related recreation and fish and wildlife programs and projects within the basin and shall:

(1) Promote public access to and recreational use of existing and future public water areas.

(2) Promote recreational use of public water supply reservoirs and lakes where adequate treatment of water is provided, and/or where recreational uses are compatible with primary project purposes.

(3) Include recreation as a purpose where feasible, in multipurpose water use planning of reservoirs and other water bodies.

§ 801.11 Public values.

(a) The basin has many points of archeological and historic interest, and is well endowed with vistas of aesthetic significance.

(b) The Commission fully recognizes that the value of these areas cannot be measured simply in economic terms and will strive to preserve and promote them for the enjoyment and enrichment of present and future generations.

(c) The Commission shall:

(1) Seek the advice and assistance of appropriate societies and governmental agencies in the identification of archeological, historic, and scenic areas and unique lands in any planning or development affecting these attributes of the basin.

§ 801.12 Electric power generation.

(a) Significant uses are presently being made of the waters of the basin for the generation of electric power at hydro, pumped storage, and thermoelectric generating stations. Increased demands for electric power throughout the East Coast can be expected to result in proposals for the development of additional electric power generating stations located either in the basin or nearby its borders.

(b) There appears to be limited site potential in the basin for additional hydroelectric generation, and considerable potential for additional pumped storage and thermoelectric generation. The direct and indirect effects of existing and proposed electric generation projects will be considered by the Commission. Items of concern will include consumptive uses of water, alteration of natural stream regimen, effects on water quality, and on other uses of the streams affected.

(c) The Commission, in cooperation with appropriate agencies of the signatory parties, and with other public and private agencies shall:

(1) Conduct a thorough review of applications to relicense existing electric power generating projects and facilities, and applications to amend existing licenses to determine if the proposal is in accord with the comprehensive plan.

(2) Require that the proposed siting and location in the basin of any type of electric generating facility or any facility located outside the basin having an effect on the waters of the basin, shall be planned in direct consultation with the Commission to enable advance consideration of the possible effects of such installation on the water resources of the basin.

§ 801.13 Proviso.

(a) This part is promulgated pursuant to sections 3.1, 3.5(1), and 15.2 of the Compact and shall be construed and applied subject to all of the terms and conditions of the Compact and of the provisions of Public Law 91-575, 84 Stat. 1509: *Provided*, Any provision in this statement of general policies that is inconsistent with the Compact itself shall be null and void.

[FR Doc.73-3155 Filed 2-16-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Levamisole Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-826V) filed by Pitman-Moore, Inc., Washington Crossing, NJ 08560 proposing the safe and effective use of levamisole hydrochloride boluses as an anthelmintic for cattle. The 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), § 135c.18 is amended in paragraph (c) as follows:

§ 135c.18 Levamisole hydrochloride.

* * * * *

(c) *Sponsor*. (1) See code No. 004 in § 135.501(c) of this chapter for conditions of use provided for in paragraph (f) of this section.

(2) See code No. 066 in § 135.501(c) of this chapter for conditions of use provided for by item 2. in the table in paragraph (f) of this section.

* * * * *

Effective date. This order shall be effective on February 20, 1973.

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

Dated: February 13, 1973.

C. D. Van Houweling,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-3166 Filed 2-16-73;8:45 am]

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

Clopidol, Bacitracin Methylene Disalicylate, 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-541V) filed by Dow Chemical Co., Post Office Box 1706, Midland, MI 48641, proposing the safe and effective use of clopidol and 3-Nitro-4-hydroxyphenylarsonic acid with bacitracin methylene disalicylate added at a range of from 4 to 25 grams per ton to the feed of broiler chickens. 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 135e is amended in § 135e.46 by revising the text in the "Limitations" and "Indications for use" columns for item 6.a.2 of the table to read as follows:

CLOPIDOL IN COMPLETE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
6. Clopidol	* * *	* * *	* * *	* * *	* * *
a.2		Bacitracin	4-25	For broiler chickens; as bacitracin methylene disalicylate, as provided by code No. 028, § 135.501(c) of this chapter.	Increased rate of weight gain.

Effective date. This order shall be effective on February 20, 1973.

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

Dated: February 13, 1973.

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

[FR Doc.73-3165 Filed 2-16-73;8:45 am]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Revocation of Exemption from Banning of Certain Fireworks Devices

In the matter of classifying certain fireworks devices as "banned hazardous substances" within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act:

In the FEDERAL REGISTER of April 5, 1972 (37 FR 6868), the Commissioner of Food and Drugs published a notice proposing to revoke the exemption in 21 CFR 191.9(a)(3) permitting certain fireworks devices to be used for bona fide crop protection purposes. In the same issue of the FEDERAL REGISTER, a notice was published that a petition had been filed by the National Society for the Prevention of Blindness proposing to ban certain fireworks not presently classified as banned hazardous substances.

In response to these notices, over 370 comments were received from the fireworks manufacturing industry, the general public, law enforcement agencies, the medical community, social clubs, and other interested persons. Most of the comments were concerned solely with the proposal of the petitioner. Those comments are under consideration and will be the subject of a separate document to be published at a later date. This present document concerns only the Commissioner's proposal.

Most of the comments concerning the Commissioner's proposal supported revocation of the exemption. Seven responses opposed it.

Investigations by the Food and Drug Administration have established that the use for crop protection purposes of explosive fireworks whose audible effect is produced by a charge of more than 2 grains of pyrotechnic composition is limited. As stated in the proposal, misuse of such fireworks devices has been the cause of most of the firework deaths and serious injuries investigated by FDA. The Commissioner concludes that the availability of such fireworks devices to the general public presents a hazard to the public health and safety that outweighs any benefit.

Discussions with the Fish and Wildlife Service of the U.S. Department of the Interior indicate that fireworks devices are sometimes used by their field agents as part of a wildlife management program and that such fireworks devices are also occasionally made available by such agents to farmers, ranchers, and growers. The Oregon Game Commission also commented that it distributed fireworks to landowners for hazing big game animals and birds from damage complaint areas. The use of such fireworks devices in wildlife management programs by employees of the U.S. Department of the Interior (or by employees of equivalent State or local government agencies) will not be affected by revoking the exemption since such use falls outside the scope of the act. Such fireworks devices, however, will not be available for use by farmers, ranchers, or growers except through wildlife management programs administered by the U.S. Department of the Interior or equivalent State or local government agencies, and then only in response to a written application describing the wildlife management problem that requires use of such devices, in a quantity no greater than required to control the problem described, and where other means of control are unavailable or inadequate.

Some comments, such as those from Virginia Polytechnic Institute and the Eastern Plant Board, express concern that revoking the exemption would ban other devices intended specifically for crop protection use, such as carbide or propane exploding devices and exploding-type special ammunition (double-shot shells, cracker shells, etc.). Such devices are outside the scope of this regulation. The Commissioner's primary concern in this matter is to close the loophole through which dangerously explosive fireworks, such as cherry bombs, M-80 salutes, and other similar articles reach the general public.

Having considered the comments received in response to his proposal and other relevant material, the Commissioner concludes that in the interest of protecting the public health and safety, Part 191 should be amended in § 191.-9(a)(3) to revoke the above-mentioned exemption.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 191 is amended by revising § 191.9(a)(3) to read as follows:

§ 191.9 Banned hazardous substances.

(a) * * *

(3) Fireworks devices intended to produce audibile effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to such fireworks devices if all of the following conditions are met:

(i) Such fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before March 22, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on March 22, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304-05, 15 U.S.C. 1261; sec. 701(e), 52 Stat. 1055, as amended, 21 U.S.C. 371(e))

Dated: February 12, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3167 Filed 2-16-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.685]

PART 51—PASSPORTS

Subpart C—Evidence of United States Citizenship or Nationality

ACCEPTABLE EVIDENCE OF BIRTH IN THE UNITED STATES

An applicant for a passport must submit documentary evidence of his nationality in such form as may be prescribed by the Department of State. Accordingly, § 51.43 is revised to read as follows:

§ 51.43 Persons born in the United States applying for a passport for the first time.

(a) *Primary evidence of birth in the United States.* A person born in the United States in a place where official records of birth were kept at the time of his birth shall submit with the application for a passport a birth certificate under the seal of the official custodian of birth records. To be acceptable, a certificate must show the full name of the applicant, place and date of birth, and that the record thereof was recorded at the time of birth or shortly thereafter.

(b) *Secondary evidence of birth in the United States.* If the applicant cannot submit primary evidence of birth, he shall submit the best obtainable secondary evidence. If a person was born at a place in the United States when birth records were filed, he must submit a "no record" certification from the official custodian of such birth records before secondary evidence may be considered. The passport issuing office will consider, as secondary evidence, baptismal certificates, certificates of circumcision, or other documentary evidence created shortly after birth but not more than 5 years after birth, and/or affidavits of persons having personal knowledge of the facts of the birth.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658, E.O. 11295, 36 FR 10603; 3 CFR, 1966-1970 Comp., p. 507)

Effective date. This revision shall be effective immediately on February 20, 1973.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

FEBRUARY 2, 1973.

[FR Doc.73-3156 Filed 2-16-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

Subpart 3-1.1—Introduction

ISSUANCE; REVOCATION

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to reflect a change in the editorial format of the HEWPR.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves internal editorial format. Therefore, the public rule making process is deemed unncessary in this instance.

Paragraph (d) of § 3-1.106, Issuance, is hereby revoked.

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

Effective date. This regulation is effective on February 20, 1973.

Dated: February 13, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73-3179 Filed 2-16-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1122]

PART 1033—CAR SERVICE

Texas Export Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of February 1973.

It appearing, that the Chicago, Rock Island, and Pacific Railroad Co. (RI), in Docket AB-46 has been authorized to abandon its line between Bridgeport, Tex., and Graham, Tex.; that The Texas Export Railroad Co. (TE), in Finance Docket No. 27299, has requested permanent authority to acquire and operate this line; that the RI has given its consent to the operation of this line by the TE pending conclusion of certain transactions between the RI and the TE; that operation over this line by the TE is necessary to provide uninterrupted railroad service to shippers served by this line in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1122 Service Order No. 1122. (a) The Texas Export Railroad Co. authorized to operate over tracks abandoned by Chicago, Rock Island, and Pacific Railroad Co. The Texas Export Railroad Co. (TE), be, and it is hereby, authorized to operate over tracks abandoned by the Chicago, Rock Island, and Pacific Railroad Co. (RI) between Bridgeport, Tex., and Graham, Tex.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the TE over tracks abandoned by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via the RI, until tariffs naming rates and routes specifically applicable via the TE become effective.

(d) Nothing herein shall be considered as a prejudgment of the application of the TE in Finance Docket No. 27299 seeking permanent authority to acquire and operate this line.

(e) Effective date. This order shall become effective at 11:59 p.m., February 15, 1973.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3191 Filed 2-16-73;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

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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Palatine Village of.	I 17 031 6650 01 through I 17 031 6650 03	Department of Local Government Affairs, 325 West Adams St., Room 406, Springfield, IL 62706.	Office of the Village Clerk, 54 South Brockway, Palatine, IL 60067.	Dec. 17, 1971. Emergency.
				Illinois Insurance Department, 525 West Jefferson St., Springfield, IL 62702.		Feb. 16, 1973. Regular.
Do	Lake	Libertyville, Village of.				Feb. 16, 1973. Emergency.
Do	Winnebago	Unincorporated areas.				Do.
Indiana	Lake	Merrillville, Town of.				Do.
Louisiana	Ouachita	Monroe, City of				Do
Michigan	Macomb	Fraser, City of				D.
Do	Wayne	Grosse Pointe, City of.				Do.
Do	do	Livonia, City of				Do.
New Jersey	Passaic	Wayne, Township of.	I 34 031 3522 05 through I 34 031 3522 12	Division of Water Resources, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625.	Office of the Township Clerk, Town Hall, Valley Rd., Wayne Township, N.J. 07470.	July 11, 1970. Emergency.
				New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.		Feb. 16, 1973. Regular.
Do	Bergen	Rochelle Park, Township of.				Feb. 16, 1973. Emergency.
New York	Cayuga	Auburn, City of				Do.
Do	Nassau	East Rockaway, Village of.				Do.
Do	Cattaraugus	Salamanca, City of.				Do.
Oregon	Lincoln	Unincorporated areas.				Do.
Pennsylvania	Allegheny	Osborne, Borough of.				Do.
Do	Montgomery	Hatboro, Borough of.				Do.
Washington	King	Seattle, City of				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: February 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3082 Filed 2-16-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Palatine, Village of.	H 17 031 6650 01 through H 17 031 6650 03	Department of Local Government Affairs, 325 West Adams St., Room 406, Springfield, IL 62706. Illinois Insurance Department, 525 West Jefferson St., Springfield, IL 62702.	Office of the Village Clerk, 54 South Brockway, Palatine, IL 60067.	Feb. 16, 1973.
New Jersey	Passaic	Wayne, Township of.	H 34 031 3522 05 through H 34 031 3522 12	Division of Water Resources, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Office of the Township Clerk, Town Hall, Valley Rd., Wayne Township, NJ 07470.	Do.
North Carolina	Beaufort	Washington, City of.	H 37 013 4860 01 H 37 013 4860 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Bureau of Inspections and Community Development, City Hall, 120 North Market St., Washington, NC 27889.	Do.
Pennsylvania	Bucks	Riegelsville, Borough of.	H 42 017 7030 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Riegelsville Municipal Bldg., Easton Rd., Riegelsville, Pa. 18077.	Do.
Do	Dauphin	Middletown, Borough of.	H 42 043 5120 01 H 42 043 5120 02	do	Middletown Community Bldg., 60 West Emaus St., Middletown, PA 17057.	Do.
Do	Delaware	Nether Providence, Township of.	H 42 045 4885 01 through H 42 045 4885 03	do	Municipal Bldg., 214 Sykes Lane, Wallingford, PA 19086.	Do.
Do	do	Upper Providence, Township of.	H 42 045 5040 01 through H 42 045 5040 04	do	Upper Providence Township Municipal Bldg., 935 North Providence Rd., Media, PA 19063.	Do.
Do	Snyder	Middleburg, Borough of.	H 42 109 5100 01	do	Borough Bldg., 28 West Market St., Middleburg, PA 17842.	Do.
Do	Union	Lewisburg, Borough of.	H 42 119 4410 01 H 42 119 4410 02	do	Lewisburg Municipal Bldg., 331 Market St., Lewisburg, PA 17837.	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: February 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3083 Filed 2-16-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1902—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Temporary Orders

On December 2, 1972, 29 CFR Part 1902 was amended, after consideration of relevant materials submitted by interested persons, and after consultation with the National Advisory Committee on Occupational Safety and Health, by adding thereto a new § 1902.16 (37 FR 25711), authorizing the Assistant Secretary of Labor for Occupational Safety and Health to issue temporary orders permitting a State to enforce under the provisions of State law standards covering issues contained in a proposed plan submitted for approval under Part 1902, before December 29, 1972. As stated in the preamble to the adoption, the purpose of the rule and that of any orders issued pursuant thereto, was to ensure continuity in State enforcement under a timely-submitted State occupational safety and health plan for a reasonable period during its evaluation under section 18(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)). It would have protected such State jurisdiction over occupational safety and health matters from preemption challenges during a period not to exceed 6 months from December 28, 1972. Orders issued pursuant to the rule would not have been available for a State plan submitted after December 28, 1972, as such plans would have already been subject to preemption challenges.

Pursuant to this authority, the Assistant Secretary of Labor for Occupational Safety and Health, on December 28, 1972 (37 FR 28666), issued temporary orders with respect to State jurisdiction under the following State occupational safety and health plans: New Jersey, Arkansas, Iowa, Minnesota, Vermont, North Carolina, Utah, North Dakota, Delaware, Hawaii, Arizona, California, New York, Wisconsin, Georgia, Mississippi, Texas, Missouri, Michigan, Kentucky, Florida, Tennessee, Illinois, Alaska, Alabama, and Idaho.

On January 2, 1973, an order granting a preliminary injunction enjoining the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health, pending a decision on the merits of the litigation, from issuing any temporary orders under § 1902.16, or taking any action directly or indirectly to implement 29 CFR 1902.16 was handed down by the U.S. District Court for the District of Columbia (A.F. of L.-C.I.O., et al., v. Secretary of Labor, et al., Civil Action No. 2515–72). Motions to stay the preliminary injunction pending appeal and for summary reversal were denied by the U.S. Court of Appeals for the District of Columbia Circuit on January 30, 1973 (No. 73–1019).

Thus, the primary purpose of § 1902.16 and the orders issued thereunder, has not been accomplished. In view of this, and the relatively short maximum period of the rule, 6 months, for the effectiveness of the orders, § 1902.16 (37 FR 25711) and the temporary orders issued pursuant thereto with respect to the above States (37 FR 28666) are hereby rescinded and revoked respectively.

Accordingly, Part 1902 of Title 29, Code of Federal Regulations, is hereby amended by rescinding § 1902.16 thereof.

(Secs. 2(b)(11), 8(g)(2), 18(c), Public Law 91-596, 84 Stat. 1591, 1600, 1608 (29 U.S.C. 651, 657, 667))

Signed at Washington, D.C., this 14th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3206 Filed 2-16-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER E—SECURITY

PART 852—INDUSTRIAL SECURITY

Deletion of Part

Part 852, Subchapter E of Chapter VII of Title 32 of the Code of Federal Regulations is herewith deleted in its entirety.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-3145 Filed 2-16-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Miscellaneous Amendments

Correction

In FR Doc. 73-2357, appearing on page 3511 in the issue of Wednesday, February 7, 1973, in the first line of paragraph 2., the section heading reading "*B-Choroallyl diethyldithiocarbamate; tolerances for residues*", should read "*2-Choroallyl diethyldithiocarbamate; tolerances for residues*".

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Change of Interest Rate

Public Law 89-85 amended section 4 of the Fish and Wildlife Act of 1956 by providing, among other things, that fisheries loans shall "Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose."

The average market yield of such outstanding obligations has trended upward since July 1972. The rate determined by the Secretary of the Treasury for the month of February, in accordance with the provision of the Act quoted above, is 6⅜ percent. Consequently, the interest rate charged on fisheries loans shall be changed from 6½ percent or 7 percent in order to be consistent with the determinations of the Secretary of the Treasury and with the Act, as amended.

Section 250.10, Part 250, Fisheries Loan Fund Procedures is revised to read as follows:

§ 250.10 Interest.

The rate of interest on all loans which may be granted is fixed at 7 percent per annum.

Effective date. This revision shall be effective on February 20, 1973.

Dated: February 15, 1973.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-3262 Filed 2-16-73;8:45 am]

Proposed Rule Making

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 rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1099]

[Docket No. AO 183-A28]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Ky., marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by on or before March 6, 1973. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Paducah, Ky., on December 12, 1972, pursuant to notice thereof which was issued on November 15, 1972 (37 FR 24760).

The material issue on the record of the hearing relates to the Class I price.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The Class I price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the second preceding month plus $1.70.

This formula will effect a 15-cent reduction in the Paducah Class I price, which is now determined by adding 25 cents to the St. Louis-Ozarks order Class I price for the same month. Under the St. Louis-Ozarks order, the Class I price is the basic formula price for the second preceding month plus $1.60. Thus, in effect, the current Paducah Class I price is the basic formula price for the second preceding month plus $1.85.

The 15-cent Class I price reduction was proposed by a major handler in the market whose plant is locted at Paducah, Ky. He contended that the present Class I price ($7.17 per hundredweight in January 1973) is improperly aligned with Class I prices paid by handlers in surrounding Federal order markets and that the resulting price relationships place him at a disadvantage in competing for fluid sales with such handlers.

Proponent competes for Class I sales both within and outside the Paducah marketing area with handlers regulated under the St. Louis-Ozarks, central Arkansas, southern Illinois, Memphis, Louisville-Lexington-Evansville, Nashville, and Paducah orders. Handlers from each of these markets currently have route disposition in the Paducah marketing area. In each of the first 10 months of 1972, the number of other order plants having regular route disposition in the Paducah marketing area never fell below 12.

Paducah handlers compete with these same plants outside the marketing area. To the immediate north, in southern Illinois, Paducah handlers compete with handlers out of St. Louis where the price is 25 cents less than the Paducah f.o.b. market price and with Indiana plants regulated under the Louisville-Lexington-Evansville order with a 36-cent lesser price. They also compete with a southern Illinois regulated plant located at Harrisburg, Ill. The Class I price at the Harrisburg plant is also 25 cents less than the Paducah Class I price.

Similarly, to the west of the marketing darea in southeeastern Missouri, pro ing area in southeastern Missouri, proponent competes with St. Louis-based handlers. Proponent also competes with a St. Louis regulated handler whose plant is located at Cape Girardeau, Mo. At the present time, the price at Cape Girardeau is 10 cents less than the Paducah Class I price. However, official notice is taken that the Assistant Secretary has determined in a decision issued February 8, 1973, that the St. Louis-Ozarks Class I price applicable at Cape Girardeau be reduced an additional 8 cents. This would result in the Cape Girardeau plant having an 18-cent lesser price than Paducah handlers.

To the east of the Paducah marketing area, Paducah handlers compete with handlers regulated under the Louisville-Lexington-Evansville and Nashville orders where lower prices likewise apply.

The Paducah marketing area is located in a predominantly agricultural region. Milk production in and around the market substantially exceeds the market's fluid requirements. Neighboring fluid milk markets also draw milk from the same region. The plants of Paducah regulated handlers are scattered through the milkshed in close proximity to the farm supply. Farm to plant hauling costs are generally less, when milk is delivered to Paducah regulated plants, than when delivered to plants in surrounding markets. Hence, it is clear that a price substantially higher than in surrounding markets is not necessary to maintain an adequate supply for the Paducah market.

Price alignment among regulated markets where intermarket handler competition occurs can be an important factor affecting market stability for producers supplying a given market. Handlers regulated under an order providing for a Class I price greatly exceeding the minimum prices required of competing handlers under other orders are in less favorable position to retain or expand Class I sales. Producers supplying the former therefore could, as a result of an order price requirement, face a possible loss of Class I market and disorderly marketing conditions. The potential for such disruptive conditions in this area has increased in recent years as handlers under milk orders in the region have begun servicing large volume accounts for various types of retail outlets, including supermarket and convenience store chains, with less home delivery of milk. Many of these accounts are serviced on a contract basis and may shift from one handler to another, or from one market to another, on the expiration of a contract.

It is quite possible under today's conditions that the shift of a single such contract from a handler regulated under one order to a handler regulated under a different order may leave producers supplying the former handler with a considerable amount of milk for which there is no fluid outlet. This could have serious adverse impact on producer prices, particularly in a market such as Paducah. A closer alignment of prices in this location will provide a reasonable basis for intermarket competition for Class I sales insofar as producer prices affect such competition, and consequent allocation of Class I sales among dairy farmers in the region serving Paducah and competing markets.

That Paducah handlers have had some difficulty competing for fluid sales is evident from the fact that Class I sales in the Paducah marketing area from plants regulated under surrounding orders have increased significantly over the past 3 years. These sales increased by approximately 12 percent between 1969 and 1970 and by an additional 10.5 percent between 1970 and 1971. This trend continued through 1972. In 9 of the first 10 months of 1972, sales in the Paducah marketing area from plants located under other orders exceeded those of the corresponding month of 1971. Conversely, in both 1970 and 1971, the volume, as well as the percentage, of producer milk under the Paducah order utilized in Class I declined from the previous year.

Although the number of producers for the Paducah market decreased significantly in the latter part of 1972, this decrease does not indicate necessarily any inadequacy of supplies for the market. Virtually all milk supplied to the Paducah market is marketed through a regional cooperative association that also carries on similar operations in neighboring markets. It can adjust supplies on the Paducah market by shifting producers under its regional marketing program to other markets that maintain manufacturing facilities and cna handle supplies not required by Paducah handlers.

There were no opposing briefs filed by producers for the Paducah market or by Paducah regulated handlers.

A proprietary handler operating a plant at Paragould, Ark., and regulated under the Central Arkansas order opposed the Class I price reduction in a brief filed subsequent to the hearing. The handler contended that a price reduction of this magnitude would affect adversely his ability to compete for fluid milk sales. He proposed that any Class I price decrease made as a result of this proceeding should not exceed 7 cents.

Although the Class I price reduction adopted herein will not have the same effect in each competitive situation, the competitive circumstances described above warrant such a reduction.

There is no indication from the evidence presented at the hearing that Paducah handlers, as a result of this action, will have any significant competitive advantage over handlers regulated by surrounding orders.

In a brief filed on behalf of a cooperative association with member producers in several of the order markets surrounding the Paducah market, it was argued that a misalignment of price in this several-market region should not be corrected by reducing the Class I price, but rather by increasing the Class I price in other order markets. The cooperative consequently opposed any change in the Paducah Class I price at this time.

There is insufficient evidence in the record that increases in the Class I price levels for the surrounding markets relative to Paducah are needed at this time. The evidence does indicate, however, that the Paducah Class I price exceeds the level needed to maintain an adequate supply and to insure orderly marketing for producers in view of competitive conditions in and around the Paducah market.

It is concluded therefore that a reduction in the Paducah Class I price is appropriate to improve the relationship of the Class I prices in this region for the reasons stated above and thereby will promote orderly marketing in the Paducah market.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Paducah, Ky., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1099.51, paragraph (a) is revised as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

Signed at Washington, D.C., February 13, 1973.

John C. Blum,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-3163 Filed 2-16-73;8:43 am]

Food and Nutrition Service

[7 CFR Part 225]

[Amdt. 4]

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Notice of Proposed Rule Making

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the operation of the Special Food Service Program for Children (7 CFR Part 225) for the purpose of making specific requirements for special summer programs, for the approval of and monitoring of institutions and food service sites; making provision for a summer meal when site facilities are limited; making specific requirements for food service management companies and making the eligibility standards for the summer program similar to the school lunch program.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions or, objections must be delivery by March 22, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than March 22, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours 8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)). The proposed amendments with the proposed effective date, are as follows:

1. In the table of contents, § 225.7 is renumbered § 225.7b and new §§ 225.7a and 225.7c are added, as follows:

2. In § 225.2, paragraph (i-1) is relettered (i-2), paragraphs (n) and (p-1) and the last sentence of paragraph (p) are revised, and new paragraphs (i-1), (l-1) and (t) are added, as follows:

§ 225.2 Definitions.

* * * * *

(i-1) Areas of "high concentrations of working mothers" means areas in which more than 50 percent of the mothers are engaged in work outside the home.

* * * * *

(l-1) Areas of "poor economic conditions" means areas in which more than 50 percent of the children are eligible for free or reduced price school meals under the State guidelines established for the National School Lunch Program and School Breakfast Program.

* * * * *

(n) "Program" means the Special Food Service Program for Children authorized by section 13 of the Act and operating pursuant to the provisions of this part. The term "program" includes the year-round program and the special summer program.

* * * * *

(p) * * * The term "service institution" includes a school or other private, nonprofit institution or public institution that develops a special summer program, and includes a private, nonprofit institution or a public institution providing day-care services for handicapped children.

(p-1) "Special summer program" means a food service, similar to that available to children under the National School Lunch or School Breakfast Programs during the school year, conducted by a private nonprofit institution or a public institution during the summer months from May 15 to September 15 for the benefit of children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers.

* * * * *

(t) "Year-round program" means a food service other than a special summer program conducted by a service institution for the benefit of children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers.

3. A new § 225.7a is added, as follows:

§ 225.7a Responsibilities of State agencies.

(a) The State agency, or FNSRO where applicable, shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, criteria for the approval of service institutions. No service institution shall be approved unless it (1) has final financial and administrative responsibility for total program operations at all sites at which it plans to conduct a food service; (2) has adequate supervisory and operational personnel for overall monitoring and management of each food service operation, including adequate personnel to visit all food service sites at least once in the first 4 weeks of operations of the special summer program and to promptly take such actions as are necessary to correct deficiencies found at the time of the initial visit, and thereafter to maintain a reasonable level of site monitoring; and (3) provides an organized activity, in addition to the service of food, for the children attending each site, except that a special summer program may be approved at a site where there is no organized activity if the State agency, or FNSRO where applicable, finds that there is a severe need to provide food to children from poor economic areas and that an organized activity cannot be provided. The State agency, or FNSRO where applicable, shall assess the maximum number of meals to be served at each site, and the maximum number of sites that the service institution can reasonably expect to administer effectively.

(b) The State agency, or FNSRO where applicable, shall review the proposed areas from which the sites will draw attendance and the number of needy children from such areas in relation to the capacity of the service institution so as to minimize the number of service institutions which may be approved in the same area.

(c) The State agency, or FNSRO where applicable, shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, criteria for the approval of food service sites. Such criteria shall include: (1) An organized and supervised system for serving meals to participating children; (2) arrangements for food storage and food holding facilities including arrangements for storage of excess meals delivered to approved sites; (3) arrangements for food service during periods of inclement weather; and (4) access to a means of communication for making daily adjustments in the number of meals delivered in accordance with the number of children participating daily at each site. A food service site which does not have food storage and holding facilities may be approved for participation in the special summer program as a limited food service site. Limited food service sites may be approved for reimbursement only for summer meals or supplemental food as prescribed in paragraph (b-2) (2) and (3) of § 225.9. An approvable site need not be at the same location as the organized activity provided by the service institution.

(d) With respect to the special summer program, to the extent of available funds, the State agency, or FNSRO where applicable, shall give first consideration for approval to applications received prior to April 1. Approval of applications received after April 1 shall be dependent upon (1) any funds not committed for approval of applications received prior to April 1, (2) the need of the service institution for financial assistance as determined by the economic condition of the area to be served and availability of funds from other sources, and (3) the planning time needed by the service institution, as determined by the State agency, or FNSRO where applicable, to design and implement a viable program as supported by appropriate documentation.

(e) The State agency, or FNSRO where applicable, has a positive obligation to work closely with the service institution developing a special summer program to assure that school food service facilities are utilized as fully as possible in the preparation, service, or delivery of meals served as part of any special summer program.

(f) Where a reasonable basis exists for a determination that all of the children participating at any site are unable to pay the full cost of the meal, the State agency, or FNSRO where applicable, may authorize the service of free meals to all such participating children, provided that the service institution agrees to the provisions set forth in § 225.8(c).

(g) The State agency, or FNSRO where applicable, shall not approve applications for special summer programs for more than one meal per day, except that where attending children are present for more than 5 hours duration at any one site an additional meal consisting of supplemental food may be approved.

4. Section 225.7 is renumbered § 225.7b, paragraphs (a), (a-1), (b), (b-1), and (c) thereof are revised, and paragraph (b-2) thereof is revoked, as follows:

§ 225.7b Requirements for participation.

(a) Service institutions shall make separate written applications to the State agency, or FNSRO where applicable, for participation in the special summer program and the year-round program. The service institution's need to participate in the program shall be reviewed annually by the State agency, or FNSRO where applicable.

(a-1) Any service institution participating in the year-round program may also participate in a special summer program. Such an institution participating in both the year-round and special summer programs shall: (1) Not serve the same child in each such program; and (2) maintain separate records as are necessary to support separate claims for reimbursement.

(b) At a minimum, applications of service institutions applying for program assistance shall contain the following information: (1) Name and address of the service institution; (2) name and title of the administrator; (3) the type(s) of organized activity provided children, or if it is a special summer program, the reasons why no organized activity is provided; (4) description of the location and general economic conditions of the area from which the proposed food service site will draw attendance; (5) if the service institution plans a food service at more than one site, the number of such food service sites in which all attending children are from areas in which poor economic conditions exist based on, but not limited to, information provided from, Model City target areas within the community, departments of welfare, zoning commissions, and census tracts, or from the number of approved applications for free and reduced price lunches and breakfasts served to children attending schools which are located in the area of the sites; (6) if the application is based solely on the service of children from areas in which there is a high percentage of working mothers, data to demonstrate that at least half of the mothers in such area are engaged in work outside the home; (7) number of food service sites in which some of the attending children are from areas other than those described in paragraph (b)(5) of this section; (8) period of operation of a special summer program, including: (i) Beginning date; (ii) closing date, and (iii) total days of operation; (9) description of the method by which meals will be provided, such as (i) preparation at food service site, (ii) under contract with local school system; (iii) under contract with food service company; (10) if 500 or more children are daily served meals prepared under contract with a food service company, a description of the bid procedure to be used in accordance with § 225.7c; (11) the number of administrative, supervisory, clerical, and volunteer service institution personnel and the percentage amount of time each spends on the special summer program on a daily basis; (12) number of operational personnel at the food service site(s): (i) Paid and (ii) volunteer; (13) if it plans to operate a special summer program, a description of the need of the service institution for assistance for its proposed food service, including, but not limited to: (i) Estimated administrative costs, (ii) estimated food service operational costs at the sites, (iii) estimated meal costs, (iv) funds available to the service institution for the food service at the beginning of special summer program operations, (v) estimated income, by source, other than anticipated special summer program reimbursement, and (vi) estimated value of in-kind (donated) goods and services; (14) if it is a special summer program not planning to use school food service facilities the reasons why such use is not feasible; and (15) if a private service institution, a certification as to its nonprofit status.

(b-1) Each service institution shall attach to its application an information sheet on each food service site. Such information sheet shall include, as a minimum, the following: (1) The site name and specific location; (2) name and title of the person responsible for the food service of the site; (3) data to document that the site will serve children from areas in which poor economic conditions exist as indicated by data from Model Cities target areas, local welfare departments, zoning commissions, census tracts or free and reduced price meal applications available at local schools, or data to demonstrate that the site will serve children from areas in which at least half of the mothers work outside the home if the application is based solely upon the service of children from areas in which there is a high percentage of working mothers; (4) type of site; (5) a description of organized activities and supervision thereof and the location of such activities if other than at the food service site; (6) estimated average daily attendance; (7) number of children attending daily who are unable to pay for their meal; (8) charges to paying children for full price and reduced price meals; (9) a description of the food service area, including feeding capacity; (10) data to show whether access to food service is controlled by site personnel; (11) a description of food holding and storage facilities, if any, including arrangements for storage of excess meals delivered to sites; (12) a description of the arrangements for food service in inclement weather; (13) a description of the channels of communications between the site supervisor and the service institution; (14) planned meal service dates and hours of operation; (15) proposed site staffing, including the estimated daily man-hours required for food service operations; (16) number of such man-hours which are volunteered (not paid); (17) type(s) of meal to be served; and (18) estimated value of contributions, by type, to the food service site.

(b-2) [Revoked.]

(c) A service institution shall submit with its application a policy statement in accordance with § 225.8.

* * * * *

5. A new § 225.7c is added, as follows:

§ 225.7c Food service management companies.

(a) Any service institution may contract with a food service management company (including other commercial enterprise) for the preparation or delivery at food service sites of unitized meals or for the delivery of individual meal components. Any service institution may employ a food service management company to operate its entire food service program. A service institution that so employs a food service management company shall remain responsible for seeing that the feeding operation is in conformity with its agreement with the State agency, or FNSRO where applicable. Any service institution operating a program serving 500 or more children daily and contracting with a food service management company shall use a competitive bid procedure in the selection of any such company.

(b) The service institution and the food service management company shall enter into a written contract which shall expressly provide that: (1) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the service institution will need to meet its responsibilities under this part, and shall report thereon to the service institution promptly at the end of each month; (2) any federally-donated commodities received by the service institution and made available to the food service management company shall inure only to the benefit of the service institution's feeding operation, and shall be utilized therein; (3) the books and records of the food service management company pertaining to the service institution's feeding operation shall be available, for a period of 3 years from the close of the Federal fiscal year to which they pertain, for inspection and audit by representatives of the State agency, of the Department, and of the U.S. General Accounting Office at any reasonable time and place; (4) the nutritional requirements of § 225.9 shall be met for all meals; (5) health and sanitation requirements shall be met at all times; (6) unitized meals or meal components shall be delivered in accordance with a delivery schedule prescribed in the contract; (7) increases and decreases in the number of meal orders may be made by the service institution daily within a period of prior notice mutually agreed upon; (8) the food service management company shall be liable for meals that do not meet nutritional requirements, are spoiled or unwholesome at time of delivery, or do not otherwise meet the requirements of the contract; and (9) the food service management company's charge to the service institution shall reflect the fair wholesale market value of all federally-donated food. Menus meeting the meal requirements specified in § 225.9 shall be an integral part of each contract, and remedies for nonperformance shall be stipulated in each contract.

(c) The State agency, or FNSRO where applicable, may review and approve any contract between a service institution and a food service management company.

(d) Each State agency, or FNSRO where applicable, shall notify all applicant service institutions of the contract requirements specified in this section, and such contract requirements when applicable, shall be made part of the agreement between the State agency, or FNSRO where applicable, and the service institution.

6. Section 225.8 is revised to read as follows:

§ 225.8 Free and reduced price meals.

(a) Each approved service institution shall serve meals without cost or at a reduced price to children determined by the service institution to be unable to pay the full price of the meal. Such determination and the serving of such meals shall be in accordance with the regulations of the Department with respect to determining eligibility for free and reduced price meals (notice of Oct. 18, 1968, 33 FR 15674); *Provided, however*, That no service institution shall adopt criteria for free meals or for reduced price meals which would result in eligibility of children from families whose incomes exceeded the Secretary's income poverty guidelines, in effect as of May 15 of each fiscal year, by more than 25 percent in the case of free meals or by more than 50 percent in the case of reduced price meals.

(b) Each approved service institution shall publicly announce a policy statement setting forth the criteria for determining the eligibility of children for free and reduced price meals.

(c) When a service institution has evidence that all children at a given site meet the eligibility requirements of paragraph (a) of this section for free meals, it need not make individual determinations of need for free meals. Instead, it may submit with its application (for such site) a statement setting forth such evidence and stating that all children attending such site will receive a free meal because they meet the eligibility standards for such meal and that, if information comes to the attention of the service institution that any child, on the basis of the level of family income, number in the family unit, and the number of children in the family unit attending schools or service institutions, is able to pay the full or reduced price of the meal, the service institution shall collect from such a child the full or reduced price of the meal or take appropriate steps to enroll the child in another program site.

7. In § 225.9, paragraph (a), and the first sentences of paragraphs (b) and (f) are revised, and new paragraphs (b-1), (b-2), and (b-3) are added, as follows:

§ 225.9 Requirements for meals.

(a) Each service institution participating in the year-round program shall serve one or more of the following types of meals, as provided in its approved applications (1) Breakfast; (2) lunch; (3) supper; (4) supplemental food served between such other meals.

(b) Except as otherwise provided in this section, each meal served in the year-round program shall contain, as a minimum, the indicated food components: * * *.

(b-1) Each service institution participating in the special summer program shall serve one or more of the following meals as provided in its approved application: (1) A regular meal, (2) a summer meal, (3) supplemental food.

(b-2) Except as otherwise provided in this section, each meal served in the special summer program shall contain, as a minimum, the indicated food components: (1) A regular meal shall contain one-half pint of milk as a beverage; 2 ounces (edible portion as served) of lean meat, poultry, fish, or cheese, or one egg, or one-half cup of cooked dry beans or peas; or 4 tablespoons of peanut butter, or an equivalent quantity of any combination of the above listed foods; a three-fourths cup serving consisting of two or more vegetables or fruits or both; one slice of whole-grain or enriched bread, or a serving of cornbread, biscuits, rolls, muffins, etc., made of whole grain or enriched meal or flour; 1 teaspoon of butter or fortified margarine. (2) A summer meal shall contain: Two ounces of meat, poultry, fish, or cheese, or one egg, or one-half cup of cooked dry beans or peas, or 4 tablespoons of peanut butter, or an equivalent quantity of any combination of the above-listed foods; one-half cup of fruit; 2 slices of bread or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole grain or enriched flour; one-half pint of fluid whole milk or full strength fruit juice.

(3) Supplemental food shall contain: One-half pint of milk or full strength fruit or vegetable juice or an equivalent quantity of fruit or vegetable; one slice of bread or equivalent.

(b-3) The quantities of foods specified in paragraph (b-2) (1), (2), and (3) are approximate amounts of food to serve 10- to 12-year-old boys and girls. Greater or lesser amounts of these foods may be served if participating children are older or younger.

* * * * *

(f) Substitutions may be made in food listed in paragraph (b), (1), (2), and (3) and in paragraph (b-2) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. * * *

* * * * *

8. In § 225.10, paragraphs (a) and (b) and the proviso of paragraph (e), are revised, and a new section (b-1) is added as follows:

§ 225.10 Reimbursement payments.

(a) Reimbursement shall be paid to service institutions participating in the year-round program only in connection with types of meals specified in approved applications, and meeting the requirements of paragraphs (a) and (b) of § 225.9.

(b) The maximum rates of reimbursement for meals served in year-round programs shall be 30 cents for a lunch or supper, 15 cents for a breakfast, and 10 cents for supplemental food.

(b-1) Reimbursement shall be paid to service institutions participating in the special summer program only in connection with types of meals specified in approved applications, and meeting the requirements of paragraph (b-2) of § 225.9. The maximum rates of reimbursement for meals served in special summer programs shall be 30 cents for a regular meal, 20 cents for a summer meal, and 10 cents for supplemental food.

* * * * *

(e) * * *: *Provided, however,* That such financial assistance shall not exceed 60 cents for a lunch, regular meal, or supper, 40 cents for a summer meal, 20 cents for a breakfast, and 15 cents for supplemental food.

9. A proviso is added at the end of § 225.11, as follows:

§ 225.11 Effective date for reimbursement.

* * *: *Provided, however,* That no reimbursement payments shall be made in connection with meals served in the special summer program prior to May 15 and after September 15 of any calendar year.

10. In § 225.18, paragraph (a-1) is revoked and a new paragraph (e-1) is added as follows:

§ 225.18 Special responsibilities of State agencies.

* * * * *

(e-1) *Program supervision—special summer programs.* Beginning January 1, 1974, each State agency, or FNSRO where applicable, shall provide adequate personnel to monitor all service institutions under its jurisdiction, including not less than 10 percent of the food service sites under each such institution, at least once during the operation of the special summer program each calendar year.

* * * * *

Effective date: These amendments are proposed to be effective March 29, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

FEBRUARY 14, 1973.

[FR Doc.73-3216 Filed 2-16-73;8:45 am]

Forest Service

[36 CFR Part 221]

SALE OF NATIONAL FOREST TIMBER

Debarment and Suspension of Bidders

Notice is hereby given that, pursuant to the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 34, 35, as amended; 16 U.S.C. 476, 551), it is proposed to amend Part 221 of Title 36, Code of Federal Regulations, by adding § 221.10a as set forth herein.

The purpose of the new section is to notify purchasers of National Forest timber of the violations of contract provisions regarded as being so serious as to justify debarment or suspension from contracting for the purchase of National Forest timber.

§ 221.10a Debarment and suspension of bidders.

Section 1-1.604, Title 41, authorizes debarment or suspension of a firm or individual for willful violation of a contract provision or for a record of failure to perform, or of unsatisfactory performance, in accordance with the provisions of one or more contract which the agency regards as so serious as to justify debarment or suspension. The Forest Service regards as so serious as to justify debarment or suspension the willful violation or repeated failure to perform or satisfactorily perform timber sale contract provisions relating to the following:

(a) Fire suppression or prevention and the disposal of slash;

(b) Protection of soil, water and residual trees when such failure causes significant environmental or resource damage;

(c) Removal of designated timber when such failure causes substantial product deterioration or conditions favorable to insect epidemics;

(d) Restrictions on the exportation of timber included under the contract;

(e) Access by the Forest Service upon its request to purchaser's books and accounts; and

(f) Processing by small business on set-aside timber sales.

All persons who wish to submit written data, views or objections pertaining to the proposed amendment may do so by submitting them in duplicate to the Department of Agriculture, Forest Service, Division of Timber Management, South Agriculture Building, Room 3211–A, Washington, D.C., on or before April 23, 1973.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Timber Management during regular business hours (7 CFR 1–27(b)).

T. K. COWDEN,
Assistant Secretary.

FEBRUARY 14, 1973.

[FR Doc.73-3200 Filed 2-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19683; FCC 73-159]

FM BROADCAST STATIONS IN OCALA, FLA.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Ocala, Fla.), Docket No. 19683, RM–1908.

1. The Commission has before it a petition for rule making seeking the assignment of Channel 224A to Ocala, Fla. Petitioner, Osceola Broadcasting Co., Inc. (Osceola), is licensee of a full-time directionalized AM station in Ocala.

2. Ocala is a community of substantial size (22,583 persons), and it and the surrounding area have shown considerable growth in recent years. At present, Ocala has a Class C FM station and three AM stations in operation, all the latter daytime-only except for Osceola's. In terms of its size, recent growth and focus for Marion County in which it is located, Ocala appears to warrant additional service. Although Osceola's showing on the subject is not sufficient to show that a first nighttime aural service would be provided as the petition appears to suggest would be the case, the desirability of additional nighttime service in the area is clear.

3. Petitioner's showing and our own study indicate that Channel 224A could be assigned to Ocala and meet spacing requirements, provided a site is selected 3 miles or more southwest of the community. Operating from such a site, no problem should be expected in providing the required signal level to Ocala. The preclusion study indicates that the only real impact would occur co-channel, affecting Crystal River and Dunnellon both in Florida. Dunnellon already has its own FM station, using Channel 272A which is assigned to Ocala.[1] Since Dunnellon's population is only 1,146, up from 1,046 in 1960, the preclusion study effect appears to have only minimal significance. As to Crystal River, in Docket 19401 we recently adopted a report and order which assigned a class C channel (253) there. Since it too is a community under 2,000 persons the preclusion assumes limited importance. In assigning the channel to Crystal River, the Commission rejected a counterproposal to use class C channel 253 in Dunnellon, which would have freed Channel 272A for use in Ocala. Although we ordinarily do not intermix class A and class C channels, the decision to do so in the case of Ocala was made some years ago and no new information has come to light to alter our previous view.

4. Under these circumstances we invite comments on the proposed channel for Ocala and the proposed redesignation of Channel 272A. Petitioner should indicate its continuing readiness to construct and operate on the channel should it be assigned to Ocala.

5. *Showings required*. All parties, including the petitioner, should file comments with respect to the need of the proposed assignment. They may do so, in large part, by incorporating in their formal pleadings reference and statements previously made in support of the petition. Failure of the petitioner to file any further pleading may lead to a denial of the request.

6. *Cut-off procedure*. 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 rule making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and public notice to that effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, we propose for consideration the following revisions in our FM table of assignments (§ 73.202(b) of the rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Ocala, Fla.	229, 272A	229, 224A
Dunnellon, Fla.		272A

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 21, 1973, and reply comments on or before April 2, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

9. 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. 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, 1919 M Street NW., Washington, D.C.

Adopted: February 7, 1973.

Released: February 12, 1973.

FEDERAL COMMUNICATION COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3181 Filed 2-16-73;8:45 am]

[1] This move was made pursuant to the old "25-mile" rule and located in Dunnellon, service is not provided to Ocala. Accordingly, we propose to conform the FM table to reflect the actual usage of the channel.

[2] Commissioner H. Rex Lee absent.

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

Office of the Secretary

ALUMINUM INGOT FROM CANADA

Withholding of Appraisement Notice

Information was received on April 7, 1972, that aluminum ingot from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 18, 1972, on page 10009. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of aluminum ingot from Canada is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price will probably be calculated on the delivered price to unrelated purchasers in the United States with deductions for U.S. duty, freight, selling expenses, warehouse charges, and brokerage fees, as appropriate.

Home market price will probably be based on the f.o.b. shipping point price with a deduction for inland freight. Allowances will probably be made for rebates, competitive discounts, and selling expenses, as appropriate. Adjustments will probably be made for differences in the merchandise.

Using the above criteria, there are reasonable grounds to believe or suspect that exporter's sales price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of aluminum ingot from Canada in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office on or before March 2, 1973.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before March 22, 1973.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective on January 20, 1973. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-3233 Filed 2-15-73;2:18 pm]

Office of the Secretary

GUARANTEED FOREIGN MILITARY SALES LOAN AGREEMENT

Notice of Invitation To Bid on a Loan

I. *Invitation to bid—classes of bidders.* The Secretary of the Treasury, acting for the borrower (The Government of the Republic of China) by this notice and under the terms and conditions hereof invites bids on the interest rate for a $30 million loan to the Government of the Republic of China. The loan is described in section II hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR Part 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the Government of the Republic of China of defense articles and services from U.S. sources under the Foreign Military Sales Act, as amended, Public Law 90-626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571-2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. *Description of loan agreement—Commitment fee.* (a) The attached Model Loan Agreement contains all of the principal provisions of the loan except that after the award of bids it will be filled in to reflect that:

(1) The amount of the loan is $30 million;

(2) Each aggregate drawdown on the loan, except the last, will be at least $500,000;

(3) The initial drawdown is anticipated to be made on or before April 1, 1973;

(4) There will be a commitment period from the date of the execution of the loan agreement to and including March 31, 1975, or such earlier date as the entire commitment of the lender shall have been availed of;

(5) The principal of the loan will be repayable in 14-consecutive semiannual installments, payable on June 30 and December 31 each year commencing on June 30, 1975, the first 12 payments being $2,143,000 each and the final two payments being $2,142,000 each;

(6) Interest will be payable semiannually on June 30 and December 31 of each year commencing on June 30, 1973;

(7) Interest payable on and after June 30, 1975, will be paid with the principal.

(b) There will be a commitment fee, payable semiannually, of one-quarter of 1 percent (¼ of 1 percent) per annum on the daily average unused amount of the commitment commencing April 1, 1973, or the initial drawdown on the loan, whichever is earlier. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

III. *United States Government guaranty of loan—guaranty fee.* The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of principal and interest by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that:

Any claim which it may now or hereafter have against any person, corporation, firm, or association or other entity (including without limitation, the United States, DoD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the borrower to make the payments required to be made to the undersigned under this loan agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

The maximum liability of the Government of the United States under the guaranty will be $31,500,000, and that sum will be so stated in Article II of the attached guaranty agreement.

The aggregate guaranty fee will be $78,750, one-quarter of 1 percent (¼ of 1 percent) of the aforesaid maximum liability to be paid by the lender as a conduit of the borrower.

IV. *Tax exemptions*. (a) There will be no—

(1) Federal income tax resulting from § 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense. (The lender will be acting merely as a conduit.)

(2) Federal stamp tax;

(3) Interest equalization tax; or

(4) Tax imposed by the Government of the Republic of China.

(b) The interest paid on the loan by the Government of the Republic of China will constitute income from sources without the United States in the hands of the lender or any holder of the promissory notes or participations in the loan. Since the interest is foreign source income, there will be no U.S. withholding under any circumstances.

V. *The loan, promissory notes, participations—eligibility for purchase by national banks as collateral for Treasury tax and loan accounts, etc.* (a) Because of the guaranty, the loan, the promissory notes, and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participations will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR Part 203), provided that they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provision: "Participant may assign or endorse over this participation certificate to the (name of the Federal Reserve Bank or branch of the territory in which the participant is located) in connection with a pledge of collateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, Part 203. In the event that this participation certificate is assigned to (same bank or branch as above), it shall not be further assigned or subdivided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

VI. *Submission of bids—acceptance and opening of bids*. Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a fixed rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of $5 million.

In the event the loan should be split by awards to more than one bidder, each drawdown or principal repayment would be divided pro rata; also, the amount of guaranty fee required from each lender would be proportional to his participation in the total loan.

The bids must be enclosed and sealed in envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045, not later than 11 a.m., e.s.t., on February 23, 1973. By having submitted a bid, any bidder receiving an award will be deemed conclusively to have accepted all the provisions of the loan agreement and upon receipt of an award will be required to sign three copies of the agreement. The Government of the Republic of China will then, in Washington, D.C., sign the three copies, one of which will be returned to any such bidder.

Bids will be opened at the Federal Reserve Bank at 11 a.m., e.s.t., on February 23, 1973. In determining successful bids, those specifying the lowest rate of interest will be accepted to the extent required to attain the aggregate amount of the loan. The Secretary of the Treasury, or his representative, in accepting bids (for the borrower) reserves the right to reject any or all bids in whole or in part.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

February 14, 1973.

MODEL LOAN AGREEMENT

Loan Agreement made and entered into the ______ day of ____________, 19____, between the Government of ________________ ______ (hereinafter sometimes referred to as the Borrower) and ____________, (hereinafter sometimes referred to as the Undersigned).

WHEREAS by public notice (which notice is incorporated in this agreement as if fully set forth herein) the Secretary of the Treasury has invited bids on a loan in the amount of $______ to the Borrower at the lowest basis cost of money;

WHEREAS the Undersigned has submitted a bid for the hereinafter more fully described loan at an annual rate of ____ percent per annum, payable semiannually;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

SECTION 1. *Commitment*. 1.1 Subject to the terms and conditions of this Loan Agreement the Undersigned agrees to make loans to the Borrower at any time and from time to time from the date of this Loan Agreement to and including ____________ (or such earlier date as the entire loan offered herein by the Undersigned shall have been availed of), in an aggregate principal amount up to the amount of ____________ U.S. dollars (U.S. $____________).

1.2 Each borrowing hereunder shall be made on such date (hereinafter referred to as a Disbursement Date) as may be designated by the Borrower upon three (3) days' concurrent written notice from the Borrower to the Undersigned. The initial borrowing hereunder shall be made prior to __________ ____________, 19____. Except for the last borrowing, each such notice shall request a borrowing aggregating at least ______________ (U.S. $ ____________). Each notice requesting disbursement (a) shall specify the amount of the loan to be made by the Undersigned on the Disbursement Date; (b) shall be delivered to the Undersigned at its address set forth in § 7.3 hereof; (c) shall specify the account of the Borrower at such Bank to which the proceeds of each loan are to be credited; and (d) shall have annexed thereto the documentation set forth in Exhibit A (Disbursement Procedures) annexed hereto.

1.3 The Borrower hereby agrees to pay to the Undersigned a commitment fee computed at the rate of one-quarter of 1 percent (¼ percent) per annum on the daily average unused amount of the Commitment from ______________________ to and including ______________________ (or such earlier date as the entire Commitment of the Undersigned shall have been availed of). Such commitment fee shall be calculated on a 365-day basis and actual days elapsed.

1.4 The Undersigned may sell participations in the loan to legal entities doing business in the United States.

1.5 At the time at which the Borrower shall send the notices required by section 1.2 above to the Undersigned it shall deliver thereto a promissory note (which shall be substantially in the form of Exhibit B annexed hereto (with the blanks appropriately filled in)) evidencing the obligation of the Borrower to repay the amount of the loan from the Undersigned with interest thereon as hereinafter set forth. Upon request by the Undersigned at any time, the Borrower shall deliver to the Undersigned, in place of any such promissory note, two or more separate promissory notes in such amounts, aggregating not more than the amount of the note such notes shall replace, as shall be specified by the Undersigned. The promissory notes hereinabove referred to are hereinafter referred to as the "Notes" and individually as a Note.

SEC. 2. *Repayment.* 2.1 The Borrower hereby agrees:

(a) To pay interest on the outstanding balance of the principal of the loans made under this Loan Agreement on a fixed semi-annual basis, such interest payments to begin ________________, 19____, and thereafter on ________________, 19____, and each ________ ______ and ____________ following, until the entire principal of the loans shall have been repaid; and

(b) To repay the principal of the loans made under this Loan Agreement in accordance with the Principal Repayment Schedule set forth in Exhibit C annexed hereto.

(i) If on any installment repayment date set forth in the Principal Repayment Schedule the Borrower shall not have availed itself of the commitment of the Undersigned in an aggregate amount (less repayments previously made) equal to the aggregate installment of principal which is repayable on such date to the Undersigned, the Borrower shall, on such installment repayment date, repay to the Undersigned the full amount (less repayments previously made) to which it has availed itself of the commitment of the Undersigned to such date, together with the interest accrued thereon. If at any time thereafter the Borrower shall avail itself of the commitment of the Undersigned in an amount which would have been payable on a prior installment repayment date but for the provisions of the immediately preceding sentence, such amount, together with interest accrued thereon, shall be repayable on the next succeeding installment date of the Principal Repayment Schedule occurring after the disbursement of such amount and the said aggregate installment of principal repayable under the Principal Repayment Schedule to the Undersigned on that date shall be increased by such amount.

(ii) If by the date specified in paragraph 1.1 above, the Borrower shall not have availed itself of the entire amount of the commitment, the installments of principal repayable to the Undersigned set forth in the Principal Repayment Schedule shall be reduced in the inverse order of the maturity thereof to the extent of the unused balance of the commitment.

2.2 The Undersigned may sell or assign, at any time, in whole or in part, any one or more of the Notes and/or its rights to receive repayments.

2.3 Each Note shall be dated the Disbursement Date of the loan which such Note evidences and shall bear interest at a rate of ______ percent (______ percent) per annum on the unpaid principal amount of such Note until such amount shall be paid in full. Such interest on each Note shall be payable with the principal as provided in 2.1. The Notes shall be completed by the Borrower in such a manner that repayment of such loans shall be made in the order of their disbursement, utilizing the Principal Repayment Schedule set forth in Exhibit C (as the same may be adjusted in accordance with sections 2.1(b)(i) and 2.1(b)(ii) hereof), and, in determining whether a particular loan is payable in one or more installments, utilizing a particular installment payment date only after the full utilization of the next preceding installment date.

2.4 The Borrower may, with the prior written consent of the Undersigned, which consent will not be unreasonably withheld, prepay any of the Notes held by the Undersigned, in whole or in part, on any repayment date, with accrued interest to the date of such prepayment on the amount prepaid.

2.5 Whenever any payments hereunder or under any Note shall be due on a Saturday, Sunday, or public holiday under the laws of the District of Columbia, such payment may be made on the next succeeding business day, and such extension of time shall, in such case, be included in computing interest in connection with such payment, but excluded from the next interest period.

2.6. All payments by the Borrower to the Undersigned under this Loan Agreement and on the Notes, including without limitation payments of principal of, and interest on, the Notes and payment of any commitment fees or other fees or expenses hereunder, shall be payable to the Undersigned at the address set forth in section 7.3 hereof in U.S. dollars and in immediately available funds.

SEC. 3. *Representations and warranties.* The Undersigned has entered into this Loan Agreement and will make the loans provided for herein on the basis of the following representations and warranties of the Borrower:

3.1 The Borrower has full power, authority, and legal right to incur the indebtedness contemplated in this Loan Agreement on the terms and conditions contained herein, and to execute, deliver, and perform this Loan Agreement and the Notes;

3.2 The execution, delivery, and performance of this Loan Agreement and the Notes will not violate any provisions of, and have been duly and validly authorized under, the laws of the Borrower, and all actions necessary to authorize the borrowings hereunder and the execution, delivery, and performance of this Loan Agreement and the Notes have been duly taken; and

3.3 This Loan Agreement has been, and each of the Notes when issued will be, duly executed and delivered by persons thereunto duly authorized, and this Loan Agreement constitutes, and each of the Notes when issued will constitute, the valid, legally binding, direct, and unconditional general obligation of the Borrower, enforceable in accordance with its respective terms.

SEC. 4. *Conditions of lending.* 4.1 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the condition precedent that, prior to the first Disbursement Date, it shall have received an opinion in the English language of the Legal Adviser to the Ministry of Defense of the Government of ____________________, dated the date of the initial Disbursement Date, to the same effect as sections 3.1, 3.2, and 3.3 hereof, and to the further effect that specified officials of the Borrower identified by name and title in such opinion are duly authorized to execute and deliver this Loan Agreement, the Notes and such other documents as may be required hereunder on behalf of the Borrower, to establish and draw upon an account of the Borrower at the Bank to which account the Undersigned shall disburse the proceeds of all borrowings hereunder, and to certify to such Bank on behalf of the Borrower the identity, names and titles of any other or additional officials of the Borrower who thereafter may be so authorized.

4.2 The obligation of the Undersigned to make the initial loan to be made by it hereunder is subject to the further conditions precedent that, prior to the first disbursement, it shall have received:

(a) The guaranty of the United States (the Guaranty), executed by DoD, guarantying it against all political and credit risks of nonpayment of the obligations of the Borrower to the Undersigned hereunder (including the entire amount of the principal loaned by the Undersigned hereunder and interest thereon at the rate determined as specified herein, but excluding any amounts owing for commitment fees or other fees or expenses), up to a maximum aggregate liability to the Undersigned under the Guaranty on the part of the United States of $____________ dollars (U.S. $____________), pursuant to the Act; and

(b) An opinion of the General Counsel of DoD, to the effect that (i) DoD has full power, authority, and legal right to execute, deliver, and perform the Guaranty, (ii) the Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DoD has not, in issuing the Guaranty, exceeded the maximum amount of guaranties authorized to be issued under the Act, (iii) the Guaranty has been duly executed and delivered by a duly authorized representative of DoD, and (iv) the Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof and backed by the full faith and credit of the United States.

4.3 The obligation of the Undersigned to make any loan to be made by it hereunder, including the initial loan, is subject to the further conditions precedent that:

(a) No event of default within the meaning of section 6 of this Loan Agreement, and no other default with respect to any of the Notes, shall have occurred;

(b) The Undersigned shall have received a Note or Notes payable to its order (or to the order of such other person or persons as the Undersigned may specify) in the amount of the particular loan, executed by the duly authorized representatives of the Borrower;

(c) The Undersigned shall have received the documentation specified in Exhibit A annexed hereto, executed by the duly authorized representatives of the Borrower; and

(d) All legal matters incident to the Guaranty and the transactions contemplated by this Loan Agreement shall be satisfactory to the counsel of the Undersigned.

SEC. 5. *Convenants.* The Borrower covenants and agrees that from and after the date of this Loan Agreement and so long as any amounts remain unpaid on account of the Notes or otherwise under this Loan Agreement:

(a) All payments on account of the principal of, and interest on, the Notes, commitments fees and other fees and expenses shall be made free and clear of, and without deduction for, any and all taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions or conditions of any nature whatsoever now or hereafter imposed, levied, collected or assessed with respect thereto by the Borrower of any central or local authority thereof or therein;

(b) Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DoD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments;

(c) It will pay any and all stamp taxes and other taxes of similar character, if any, now or hereafter in effect, imposed with respect to this Loan Agreement or the Notes (including, without limitation, any U.S. Interest Equalization Tax or similar future tax), and will save the holder of any Note harmless from any and all losses or liabilities with respect to or resulting from any delay or omission to pay such taxes.

(d) Any legal action or proceeding against it by the Undersigned with respect to this Loan Agreement or the Notes may be brought in the Superior Court of the District of Columbia or in the U.S. District Court for the District of Columbia or in the courts of the Borrower, as the Undersigned may elect, and by execution and delivery of this Loan Agreement, the Borrower submits to each such jurisdiction. In the case of the Superior Court of the District of Columbia or of the U.S. District Court for the District of Columbia, the Borrower consents to the service of process out of said courts by mailing copies of such process by registered U.S. mail, postage paid, to it at its address set forth in section 7.3 hereof; and

(e) All loans made hereunder shall be utilized solely for the procurement of the Defense items pursuant to Purchase Arrangements authorized by DoD.

SEC. 6. Defaults. Upon the occurrence of any of the following events or default:

(a) If the Borrower fails for a period of ten (10) days to make any payment of principal of, or interest on, any Note or of any commitment fee hereunder, when due; or

(b) If any representation or warranty made by the Borrower herein or in any certificate furnished by the Borrower pursuant hereto, proves to be at any time incorrect in any material respect; or

(c) If the Borrower defaults in the performance of any other term, covenant or agreement contained in this Loan Agreement, and such default shall continue unremedied for thirty (30) days after written notice thereof shall have been given to the Borrower by the Undersigned;

then, and in any such event, the holder of any Note may declare immediately due and payable the unpaid principal of, and accrued interest on, all Notes held by such holder and such amounts shall become immediately due and payable without protest, presentment, notice or other demand of any kind, all of which are hereby expressly waived by the Borrower, and the Undersigned may terminate its Commitment hereunder.

SEC. 7. *Miscellaneous*. 7.1 Upon the execution of this Loan Agreement, the Borrower shall pay to the Undersigned the aggregate sum of $---------- in payment of the fee charged by DoD with respect to the Guaranty.

7.2 No failure to exercise and no delay in exercising on the part of the Undersigned, any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof, or the exercise of any other power or right. The rights and remedies herein provided are cumulative and not exclusive of any rights or remedies provided in this Loan Agreement.

7.3 Except as otherwise provided in this Loan Agreement, all notices, requests or demands hereunder shall be deemed to have been given or made upon the mailing of the same by air mail, postage prepaid, or in the case of telegraphic notice, on delivery to the telegraph company, addressed in the case of the Borrower to the Embassy of the Government of in Washington, D.C., and in the case of the Undersigned to -------------------- or to such other addresses as any party may from time to time hereafter designate in writing to the other.

7.4 This Loan Agreement and the Notes shall be construed and interpreted in accordance with the laws of the District of Columbia, United States of America, unless prior to the execution of this Loan Agreement and the Notes the parties hereto have by written stipulation agreed that the laws of another jurisdiction of the United States shall be applied.

7.5 This Loan Agreement shall be binding upon and inure to the benefit of the Borrower and the Undersigned and their respective successors and assigns, except that the Borrower may not assign its rights hereunder without the prior written consent of the Undersigned. All agreements, covenants, representations and warranties made herein shall survive the delivery of the Notes and the making of the loans hereunder.

7.6 This Loan Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but all the counterparts shall together constitute a single instrument. Exhibits A and B attached hereto are, by this reference, made a part of this Loan Agreement.

7.7 In case any one or more of the provisions contained in this Loan Agreement or in any of the Notes should be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and therein shall not in any way be affected or impaired thereby.

In witness whereof, the parties hereto have caused this Loan Agreement to be executed and sealed by their duly authorized officers and representatives on the day and year first above written.

----------------------[Seal]
----------------------[Seal]

EXHIBIT A

DISBURSEMENT PROCEDURES

The following procedures and conditions shall be complied with prior to each disbursement to be made by the Undersigned to the Borrower:

1. The designated representative of the Government of -------------- shall execute and deliver each request for disbursement to the Undersigned at its address set forth in section 7.3 of the foregoing Loan Agreement.

2. Each request shall be accompanied by a copy of the written communication from DOD authorizing the Borrower to enter into the Purchase Arrangement(s) pursuant to which the disbursement is requested.

3. Each request also shall be accompanied by a certification of the Borrower as follows:

"The Government of ------------- confirms that the proceeds of this disbursement will be applied entirely to the payment of amounts that have become properly due pursuant to the Purchase Arrangement(s) authorized by the Department of Defense of the United States of America in the attached written communication. This disbursement is requested by the Government of -------------- pursuant to the terms of the Loan Agreement of ----------------- between the Government of --------------- and the Undersigned, and confirms that the said Purchase Arrangement(s) (was/were) authorized by the Department of Defense of the United States of America pursuant to the aforesaid Loan Agreement. The Government of ------------- further confirms that the Borrower to which this certification is addressed is authorized to make this disbursement by crediting the amount thereof to Account Number ----, at such Bank, and that ---------------, whose signature appears below, is (and until further written notice, shall continue to be) authorized to draw upon such account on behalf of the Government of ---------------

"Signature of the representative of the Government of -------------
who is authorized to draw upon its account:
"---------------------
"Government of---------
"By -----------------"
(Name and Title Typed)

EXHIBIT B

PROMISSORY NOTE

New York, N.Y. -----------
(Date)

U.S. $ ----------

For value received, the Undersigned, the Government of -------------, hereby promises to pay to the order of ------------, or its assigns, the principal sum of ---------- U.S. dollars (U.S. $ ----------) as follows:

(Amounts) (Dates)

together with interest on any and all amounts remaining unpaid hereunder from time to time from the date hereof until this Note shall be paid in full, payable semiannually on ---------- and ---------- of each year from the date hereof, commencing ---------, 197--, at the rate of ---- percent (----%), per annum. Such interest shall be calculated using a 365-day factor, both principal and interest to be payable in immediately available funds in lawful money of the United States of America at the office of the payee at -------------, or at the principal place of business of the assignee. All payments made on account of the principal amount hereunder shall be endorsed by the payee, or its assigns, on the reverse side of this Note.

Whenever any payment to be made shall be due on a Saturday, Sunday, or a public holiday under the laws of the District of Columbia, such payment shall be made on the next succeeding business day, and such extension of time shall in such case be included in computing interest in connection with such payment, but excluded from the next interest period.

This Note is one of the Notes referred to in the Loan Agreement dated ----------, 197--, between the Government of -------- ------ and -------------. It is entitled to the benefits of and may be prepaid on the terms and conditions specified in said Loan Agreement. Prepayments shall be applied to the installments hereof in the inverse order of their maturity.

All payments of principal of, and interest on, this Note are payable free and clear of, and without deduction for, any taxes, levies, imposts, duties, fees, charges, deductions, withholdings, restrictions or conditions of any nature whatsoever now or hereafter imposed, levied, collected or assessed with respect thereto by the Government of ------ ------- or any central or local authority thereof or therein.

Upon the occurrence of any event of default specified in said Loan Agreement, the entire unpaid principal hereof and interest hereon to the date of payment may be declared to be forthwith due and payable as provided in said Loan Agreement. The Government of ------------- promises to pay all out-of-pocket costs and expenses (including the reasonable fees and out-of-pocket expenses of counsel) in connection with collection after default of this Note.

Government of -----------
By --------------- [SEAL]
(Name and Title Typed)

EXHIBIT C

PRINCIPAL REPAYMENT SCHEDULE

The first $------ of disbursements are repayable on ----------.
The next $------ of disbursements are repayable on ----------.
The next $------ of disbursements are repayable on ----------.
The next $------ of disbursements are repayable on ----------.
The next $------ of disbursements are repayable on ----------.
The next $------ of disbursements are repayable on ----------.
The next $------ of disbursements are repayable on ----------.
The last $------ of disbursements are repayable on ----------.

GUARANTY AGREEMENT

This Guaranty Agreement, made and entered into on the ____ day of ______ 197__ (hereinafter called the "Guaranty"), between the ______________ organized and existing under the laws of the United States of America (hereinafter called the "Lender(s)"), on the one part, and the Government of the "United States"), acting through the Department of Defense of the United States (hereinafter called "DOD"), on the other part;

WITNESSETH

Whereas, the Government of ____________ (hereinafter called the "Borrower") desires to purchase certain defense articles and defense services (hereinafter called "defense items") from U.S. sources; and

Whereas, the Lender(s) has entered into a Loan Agreement dated __________ (hereinafter called the "Loan Agreement"), with the Borrower to provide for the extension of credit to the Borrower of up to U.S. ______ dollars; and

Whereas, the Lender(s) obligation under the Loan Agreement to make the initial loan thereunder is conditioned upon the issuance of a guaranty from the United States against all political and credit risks of nonpayment by the Borrower of its obligations under the Loan Agreement to pay the principal of and interest on all extensions of credit by the Lender(s) under the Loan Agreement; and

Whereas, it is intended that each loan under the Loan Agreement will be repaid by the Borrower in ______ substantially equally consecutive semiannual installments on __________ during the term thereof commencing on the first such date which occurs not less than ______ days after the date of such loan, together with interest on each installment payment at the interest rate set forth in the Notes; and

Whereas, the aforesaid credit will be available only to finance the purchase of defense items from U.S. sources; and

Whereas, the Loan Agreement will provide for the issuance by the Borrower to the Lender(s) of promissory notes evidencing the loans made by the Lender(s) from time to time under the Loan Agreement (herein called the "Notes"); and

Whereas, the Loan Agreement by the Lender(s) will facilitate and will be in furtherance of the purposes of the Foreign Military Sales Act, Public Law 90-629, as amended (hereinafter called the "Act").

Now, therefore, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

ARTICLE I

The United States, acting through DoD, in consideration of the fee specified in Article IV of this Guaranty Agreement, and except as otherwise specified in this Guaranty Agreement, hereby unconditionally and irrevocably guarantees, under the authority of section 24 of the Act, the due and punctual payment in U.S. dollars of all amounts payable by the Borrower as principal of all loans made by the Lender(s) under the Loan Agreement and as interest at the rate set forth in the Notes whether or not such obligations are evidenced by Notes. Any disbursement by the Lender(s) shall be considered for the purpose of this Guaranty, to be a loan made by the Lender(s) under the Loan Agreement if in fact the funds so disbursed are applied to the purchase of articles or services approved in writing by the Department of Defense for purchase by the Borrower under the Loan Agreement, or if such disbursement is made in accordance with the procedures to be specified in the Loan Agreement and the Lender(s) is in receipt of documents that on their face conform to such requirements and indicate that DoD has approved in writing the purchase by the Borrower for which the disbursement is requested.

This Guaranty is a guaranty of payment covering all political and credit risks of nonpayment, including any nonpayments arising out of any claim which the Borrower may now or hereafter have against any person, corporation, firm, or association, or other entity (including, without limitation, the United States, the Lender(s), and any supplier of defense items) in connection with any transaction, for any reason whatsoever. This Guaranty shall inure to the benefit of and shall be enforceable by the Lender(s), its respective successors by operation of law, or its respective endorsees, assignees, or transferees (the Lender(s) and any such successor by operation of law, endorsee, assignee, or transferee being hereinafter individually sometimes called a "Beneficiary" and collectively the "Beneficiaries"). All provisions of this Guaranty shall be severally applicable to any Beneficiary acting in its own right in connection with the Notes, the Loan Agreement or this Guaranty.

The United States hereby waives diligence, demand, protest, presentment, and any requirement that any Beneficiary of this Guaranty exhaust any right or power to take any action against the Borrower and any notice of any kind whatsoever other than the demand for payment required to be given to DoD hereunder in the event of default on a payment due under the Notes.

The United States further agrees that any claim which it may now or hereafter have against any Beneficiary for any reason whatsoever shall not affect in any way the right of any other Beneficiary to receive full and prompt payment of any amount otherwise due under this Guaranty.

The full faith and credit of the United States is pledged to the performance of this Guaranty.

The United States represents and warrants that (a) it has full power, authority, and legal right to execute, deliver, and perform this Guaranty, (b) this Guaranty has been executed in accordance with and pursuant to the terms and provisions of the Act and DOD has not, in issuing this Guaranty, exceeded the maximum amount of guarantees authorized to be issued under the Act, (c) this Guaranty has been duly executed and delivered by a duly authorized representative of DOD, and (d) this Guaranty constitutes the valid and legally binding obligation of the United States, enforceable in accordance with the terms thereof.

ARTICLE II

Notwithstanding the provisions of Article I above, the maximum liability of DOD under this guaranty shall not exceed ____________.

ARTICLE III

Payment by DOD in the event of a default in the payment of any Note, or any portion thereof, by the Borrower shall be made promptly to the Beneficiary in New York Federal Reserve Funds at the address specified by the Beneficiary (which in the case of the Lender(s) shall be its address set forth opposite its signature below) upon demand to DOD by the Beneficiary after such default has continued for more than 15 days. The amount payable under this Guaranty shall be the amount of any principal and interest then in default, together with interest at the rate then applicable to the defaulted note from the date of default to the date of payment by DOD. No interest shall be payable by DOD for any period following 30 days after default if the Beneficiary fails to make such demand within 30 days after default. DOD reserves the right to make payments due to a Beneficiary from the Borrower whether or not demand to DOD by the Beneficiary therefore has been made. Upon payment by DOD to a Beneficiary, such Beneficiary will assign to the United States, without recourse to or warranty by such Beneficiary, the corresponding amount of such Beneficiary's rights to such payment from the Borrower.

ARTICLE IV

DoD acknowledges receipt from the Lender(s) of payment of a guaranty fee of ________.

ARTICLE V

So long as this Guaranty Agreement is in effect and United States is not in default hereunder, in the event of a default under the Loan Agreement or in the payment of any Note, or any portion thereof, by the Borrower

(a) The Lender(s) shall not accelerate or reschedule payment of the principal amount of or interest on any of the Notes except with the written approval of DoD; and

(b) The Lender(s) shall, if so directed by DoD, invoke the default provisions of the Loan Agreement, and shall suspend any further disbursements to, or on behalf of the Borrower until the Lender(s) has been advised by DoD that it may resume payments under its commitment.

ARTICLE VI

The Lender(s) will not agree to any material amendment of the Loan Agreement or consent to any material deviation from the provisions thereof without the prior written consent of DoD.

ARTICLE VII

Any Beneficiary's rights under this Guaranty may be assigned to any individual, corporation, partnership, or other association doing business in the United States of America. In the event of such assignment DoD shall be promptly notified.

ARTICLE VIII

Any notice, demand, request, or the like on behalf of the United States hereunder will be effective for the purposes hereof if signed by the Director, or Deputy Director, Defense Security Assistance Agency, or their respective successors in office and delivered to the Lender(s) at its address set forth opposite its signature below. Any notice, demand, request, or the like on behalf of any Beneficiary of this Guaranty will be effective for the purpose hereof if signed by an authorized official of any such Beneficiary and delivered to the Director, Defense Security Assistance Agency.

IN WITNESS WHEREOF, the parties hereto have caused this Guaranty to be duly executed and sealed on the date first mentioned above.

Address:

GOVERNMENT OF THE UNITED STATES OF AMERICA ACTING THROUGH THE DEPARTMENT OF DEFENSE

By ________________ [SEAL]

(Director)

Defense Security Assistance Agency

Accepted:

By ________________

[FR Doc.73-3201 Filed 2-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 718]

NEW MEXICO

Notice of Filing of Plat of Survey and Resurvey

FEBRUARY 7, 1973.

1. A plat of survey and resurvey of the following described land, accepted December 29, 1972, will be officially filed in the New Mexico State Office, Santa Fe, N. Mex., at 10 a.m. on March 26, 1973:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 10 E.,
Sec. 16, NE¼, E½E½SE¼.

The area described aggregates 200 acres.

The plat represents a completion survey of the boundaries and resurvey of the meridional centerline of section 16, T. 18 S., R. 10 E., New Mexico Principal Meridian, New Mexico.

2. These surveys were executed to accommodate an application of the New Mexico State Park and Recreation Commission to purchase the above-described land for a State park under the Recreation and Public Purposes Act of June 4, 1954 (68 Stat. 173; 43 U.S.C. 869 secs. 1-4).

3. All inquiries relating to this land should be sent to the Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Acting Chief, Division of Technical Services.

[FR Doc.73-3153 Filed 2-16-73;8:45 am]

Office of the Secretary

[INT FES 73-8]

PROPOSED PROCESS AND EQUIPMENT REVISIONS TO SYNTHETIC FUELS PILOT PLANT, CRESAP, W. VA.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement covering proposed extensive revisions to the process and equipment sections in the existing synthetic fuels pilot plant located at Cresap, W. Va.

Copies are available for inspection at the Office of Coal Research and may be obtained by writing the National Technical Information Service, Department of Commerce, 5285 Fort Royal Road, Springfield, VA 22151. Please refer to the FES number above.

Dated: February 12, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-3171 Filed 2-16-73;8:45 am]

[INT DES 73-9]

PROPOSED WILDERNESS AREA HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE, HAWAII

Notice of Availability of Draft 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 draft environmental statement for a proposed wilderness area, located in the city and county of Honolulu, Hawaii, and invites written comments within 45 days of this notice.

Under this proposal, a 303,936-acre unit of Hawaiian Islands National Wildlife Refuge would be designated as wilderness within the National Wilderness Preservation System. The statement examines the environmental impacts of the proposed designation.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets, 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: February 12, 1973.

WILLIAM W. LYONS,
Deputy Assistant Secretary, Program Policy.

[FR Doc.73-3174 Filed 2-16-73;8:45 am]

[INT DES 73-7]

PROPOSED WILDERNESS DESIGNATION FOR LANDS WITHIN KATMAI NATIONAL MONUMENT, ALASKA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed wilderness designation for lands within Katmai National Monument, Alaska, and invites written comment within forty-five (45) days of this notice. Written comment should be addressed to the Director, Pacific Northwest Region or the Superintendent, Katmai National Monument at the addresses given below.

The draft environmental statement considers the designation of 2,603,547 acres of Katmai National Monument as wilderness and 19 acres as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Office of the Director, Pacific Northwest Regional Office, National Park Service, 523 Fourth and Pike Building, Seattle, Wash. 98101.
Office of the Superintendent, Katmai National Monument, Post Office Box 7, King Salmon, Alaska 99613.

Dated: February 12, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-3173 Filed 2-16-73;8:45 am]

[INT DES 73-8]

WILDERNESS PROPOSAL, MESA VERDE NATIONAL PARK, COLO.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement concerning proposed establishment of wilderness, Mesa Verde National Park, Colo., and invites written comment within forty-five (45) days of this notice. Written comment should be addressed to the Director, Midwest Region or to the Superintendent, Mesa Verde National Park at the addresses given below.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102.
Superintendent, Mesa Verde National Park, Colo. 81330.

Dated: February 12, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-3170 Filed 2-16-73;8:45 am]

PROSPECTING PERMITS FOR COAL

Limitation of Issuance

Notice is hereby given that the Secretary of the Interior has issued an order regarding the issuance of prospecting permits for coal under section 2(b) of the Mineral Leasing Act, as amended (30 U.S.C. section 201(b)). The contents of the order are as follows:

[Order No. 2952]

SUBJECT: Issuance of Prospecting Permits for Coal.

In the exercise of my discretionary authority under section 2(b) of the Mineral Leasing Act, as amended (30 U.S.C. section 201 (b)), I have decided not to issue prospecting permits for coal under that section until further notice and to reject pending applications for such permits in order to allow the preparation of a program for the more orderly development of coal resources upon the public lands of the United States under the Mineral Leasing Act, with proper regard for the protection of the environment.

Accordingly, no prospecting permits for coal under section 2(b) of the Mineral Leasing Act, supra, shall be issued until further notice. All pending applications for such permits shall be rejected, and any applications submitted in the future shall be promptly rejected.

Nothing in this memorandum shall be deemed to restrict the rights of holders of prospecting permits, issued prior to this directive, to obtain preference right coal leases under section 2(b), supra, or to prevent the issuance of competitive coal leases under section 2(a) of the Mineral Leasing Act, as amended (30 U.S.C. section 201(a)).

I have determined that the issuance of this order is not such a major Federal action significantly affecting the quality of the human environment as to require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. section 4332(2)(C)).

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

The foregoing order was issued on February 13, 1973, and is effective immediately. Further information regarding this order may be obtained from the Director, Bureau of Land Management, telephone (202) 343-3801.

Dated: February 14, 1973.

CURT BERKLUND,
Deputy Assistant,
Secretary of the Interior.

[FR Doc.73-3175 Filed 2-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

NEBRASKA NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Nebraska National Forest Multiple-Use Advisory Committee will meet at 10 a.m., m.s.t., February 23, 1973, at the Forest Service Office, 270 Pine Street, Chadron, NE.

The purpose of this meeting is to discuss several topics concerning the management and programs of the Forest and associated units.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, 270 Pine Street, Chadron, NE 69337, phone 308—432-3367.

The Committee has established the following rules for public participation:

1. Members of the public may submit oral statements at any time during the discussion upon recognition by the chairman.
2. Any member of the public who wishes to do so may file a written statement with the Committee, either before or after the meeting.

R. W. TICE,
Acting Forest Supervisor.

FEBRUARY 7, 1973.

[FR Doc.73-3150 Filed 2-16-73;8:45 am]

CIBOLA NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Cibola National Forest Multiple-Use Advisory Committee will meet on February 28, 1973 at 1:30 p.m. in the Supervisor's Office, Cibola National Forest, at 10308 Candelaria NE.

The purpose of this meeting is to discuss the following:

1. Status of the Land Use Plan for the Sandias.
2. Status of roadless areas tentatively selected for further study as Wilderness.
3. Frequency of Advisory Council meetings.
4. Status of Mount Taylor Ski Area and Lobo Canyon Road.
5. Items Council Members may wish to discuss.

The meeting will be open to the public. Persons who wish to attend should notify Supervisor Lloyd through telephone number 843-2185 or at 10308 Candelaria NE., Albuquerque, N. Mex. 87111. Written statements may be filed with the committee before or after the meeting.

W. L. LLOYD,
Forest Supervisor.

FEBRUARY 7, 1973.

[FR Doc.73-3151 Filed 2-16-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FISHERIES LOAN FUND

Notice of Moratorium

This notice relates to the authority vested in the Secretary of Commerce by section 4 of the Fish and Wildlife Act of 1956 (84 Stat. 829; 16 U.S.C. 742c), as amended, and Reorganization Plan No. 4 of 1970.

Section 4 of the Act authorized a revolving fund from which loans are available for financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear.

The aggregate amount of outstanding loans, applications on hand or anticipated, and the Fund's actual or contingent expenses are expected to exhaust the Fund's ability to make further loans in a meaningful manner until such a time as scheduled collections sufficiently restore the Fund's available capital.

Consequently, effective March 1, 1973, until further notice, applications for loans from the Fisheries Loan Fund will no longer be accepted. Applications received after close of business on February 28, 1973, will be returned.

Dated: February 16, 1973.

By Order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-3283 Filed 2-16-73;10:05 am]

National Oceanic and Atmospheric Administration

[Docket No. A-596]

WAYNE ALAN JACKSON

Notice of Loan Application

FEBRUARY 13, 1973.

Wayne Alan Jackson, 619 Nickey Way, Ketchikan, AK 99901, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used fiberglass vessel, about 35.5-foot in length, to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before March 22, 1973, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.73-3172 Filed 2-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1726; Docket No. FDC-D-577; NDA 12-763, 13-702]

WALLACE PHARMACEUTICALS

Mebutamate Tablets; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 1726) published in the FEDERAL REGISTER of April 18, 1970 (35 FR 6333) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice.

NDA 12-763; Capla Tablets containing 300 milligrams mebutamate; Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512.

In addition to the drug listed above, the following preparation, not reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, but offered for the indications for which substantial evidence of effectiveness of mebutamate is lacking, is regarded to be affected by the notice of April 18, 1970:

Caplaril Tablets containing mebutamate with hydrochlorothiazide; Wallace Phermaceuticals, Division of Carter-Wallace, Inc. (NDA 13-702). Marketing of this product was discontinued October 30, 1970.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before March 22, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before March 22, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file on or before March 22, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14 (b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of March 22, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 12, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3168 Filed 2-16-73;8:45 am]

National Institutes of Health

BREAST CANCER DIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, February 23, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public from 9 a.m. to 9:30 a.m., February 23, to discuss general program considerations and closed to the public from 9:30 a.m., in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Ihor Masnyk, Executive Secretary, Landow Building, Room B404, National Institutes of Health, Bethesda, Md. 20014 (301-496-6773) will provide substantive program information.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

FEBRUARY 8, 1973.

[FR Doc.73-3144 Filed 2-16-73;8:45 am]

Social Security Administration

ARGENTINA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commisisoner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Argentina beginning July 1, 1968, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Argentina, who leave Argentina, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Argentina has in effect beginning July 1, 1968, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding with respect to Argentina published in the FEDERAL REGISTER of September 5, 1969 (34 FR 14091).

Dated: February 9, 1973.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.3192 Filed 2-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24963]

ALLEGHENY AIRLINES, INC.

Notice of Prehearing Conference Regarding Poughkeepsie Deletion Application

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 20, 1973, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 6, 1973, and the other parties on or before March 15, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 14, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-3197 Filed 2-16-73;8:45 am]

[Docket No. 24488; Order 73-2-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Matters

Issued under delegated authority February 12, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted for April 1, 1973, effectiveness at the Special 49th Meeting of Traffic Conference 1 held January 1973 in Miami.

The agreement would revalidate for a further period through April 30, 1973, several resolutions governing matters ancillary to passenger fares within the Western Hemisphere, currently scheduled to expire March 31, 1973. The agreement would also adopt a new special effectiveness resolution which lists numerous resolutions applicable to Western Hemisphere travel for tie-in purposes.

Additionally, the agreement would amend an existing resolution permitting carrier absorption of passenger expenses en route by prohibiting the absorption of such expenses for any travel wholly within the Western Hemisphere. The Board has conditioned a similar prohibition involving travel between the United States and the Caribbean to insure that passenger connecting expenses could still be absorbed when onward connections are missed because of the delayed arrival of a flight at the connecting point. Accordingly we will extend our previous condition to apply equally to any provision of the resolution involving travel to/from the United States, its territories, and possessions.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement CAB 23509 as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions hereinafter ordered:

Agreement CAB	IATA No.	Title	Application
23509:			
R-1	001bI	TC1—Special Effectiveness Resolution (Tie-in)	1
R-2	001kk	Special Effectiveness Resolution (New)	1
R-3	002 I	Standard Revalidation Resolution	1
R-4	102	Passenger Expenses En Route (Amending)	1
R-5	250	Sleeper Surcharge (Amending)	

Accordingly, it is ordered, That:

Agreement CAB 23509, R-1 through R-5, be and hereby is approved, provided that:

1. Approval is subject, where applicable, to conditions previously imposed by the Board; and

2 With respect to Resolution 102, no provision of the resolution shall be construed to prohibit absorption of passengers' connecting expenses with respect to travel to/from the United States, its territories, and possessions, when onward connections are missed because of the delayed arrival of a flight at the connecting point.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-3198 Filed 2-16-73;8:45 am]

[Docket No. 23333; Order 73-2-44]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority February 9, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 31 ,1973.

Specific commodity item No.	*Description and rate*
4765	Plastic Swimming Pools in Segments, Filters and Accessories; 84 cents per kg., minimum weight 200 kgs. From New York/Montreal to Vienna (NEW DESCRIPTION)

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23514 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-3199 Filed 2-16-73;8:45 am]

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[Docket No. 18401]

REOPENED SERVICE TO OMAHA AND DES MOINES CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the "Reopened Service to Omaha and Des Moines Case" will be held on April 24, 1973, at 10 a.m. (local time) in the Ballroom East, Omaha Hilton Hotel, 16th and Dodge Streets, Omaha, NE, before Administrative Law Judge Ross I. Newmann, for the purpose of enabling the civic parties to present their factual evidence. Unless special permission is obtained from the judge, each civic party shall present its case in Omaha.

Notice is further given that any person, other than a party of record, may appear at this session and present factual evidence which is relevant to the issues in accordance with Rule 14 of the Board's rules of practice. All such participants should promptly notify the judge of their desire to be heard.

At the conclusion of the Omaha session, the hearing will be moved to Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, DC, where the airline and government parties will present their cases, beginning at 10 a.m. (local time) on April 30, 1973.

For details of the issues involved in this proceeding, interested persons are referred to the Board's Opinion and Order dated July 6, 1970, Order 70-7-24; Order 70-9-26, dated September 4, 1970; Order 72-8-72, dated August 16, 1972; Order 72-10-10, dated October 5, 1972; and Order 72-12-94, dated December 20, 1972; the Prehearing Conference Report, served on November 29, 1972; the Supplemental Prehearing Conference Report, served on December 27, 1972; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 14, 1973.

[SEAL] ROSS I. NEWMANN, *Administrative Law Judge.*

[FR Doc.73-3196 Filed 2-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19515, 19516, etc.; FCC 73R-67]

CALIFORNIA STEREO, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of California Stereo, Inc., Sacramento, Calif., Docket No. 19515, File No. BPH-7668; Intercast, Inc., Sacramento, Calif., Docket No. 19516, File No. BPH-7669; Edward Royce Stolz, II, trading as Royce International Broadcasting, Sacramento, Calif., Docket No. 19611, File No. BPH-7924; for construction permits.

1. Before the Review Board is a petition to enlarge issues, filed July 5, 1972, by Intercast, Inc. (Intercast) requesting the addition of financial qualifications, studio adequacy, and misrepresentation issues against California Stereo, Inc. (California Stereo).[1]

FINANCIAL QUALIFICATIONS ISSUES

2. Intercast argues that financial issues are warranted to explore California Stereo's costs and to determine whether it will have available sufficient funds to meet its construction and first-year operating costs.[2] According to petitioner, an amendment to California Stereo's application, filed March 9, 1972, provides $54,760 for "other operating costs, salaries, expenses, etc.," out of its total proposed costs of $87,594.10. Three of California Stereo's proposed staff of nine, Intercast continues, are covered by California Stereo's executive personnel "Pledge Agreement" and its "Plan of Finance" which provides a total of $27,000 for the three executive employees, thereby leaving a total of $27,760.80 to cover the salaries of the other six staff members. This averages out to salaries of $4,626 per employee per year, or approximately $89 per week, which, Intercast argues, is inadequate to hire such personnel as chief engineer and disc jockeys in a market the size of Sacramento, Calif. Moreover, Intercast continues, out of this same $27,760.80, California Stereo has budgeted for such operating expenses as telephone, utilities, line charges, office supplies, promotion, travel, tapes, and UPI or AP wire service charges. Furthermore, since California Stereo has not adequately provided for studio space (see paragraph 6, infra), Intercast asserts, the $1,800 it has budgeted for its studio is inadequate.

3. The Broadcast Bureau opposes the request, arguing that Intercast failed to submit affidavits from individuals with personal knowledge of California Stereo's financial proposal as required by Commission Rule 1.229(c). In its opposition, California Stereo argues that it has adequately provided funds to cover staff salaries. By presenting a breakdown of its proposed operating costs of approximately $74,100, which covers all the expenses enumerated in Intercast's petition including $39,000 for salaries, California Stereo asserts that it has proposed sufficient funds to cover all its necessary first-year expenses. California Stereo further asserts that it will have a cushion of nearly $4,000 ($95,250 funds available less $91,500 expenses) to cover any additional expenses.

4. In reply, Intercast asserts that California Stereo's clarification of its preoperating and operating costs only substantiates Intercast's claims that California Stereo's proposed operating expenses are unrealistic. The proposal of $39,000 for salaries less the $27,000 proposed executive salaries would leave only $12,000 for the remaining six employees or $2,000 per employee per year, Intercast argues. Intercast further maintains that "the funds which it [California Stereo] is relying upon to establish its financial qualifications are inadequate"; therefore, a financial issue to explore California Stereo's funds available is warranted.

5. Petitioner's request for finanical issues against California Stereo will be denied. Generally, the Board will not add a cost estimates issue unless the applicant's estimates are unreasonable on

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[1] Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's opposition, filed July 19, 1972; (b) supplement to petition to enlarge issues, filed July 31, 1972, by Intercast; (c) erratum to (b), filed Aug. 1, 1972, by Intercast; (d) Broadcast Bureau's comments to (b), filed Aug. 11, 1972; (e) opposition, filed Aug. 28, 1972, by California Stereo; (f) reply, filed Sept. 8, 1972, by Intercast; (8) petition for leave to file a late pleading, filed Sept. 11, 1972, by Intercast; (g) supplement to (f), filed Sept. 11, 1972, by Intercast; and (h) supplement to (e), filed Sept. 11, 1972, by California Stereo. Two matters warrant comment. First, in our public notice on the Filing of Supplemental Pleadings Before the Review Board, No. 90836, released Oct/ 11, 1972, we expressed our concern with the delays caused by the filing of supplemental pleadings. See also Salem Broadcasting Co., Inc., FCC 2d 25 RR 2d 955 (1972); Southern Broadcasting Co. (WGHP-TV), FCC 73R-17, released Jan. 12, 1973. In this case, Intercast supplemented its petition, which resulted in the Bureau and California Stereo filing supplements to their responsive pleadings, thereby delaying our consideration of this matter. In addition, petitioner supplemented its reply pleading. We look with disfavor on these practices, noting that the delay they cause is of the parties' own making. See Southern, supra. Second, Intercast's unopposed petition for leave to file late pleading will be granted. It appears that Intercast was confused over the time limit available to it to file a reply pleading and the pleading is only 1 day late.

[2] The two issues seek to determine: (1) Whether the budget submitted by California Stereo, Inc. is adequate to cover first-year construction and operating costs; and (2) whether California Stereo, Inc. has sufficient funds to meet a budget encompassing realistic construction and first-year operating costs.

their face,[3] or challenged by specific facts based on affidavits from persons with personal knowledge of the facts.[4] In the Board's opinion, California Stereo's salary estimate of $39,000 for nine staff members is not unreasonable on its face and Intercast's assertion to the contrary is based on mere speculation and surmise.[5] Thus, petitioner has not established by affidavits from persons familiar with the prevailing rates of compensation in the Sacramento area or by other means that California Stereo could not hire its proposed staff for $39,000. Finally, Intercast has not adequately supported its request for an availability of funds issue. Like the cost estimates issue, this, too, is based merely on speculation and surmise.

Studio Adequacy Issue

6. Next, Intercast argues that California Stereo's proposed studio is too small to accommodate an FM radio station. According to Intercast, the 260 square feet of space, or a room 16 by 16 feet, proposed by the applicant[6] will have to be partitioned to provide a programing booth, space for telephone, typewriters, UPI or AP wire service machines, desks for employees, places to store office supplies, station records and program materials, and places for technical equipment such as turntables as well as space for participants in public service programs. In Intercast's view, such a proposal is inadequate. Both the Bureau and California Stereo oppose the request. California Stereo argues that the Commission's only criterion for studio proposals is that the "proposal be reasonable for the intended operation." Respondent claims that its proposed studio is adequate for an FM station. California Stereo attaches to its opposition pleading architectural drawings showing the proposed studio configuration as a series of three rooms in a space 8 feet wide and 32 feet long.[7]

[3] See Viking Television, Inc., 17 FCC 2d 823, 16 RR 2d 123 (1969); Eastern Oklahoma Television Co., Inc., 28 FCC 2d 31, 21 RR 2d 494 (1971).

[4] See Snake River Valley Television Inc., 16 FCC 2d 613, 15 RR 2d 775 (1969); Community Broadcasting Co. of Martsville, 16 FCC 2d 647, 15 RR 2d 814 (1969).

[5] See Folkways Broadcasting Co. Inc., 33 FCC 2d 806, 23 RR 2d 992 (1972); Martin Lake Broadcasting Co., 23 FCC 2d 721, 19 RR 2d 277 (1970).

[6] Intercast derives its 260-square-foot figure by relying upon a letter which was submitted with California Stereo's application from the managers of Plaza Towers where California Stereo proposes to locate its studio. According to the letter, rent starts at 57½ cents per square foot per month. Utilizing the starting rate per square foot and California Stereo's budgeted $150 per month for its studio, Intercast determined the studio space would be 260 square feet.

[7] In its reply pleading, Intercast submits an affidavit from Logan Waterman, Jr., holder of a "First Class Radio Telephone Operator Permit," who, after studying the architectural sketches submitted in California Stereo's opposition pleading, avers that, based on his 25 years broadcast experience, California Stereo's proposed studio space is inadequate for a new FM station in Sacramento.

7. In our opinion, California Stereo's studio proposal is not unreasonable on its face, and petitioner has failed to raise any serious questions that have not been satisfactorily explained by the applicant. With the aid of Waterman's affidavit (see note 7, supra), Intercast argues that inadequate working and equipment space has been provided. However, its generalized assertions are inadequately supported and do not raise the serious questions which would warrant addition of the issue requested.[8] The question is whether the applicant has presented a studio proposal which is reasonably capable of effectuation. See Birney Imes, Jr. (WMOX), 27 FCC 225, 17 RR 419 (1959). In our view, California Stereo has done so.

Misrepresentation Issue

8. Finally, petitioner contends that California Stereo misrepresented its survey of community needs and interests. Intercast states that California Stereo's amended application claims that 122 community leaders were interviewed; however, upon contacting several of these persons, Intercast avers that it discovered that some were never interviewed and that others, who state they were contacted, were interviewed by telephone and for only a very short period of time. To support its factual allegations, Intercast attaches to its petition nine unsworn statements—four from individuals allegedly interviewed by California Stereo and five contacted by principals of Intercast. In a supplement to its petition, Intercast provides the affidavits of 12 persons (the original nine and an additional three) who were allegedly contacted by California Stereo. In petitioner's opinion, an issue is warranted to determine whether the interviewees were contacted and whether California Stereo attempted to mislead the Commission by not advising it that such interviews were conducted by telephone and that they were of short duration. The Broadcast Bureau states that, absent a satisfactory explanation by California Stereo, it supports addition of an issue to determine whether California Stereo conducted its survey of community needs as represented.[9] In opposition, California Stereo asserts that nothing in the Primer[10] requires that interviews be conducted face-to-face or for some minimum period of time or that advance notice be given to prospective interviewees. California Stereo submits with its opposition pleading an affidavit of Paul E. Anderson, president of California Stereo, who states that he interviewed each of the community leaders Intercast alleges were not contacted or contacted only by telephone. The affidavit specifies the date and time of each alleged interview.

[8] Cf. WVOC, Inc., 32 FCC 2d 765, 23 RR 2d 371 (1971).

[9] However, the Bureau opposes the addition of an issue to determine whether California Stereo attempted to mislead the Commission by not advising it that its interviews with community leaders were conducted by telephone.

[10] Primer on Ascertainment of Community Problems By Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

9. In the Board's opinion, Intercast has raised serious questions concerning certain aspects of California Stereo's community survey. These questions merit an evidentiary inquiry at the hearing. In the affidavits submitted by the petitioner, one community leader claims he was "never contacted" by California Stereo, two claim they were "not approached by anyone representing California Stereo", and three aver that they were "not contacted" by anyone who claimed to be conducting a survey of community needs. Therefore, at least six community leaders allegedly surveyed by California Stereo claim never to have been interviewed. California Stereo's submission of an affidavit from Anderson detailing alleged survey interviews he had with these six persons does not adequately answer their flat assertions of never having been interviewed.[11] Furthermore, California Stereo's argument that persons are likely to forget interviews conducted several months previously is not persuasive; here, not one, but six persons claim that they were not contacted by the applicant, and the interviews allegedly took place only about 3 months before the affidavits were executed. In these circumstances, an appropriate issue is warranted. Compare James J. B. Scanlon (KCAT), FCC 70-1218, released November 18, 1970, 35 FR 17968. However, there is no merit to Intercast's other allegations concerning California Stereo's survey. There is nothing in the Primer, supra, which precludes an applicant from contacting community leaders over the telephone nor does the Primer prescribe the duration of each interview; therefore, the fact that California Stereo did not indicate to the Commission that some of its interviews were conducted by telephone or the duration of each interview does not warrant an evidentiary inquiry. See Primer, supra, 27 FCC 2d at 663, 21 RR 2d at 1522.

10. *Accordingly, it is ordered*, That petition for leave to file a late pleading, filed September 11, 1972, by Intercast, Inc., is granted and the late filed pleading is accepted; and

11. *It is further ordered*, That the petition to enlarge issues, filed July 5, 1972, by Intercast, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

12. *It is further ordered*, That the issues in this proceeding are enlarged as follows:

To determine whether California Stereo, Inc. misrepresented facts to the Commission in connection with its survey of community leaders, and if so, to determine the effect of this conduct on the qualifications of California Stereo, Inc. to be a Commission licensee.

13. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added

[11] The Board has in the past added appropriate issues where conflicting affidavits were presented by opposing parties. See, e.g., Folkways Broadcasting Co., Inc., 27 FCC 2d 619, 21 RR 2d 163 (1971); Christian Voice of Central Ohio, 26 FCC 2d 76, 20 RR 2d 389 (1970).

herein shall be on Interest, Inc., and the burden of proof shall be on California Stereo, Inc.

Adopted: February 7, 1973.

Released: February 9, 1973.

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

[FR Doc.73-3182 Filed 2-16-73;8:45 am]

[Dockets Nos. 19588-19589; FCC 73R-72]

COLORADO WEST BROADCASTING, INC., AND GLENWOOD BROADCASTING, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Colorado West Broadcasting, Inc., Glenwood Springs, Colo., Docket No. 19588, File No. BPH-7646; Glenwood Broadcasting, Inc., Glenwood Springs, Colo. Docket No. 19589, File No. BPH-7707, for construction permits.

1. The above-captioned, mutually exclusive applications for a new FM broadcast station, utilizing 92.7 MHz ch 224, at Glenwood Springs, Colo., were designated for hearing on a standard comparative issue by Commission Order, FCC 72-836, released September 22, 1972, 37 FR 20276, published September 28, 1972. The Review Board now has before it Glenwood Broadcasting, Inc.'s (Glenwood) petition to enlarge issues, filed October 13, 1972, seeking addition of the following issues: [1]

a. To determine with respect to the application of Colorado West Broadcast, Inc. (hereinafter "Colorado West"), whether the staff proposed is adequate to effectuate its proposals.

b. To determine with respect to the application of Colorado West whether the proposed antenna and transmitter site is suitable for the proposed operation.

c. To determine with respect to the applicant's 45 percent stockholder, Mr. William R. Dunaway, whether Colorado West has submitted complete and accurate information in its application and has continued to keep the Commission advised of substantial and significant changes, as required by § 1.65 of the Commission's rules.

d. To determine with respect to the application of Colorado West

(1) The basis of the applicant's estimated costs of construction and operating expenses for the first year of operation.

(2) In light of the evidence adduced pursuant to Issues a, c, and d(1) above, whether the applicant is financially qualified.

e. To determine, on the basis of the foregoing, whether Colorado West possess the requisite qualifications to be a broadcast licensee.

2. *Adequacy of staff issue.* Glenwood notes that Colorado West proposes to broadcast 130 hours each week, of which 16.5 percent will be nonentertainment programing, and that Colorado West has only proposed three full-time employees and two part-time employees to operate its station. Furthermore, Glenwood notes that Colorado West has not proposed to include equipment for automated programing. Glenwood contends that it will be impossible for Colorado West to operate its proposed station with such a limited staff. In support of this contention, petitioner argues that three full-time employees will be required for announcing duties alone and that since Colorado West has not supplied work schedules or other information, it must be assumed that the two part-time employees will not be able to accomplish all of the other tasks which are necessary to successfully operate the station. Furthermore, Glenwood notes that Station KSNO, Aspen, Colo., a daytime-only station in which Mr. Dunaway, a 45-percent stockholder of Colorado West, is a 50-percent stockholder, has utilized four full-time employees, four part-time employees and relied upon the staff of the local newspaper for local news. In further support, Glenwood attaches an affidavit of the manager of its AM station to the effect that it takes a newsman 2 hours to produce a 15-minute college program.

3. The requested issue will be denied. The unsupported assertions of the petitioner do not comply with the specificity requirements of § 1.229(c) of the rules. Moreover, in its oppositions, Colorado West sets forth its proposed work schedules which, in view of its President's extensive participation, do not appear to be inherently unreasonable. See Jay Sadow, 27 FCC 2d 248, 20 RR 2d 1171 (1971), and cases cited therein.

4. *Site suitability issue.* In support of this issue, Glenwood points out that Colorado West's proposed transmitter and antenna site is adjacent to an abandoned ski lift and must be reached via a winding road in excess of 1 mile in length which wil be unusable during winter because of the heavy snowfall. This allegation is supported by an unverified gation is supported by an unverified letter from the Mayor of Glenwood Springs advising the Commission that the access road is not kept open in winter and barely maintained in summer. In opposition, Colorado West avers that it has a number of different vehicles available to it which will make access to its site in all kinds of weather possible. The requested issue will be denied. The foregoing allegations do not raise sufficient questions as to the accessibility of Colorado West's proposed transmitter and antenna site to warrant an issue in this proceeding. See Charles Vanda, FCC 65R-65, 4 RR 2d 543, released February 18, 1965.

5. *Section 1.65 issue.*[2] Glenwood bases its request for this issue upon the following facts which are not challenged by Colorado West. Colorado West proposes to rely upon William R. Dunaway for a substantial part of its financing. Dunaway's balance sheet, submitted with the Colorado West application, show assets exceeding $605,500, current liabilities of $20,000, and long-term liabilities of $65,000. This representation, Glenwood contends, fails to show all of Dunaway's liabilities. Petitioner notes that Mountain States Communications, Inc. (Mountain States), of which Dunaway is president and 94.12-percent stockholder, tendered for filing, an application for a new standard broadcast station at Steamboat Springs, Colo., on December 12, 1969. That application has not been accepted for filing because of the AM freeze. Nevertheless, that applicant purports to rely on a $75,000 loan from William Dunaway. Thus, Glenwood contends, Dunaway's failure to show his obligation to lend $75,000 to Mountain States as a liability on the balance sheet tendered with the Colorado West application requires the inclusion of an issue in this proceeding. Moreover, it is conceded by Colorado West that on February 18, 1972, it filed an application for a new FM station at Steamboat Springs, and that the applicant in that case also proposed to rely upon Dunaway for a substantial part of its financing. The balance sheet submitted with that application did not show Dunaway's obligation to lend Mountain States $75,000 for its AM application. By letter of May 10, 1972, the Commission notified Colorado West that its application for Glenwood Springs should be amended to show Dunaway's and Curtis' obligations to finance the Steamboat Springs FM application. An amendment was filed reflecting Dunaway's and Curtis' obligation for the Steamboat Springs FM station but the Steamboat Springs AM obligation was not included. Glenwood also contends that since the application was filed, negotiable securities listed as current assets by Dunaway have substantially decreased in value and that failure to report this change is a violation of § 1.65. In these circumstances, Glenwood contends, an issue against Colorado West is imperative.

6. The Review Board agrees with the Broadcast Bureau that a disqualification issue is not warranted in the circumstance of this case, but that Colorado West's failure to disclose Dunaway's obligation to finance the Steamboat Springs AM station should be considered in the comparative evaluation of the instant application. It is apparent from Dunaway's balance sheet that his liquid

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[1] The Board also has before it an opposition to the petition to enlarge issues, filed Nov. 3, 1972 by Colorado West Broadcasting, Inc.; comments filed by the Broadcast Bureau, Nov. 3, 1972; a reply to the opposition, filed by Glenwood on Nov. 13, 1972; and comments on reply to opposition, filed by Colorado West on January 4, 1973. In its reply Glenwood for the first time makes allegations of what it describes as a further violation of § 1.65 of the Commission's rules. Such new allegations are precluded by § 1.45(b) of the Commission's rules and will therefore not be considered. The comments on reply filed by Colorado West will be dismissed since such comments are not authorized by § 1.45(c) of the Commission's rules.

[2] While Glenwood requests a Rule 1.65 issue, the facts alleged concern a possible Rule 1.514 violation.

assets substantially exceed his current liabilities, including his $75,000 contingent loan obligation to Mountain States. In these circumstances we see no motive for the applicant to mislead the Commission. In its opposition Colorado West states by way of explanation for its failure to fully advise the Commission of Dunaway's obligation, that Dunaway was not fully familiar with Commission requirements and that because of personal problems of counsel for Colorado West, the necessity to include the $75,000 obligation in the Colorado West application was overlooked by the law firm handling the matter. Neither ignorance of Commission requirements nor failure by a lawyer to properly advise his client justifies failure to fully and fairly disclose all pertinent facts to the Commission. However, in this case, it does not appear that there was intent to mislead the Commission. Nor is the relatively modest fluctuation in value of stocks held by Dunaway required to be reported by § 1.65 of the Commission's rules.[3] Thus, an issue to determine the effect on Colorado West's comparative qualifications of its failure to disclose all of Dunaway's obligations will be included in this proceeding.[4]

7. *Estimated construction and operating costs.* Glenwood questions the validity of Colorado West's projected construction and first year operating expenses. Particularly, Glenwood questions the adequacy of the $14,000 budgeted by Colorado West to meet preoperational expenses, including the expenses of the hearing. Furthermore, Glenwood contends that the $19,000 projected by Colorado West for salaries will be not sufficient to pay the five persons it proposes to employ. These contentions are not supported by affidavits of persons with knowledge of the facts or other evidence that Colorado West's proposals are not adequate. In these circumstances, the issue will not be added.[5]

8. *It is ordered,* That the petition to enlarge issues, filed October 13, 1972 by Glenwood Broadcasting, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged as follows:

To determine whether Colorado West Broadcasting, Inc. has failed to report requisite information in its application as required by section 1.514(a) of the Commission's rules; and, if so, to determine the effect thereof on its comparative qualification to be a Commission licensee.

10. *It is further ordered,* That the comments on reply to opposition filed January 4, 1973, by Colorado West Broadcasting, Inc. are dismissed.

Adopted: February 7, 1973.

Released: February 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3184 Filed 2-16-73;8:45 am]

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[3] Mace Broadcasting Co., 25 FCC 2d 621 (1970).

[4] Great Southern Broadcasting Co., 18 FCC 2d 599, 16 RR 2d 864 (1969).

[5] United Television Co., Inc., 26 FCC 2d 1006, 1009 (1970).

[6] Board Member Kessler dissenting with respect to the addition of the § 1.514(a).

[Docket No. 19412; FCC 73R-70]

FRIENDLY BROADCASTING CO.

Memorandum Opinion and Order

In regard application of Friendly Broadcasting Co., for renewal of license of radio stations WJMO and WLYT (FM) Cleveland Heights, Ohio, Docket No. 19412, File No. BR-1844, File No. BRH-140.

1. Before the Review Board for consideration is a petition to enlarge issues, filed December 26, 1972, by the Broadcast Bureau.[1] The following issues are requested by the Bureau:

(a) To determine whether Friendly Broadcasting Co. broadcast information on a lottery in violation of 18 United States Code, section 1304, and § 73.122 of the Commission rules.[2]

(b) To determine whether station WJMO Broadcast programs and/or announcements which aided or gave comfort to illegal gambling activities.

(c) To determine in light of the evidence adduced under issue A, B, and C, whether Friendly Broadcasting Co. possesses the requisite qualifications to be a Commission licensee. [sic]

(d) To determine whether Friendly Broadcasting Co., has been lacking in candor or made misrepresentations in responding to the Commission's official notices of violations.

2. In support of its claim that good cause exists for the late filing of its petition, the Bureau submits that it did not possess knowledge of facts warranting the requested issues until they were revealed at hearing. Furthermore, claims the Bureau, its petition was filed 8 days after receipt of the full text of the transcript of the hearing. The Review Board finds that good cause exists for the Bureau's submission of its petition at this time and will therefore consider the petition on its merits.

3. In support of requested issues (a), (b), and (c), the Bureau alleges that eight witnesses testified[3] at hearing that between 1967 and 1971 Station WJMO[4] broadcast programs featuring faith healers, blessers, and ministers, which contained information designed to promote the business of the "numbers game", an illegal lottery in Cleveland. Petitioner further asserts that four witnesses testified that the past and present management of WJMO was aware of and, in fact, condoned the programing in question. In addition, contends the Bureau, three of those four witnesses and two other witnesses, including the station's present general manager, testified that WJMO broadcast information relating to numbers operations during the course of stock market reports. In support of its requested issue (d), petitioner refers to allegedly uncontroverted testimony which establishes, the Bureau asserts, that Friendly made misrepresentations in its responses to the Commission's official notices of violations. In response to those notices, the applicant submitted affidavits purportedly of staff members of WJMO in which the affiants stated that they had been responsible for certain violations of the Commission's rules and that his operating duties had been reviewed with him. The Bureau maintains that testimony at hearing indicates that the documents submitted by WJMO to the Commission purporting to be affidavits were not in fact affidavits, since they were not properly sworn. Moreover, states the petitioner, the statements contained in the documents were in themselves misrepresentations, in that some operators did not believe they committed the violations, that operating duties had not been reviewed and that the employees signed the statements only in order to retain their jobs.

4. The Review Board is of the view that the Broadcast Bureau's unopposed alle-

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[1] No pleadings have been filed in response to the Bureau's petition.

[2] 18 USC section 1304 reads:

Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or whoever, operating such station, knowingly permits the broadcasting of, any advertising of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. Each day's broadcasting shall constitute a separate offense.

Section 73.122(a) of the Commission's rules reads:

An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 USC § 1304.)

[3] The Bureau also asserts that their testimony was uncontroverted.

[4] WJMO is the standard broadcast facility of Friendly Broadcasting Co. (Friendly), the renewal applicant in this proceeding.

proceedings. In United Television Co., Inc. (WFAN-TV), 20 FCC 2d 278, 17 RR 2d 738 (1969),[6] we concluded in analogous circumstances that such allegations raise a serious question concerning possible violations of section 1304 of Title 18 and § 73.122 of the Commission's rules, and that appropriate issues should be specified to inquire into these matters and to determine the effect thereof on the qualifications of the applicant. On the other hand, as we stated in United, "since the requested issues ((a), (b), and (c)) are essentially founded on alleged violations of section 1304 of Title 18 and § 73.122 of the rules, we will refrain from specifying any issues other than those that pertain to possible violations of those applicable statutory and administrative provisions" (footnote omitted). 20 FCC 2d at 285, 17 RR 2d at 748. We further find that the Bureau has raised a substantial, uncontested question of misrepresentation to the Commission by the applicant. We will therefore add that requested issue.

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 26, 1972, by the Broadcast Bureau is granted to the extent indicated below, and is denied in all other respects; and

6. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Station WJMO has broadcast announcements or information concerning a lottery in contravention of section 1304 of title 18 of the United States Code, and of § 73.122 of the Commission's rules; and, if so, to determine the effect thereof upon the qualifications of the applicant to be a broadcast licensee.

(b) To determine whether Friendly Broadcasting Co. has made misrepresentations to the Commission and, if so, the effect thereof on the qualifications of the applicant to be a broadcast licensee; and

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the above issues shall be upon the Broadcast Bureau, and the burden of proof shall be upon Friendly Broadcasting Co.

Adopted: February 7, 1973.

Released: February 9, 1973.

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

[FR Doc.73-3183 Filed 2-16-73;8:45 am]

[Docket No. 19558]

FUTURE AUTHORIZATION OF OVERSEAS DATAPHONE SERVICE

Order Extending Time Regarding Inquiry Into Policy Future Authorization of Overseas Dataphone Service

1. By letter dated February 8, 1973, RCA Global Communications, Inc. (RCA Globcom), requests an extension of time until February 28, 1973, in which to file reply comments in the above-captioned Inquiry. RCA Globcom alleges that the requested extension of time is needed because of the sharp divergence of views expressed and the quantity of data furnished by numerous parties responding to the Commission's notice of inquiry, and the press of other pending regulatory matters. RCA Globcom represents that the other parties requested to respond to the Inquiry have indicated that they have no objection to the grant of requested extension.[1]

2. We find that RCA Globcom has shown good cause for the requested extension of time.

3. *Accordingly, it is ordered*, Pursuant to § 0.303(c) of the Commission's rules pertaining to Delegations of Authority that the request of RCA Global Communications, Inc. is granted; and the time to file reply comments in Docket No. 19558 is extended until February 28, 1973.

Adopted: February 12, 1973.

Released: February 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73-3187 Filed 2-16-73;8:45 am]

NON-VOICE TASK GROUP; PBX STANDARDS ADVISORY COMMITTEE

Notice of Public Meeting

FEBRUARY 13, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Non-Voice Task Group of the PBX Standards Advisory Committee to be held February 27, and 28, 1973. The Task Group will meet at 1000 Westchester Avenue, Harrison, NY, Room 1-B at 9:30 a.m.

Purposes. The purpose of the PBX Standards Advisory Committee is to prepare recommended standards to permit the interconnection of customer provided and maintained PBX equipment to the public switched network. The purpose of this Task Group is to prepare recommendations to the PBX Standards Advisory Committee regarding the most practicable means by which a non-certified data terminal may be used with a barrier PBX in lieu, or in addition to, a conventional telephone instrument.

Membership. The Task Group is chaired by J. Merkel and is composed of the following: P. Bennett, M. J. Birck, G. Jahn, A. Marthens, H. A. Montgomery, G. Orelli, J. L. Wheeler. Observers include P. D. Aoust, L. K. Armstrong, L. L. Butler, J. L. Caldwell, R. B. King, R. P. Norian, J. T. Walker, and W. L. Weikl.

Activities. Members and observers review existing interface criteria in some detail with the aim of identifying any additional harms which might accrue from nonvoice (noncarbon transmitter) devices. Any new criteria or need for modifications to the existing documents are highlighted.

Agenda. The agenda for the February 27 and 28 meeting will be as follows:

a. Review of report from last meeting.
b. Review of homework assignments.
c. Continued review of test standards.
d. Homework assignments.

It is suggested that those desiring more specific information contact the Domestic Rates Division on (202) 632-6457.

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

[FR Doc.73-3186 Filed 2-16-73;8:45 am]

[Dockets Nos. 19503, 19506; FCC 73R-73]

ST. CROSS BROADCASTING CO., INC., AND PROGRESSIVE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of St. Cross Broadcasting, Inc.; Santa Cruz, Calif., Docket No. 19503, File No. BP-18014; James B. Fenton, Grant R. Wrathall, Jr., Lawrence M. Wrathall and Loretta Wrathall, doing business as Progressive Broadcasting Co., Aptos-Capitola, Calif., Docket No. 19506, File No. BP-18221; for construction permits.

1. Before the Review Board for consideration is a motion to enlarge issues, filed August 2, 1972, by Progressive Broadcasting Co. (Progressive), seeking the addition of financial, misrepresentation and Rule 1.65 issues against St. Cross Broadcasting, Inc. (St. Cross).[1,2]

2. The pertinent facts, as alleged by the petitioner, are not in dispute. On December 20, 1971, St. Cross filed an amendment to its application, which had been filed in 1967, containing statements of loan commitments by principals and financial statements of those principals. William A. Anderson, 63 percent owner of St. Cross, pledged a total of $72,245 to St. Cross.[3] His financial statement claimed a net worth of $1,637,641 and total assets of $1,643,841, of which $1,-204,395, or approximately 75 percent is listed as stock, notes and interest due on notes of Telfon Communications Corporation (Telfon). E. Kersh Walters, Jr.,

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[6] The applicant against which issues were added in that case is a corporation wholly owned by the 100 percent owner of Friendly.

[1] Notice of Inquiry Regarding Future Authorization Policy (FCC 72-673) was published at 37 FR 16042, Aug. 9, 1972.

[1] Also before the Board are: (a) Broadcast Bureau's comments, filed Aug. 24, 1972; (b) opposition, filed Aug. 24, 1972, by St. Cross; (c) reply, filed Aug. 30, 1972, by Progressive; (d) motion for leave to file pleading and reply to (a), filed Sept. 12, 1972, by St. Cross; (e) motion to strike unauthorized pleading, filed Sept. 18, 1972, by the Broadcast Bureau; (f) opposition to (d), filed Sept. 22, 1972, by Progressive; and (g) reply to (f), filed Oct. 5, 1972, by St. Cross. St. Cross' motion for leave to file pleadings will be denied. The information in its supplementary pleading was available to St. Cross at the time it filed its opposition, and St. Cross has not demonstrated good cause for its untimely submission.

[2] Progressive's motion to enlarge is admittedly untimely. While its claim for good cause is tenuous, we find that the public interest questions raised in its petition are substantial and will consider the motion on its merits. See The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

[3] The pledged amounts stated are the sums of both preincorporation subscriptions of stock and loan commitments.

15.5 percent owner of St. Cross, pledged a total of $10,124. His financial statement claims a net worth of $292,259 and total assets of $295,159, of which $209,159, or 70 percent, is listed as being in Telfon. Gerald E. Berman, 9 percent owner of St. Cross, pledged $6,749. His financial statement claims a net worth of $178,733 and total assets of $183,733, of which $94,733, or 50 percent, is listed as being in Telfon. St. Cross states in its pleadings that on December 10, 1971, Telfon determined to file a petition for an arrangement under Chapter 11 of the Bankruptcy Act and that on January 24, 1972, Telfon's application to sell its operating assets was granted by the Referee in Bankruptcy and Telfon was adjudicated bankrupt. The bankruptcy proceeding was not reported to the Commission. On May 17, 1972, the Commission adopted the designation Order in these proceedings (FCC 72-422, 37 FR 10611, published May 25, 1972), finding St. Cross financially qualified and denying a petition, filed June 18, 1969, by Monterey Peninsula Broadcasters, Inc., to specify a financial qualifications issue against St. Cross. Finally, on September 5, 1972, St. Cross filed an amendment deleting reference to Telfon in the financial statements of the St. Cross principals.

3. Progressive contends that the above facts establish that Anderson and Walters were committed to loan the prospective licensee money to operate, knew of information relating to substantial changes which had occurred in their financial situations, and did not inform the Commission of those changes. Alleging that Question 10(f) of section II of the Commission's application form specifically requires that such information be given the Commission,[4] movant claims that St. Cross has violated § 1.65 of the Rules.[5] Progressive maintains that, despite the existence of other assets which may enable Anderson and Walters to meet their commitments, a question is nevertheless raised as to the character qualifications of St. Cross because of its apparent misrepresentations to the Commission. The Broadcast Bureau agrees with Progressive that the Commission's application form requires St. Cross to notify the Commission when a corporation controlled by one of St. Cross' principals (the Bureau alleges that Anderson owns 70 percent of Telfon) files a petition for an arrangement under the Bankruptcy Act. In the absence of such an amendment, the Bureau urges, substantial questions regarding St. Cross' candor with the Commission and compliance with the requirements of Rule 1.65 are raised. The Bureau does not support addition of a financial issue against St. Cross, since the balance sheets of Anderson and Walters do apparently reflect enough other assets to meet their commitments. The Bureau suggests, however, that the applicant submit current audited financial statements for both Anderson and Walters.

4. In opposition, St. Cross alleges that the balance sheets of Anderson and Walters reflect that each has sufficient current liquid assets above current liabilities to meet his commitment to St. Cross. Since neither of those principals relied on Telfon stock to meet his commitment, St. Cross claims, failure of that corporation is not of substantial importance. Moreover, St. Cross contends, since Telfon was neither an applicant nor a party to the application, such information was not required to be reported by FCC Form 301. In reply, Progressive maintains that whether the financial qualifications of St. Cross were affected by the bankruptcy of Telfon is "irrelevant to a violation of § 1.65," which only requires that substantial changes in information on file with the Commission be reported within 30 days. Progressive also agrees with the Broadcast Bureau that complete reporting of the financial status of parties to an application must include information with respect to other corporations controlled by those parties.

5. The Review Board finds that the pleadings before it raise a substantial question of misrepresentation to the Commission. It is clear that St. Cross relies upon its principals for its total financial support and that the financial statements of those principals submitted to the Commission to support their claimed ability to do so showed substantial assets which, in fact, did not exist at the time those statements were submitted. Such apparent misstatement raises a sufficient question to warrant the inclusion of an issue in this proceeding to determine whether St. Cross has misrepresented material facts to the Commission. Cf. WIOO, Inc., 37 FCC 2d 140, 25 RR 2d 169 (1972). It is axiomatic that the regulatory scheme administered by the Commission must depend on the integrity of the applicants before the Commission and the accuracy of the information supplied by them. Thus, contrary to St. Cross' arguments, "no showing of materiality, advantage or that the Commission was, in fact, mislead is necessary for a finding of misrepresentation." Seaboard Broadcasting Corp., 26 FCC 2d 649, 651, 20 RR 2d 786, 789 (1970). It is well established that a finding merely that true information is withheld and false information is substituted is enough to disqualify an applicant. See FCC v. WOKO, Inc., 67 S.C. 213, 329 U.S. 223 (1946) and Seaboard Broadcasting Corp., supra. This is particularly true where the Commission's application form specifically calls for such information. (See FCC Form 301, section III, Item 4.)

6. We also disagree with St. Cross with regard to the materiality of the false information apparently submitted. We do deem a misrepresentation to be significant and material when 75 percent, 70 percent, and 50 percent of the assets shown by an applicant's principals are virtually nonexistent, especially where the Commission contemporaneously has before it a petition to deny which is based, in part, on allegations regarding the financial status of the applicant. In such circumstances, the questions of whether the Commission ultimately would have added an issue had it possessed the correct information and whether other assets are sufficient to meet commitments to the applicant are not controlling. Furthermore, it is clear that St. Cross did not report the changes in the financial status of its principals within 30 days. Such changes are, in our view, substantial and may be of decisional significance and therefore, whether or not specifically required by the application form, must be filed pursuant to § 1.65. See paragraph 7 of Report and Order, Reporting of Changed Circumstances Affecting Applications, FCC 64-1037, 3 RR 2d 1622. We will therefore specify the appropriate issue. Finally, the Board is of the view that neither Progressive nor the Broadcast Bureau has alleged facts sufficient to indicate that St. Cross does not have sufficient current liquid assets to build and operate its proposed station for 1 year.[6]

7. *Accordingly, it is ordered*, That, the motion to strike unauthorized pleading, filed September 18, 1972, by the Broadcast Bureau, is granted, and the motion for leave to file pleading, filed September 12, 1972, by St. Cross Broadcasting, Inc., is denied, and the reply to comments of Broadcast Bureau, filed September 12, 1972, by St. Cross Broadcasting, Inc., is dismissed; and

8. *It is further ordered*, That the motion for waiver of § 1.229 and motion to enlarge issues, filed August 2, 1972, by Progressive Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and

9. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether St. Cross Broadcasting, Inc., and/or any of its principals misrepresented facts to the Commission and, if so, the effect thereof on the qualifications of the applicant to be a broadcast licensee;

(b) To determine whether St. Cross Broadcasting, Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission gations reflect a fair analysis and evaluation of the testimony adduced in these

[4] FCC Form 301, section II, Question 10(f) states: "Have voluntary proceedings in bankruptcy been instituted by, or have involuntary proceedings in bankruptcy ever been brought against applicant or any party to this application.

[5] Section 1.65 requires that an applicant amend its application whenever the information contained therein is no longer substantially accurate and complete, and to notify the Commission whenever there has been a substantial change as to any other matter which may be of decisional significance. The applicant should do so as promptly as possible and in any event within 30 days, unless good cause is shown.

[6] We do note, however, that the Sept. 5, 1972, amendment deleting reference to Telfon in the principals' financial statements includes references to a partnership formed by, inter alia, Anderson and Berman. Should this new enterprise significantly affect the principals' financial status, we would expect that information to be submitted pursuant to § 1.65.

advised of substantial changes in the financial status of its principals and, if not, the effect of such noncompliance on the basic or comparative qualifications of the applicant to be a broadcast licensee;

10. *It is further ordered*, That the burden of proceeding under the above shall be on Progressive Broadcasting Co., and the burden of proof under the above issues above shall be on St. Cross Broadcasting, Inc.

Adopted: February 7, 1973.

Released: February 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3185 Filed 2-16-73;8:45 am]

[7] Board member Kessler concurring in result.

FEDERAL POWER COMMISSION

[Docket No. G-18456, etc.]

CITIES SERVICE OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

FEBRUARY 8, 1973.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 5, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-18456 D 2-1-73	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Wilsie A El Paso No. 1 Well, W½/SW¼ sec. 3-7. N-24 W., Greer County, Okla.	([1])	
CI73-305 C 1-22-73 [2]	Monsanto Co., 1300 Post Oak Tower, Houston, TX 77027.	Transwestern Pipeline Co., Crow No. 1 Well, South Vici Field, Dewey County, Okla.	[3] 21.315	14.65
CI73-476 A 12-11-72	Canadian Superior Oil (U.S.) Ltd., Post Office Box 1521, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Area Block 306, Offshore Louisiana.	32.0	15.025
CI73-479 A 1-17-73	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Northern Natural Gas Co., Gomez Area, Pecos County, Tex.	35.0	14.65
CI73-480 A 1-16-73	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Tennessee Gas Pipeline Co., Block 257, Eugene Island Area, offshore Louisiana.	[4] 26.0	15.025
CI73-481 A 1-15-73	Kansas Gas Purchasing, 320 Page Court, 220 West Douglas, Wichita, KS 67202.	Northern Natural Gas Co., Mullinville Field, Kiowa County, Kans.	36.0	14.65
CI73-483 A 1-12-73	CRA International, Inc., 5416 South Yale Avenue, Tulsa, OK 74135.	Florida Gas Transmission Co., Potrero Lopeno South Field, Kenedy County, Tex.	24.0	14.65
CI73-484 B 1-12-73	Don C. Rider Oil (operator), 104 Lockwood Street, Medicine Lodge, KS 67104.	Cities Service Gas Co., Doby-Springs Field, Harper County, Okla.	Nonproductive	
CI73-486 (CI67-878) F 1-8-73	Wessely Energy Corp. (successor to Mobil Oil Corp.), 2001 Bryan Tower—Suite 953, Dallas, TX 75201.	Panhandle Eastern Pipeline Co., Bishop Field, Ellis County, Okla.	[5] 19.0	14.65
CI73-488 B 1-17-73	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Phillips Petroleum Co., Lea County, N. Mex.	Depleted	
CI73-492 B 1-15-73	Ragars Oil & Gas Co., Post Office Box 2030, Alice, Jim Wells County, TX 78332.	United Gas Pipe Line Co., Boyce-North, Boyce Common Point.	Depleted	
CI73-493 A 1-18-73	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., N½ Block 32, Grand Isle Area, offshore Louisiana.	[6] 26.0	15.025
CI73-496 (G-8379) F 1-15-73	Terra Resources, Inc. (successor to Northern Pump Co.), 5416 South Yale Avenue, Tulsa, OK 74135.	Cities Service Gas Co., Finnup No. 1 Gas Unit, Hugoton Field, Finney County, Kans.	.1111	14.65
CI73-505 (CI60-458) F 1-22-73	Samedan Oil Corp. (successor to Texas Pacific Oil Co., Inc.), 301 Little Building, Ardmore, Okla. 73401.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	11.0	14.65
CI73-506 A 1-18-73	Paine Development Co., Box 520, Perryton, TX 79070.	Northern Natural Gas Co., Kiowa Creek (Douglas) Field, Lipscomb County, Tex.	23.0	14.65
CI73-511 B 1-29-73	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Cities Service Gas Co., Newell Unit, Rogers Mill County, Okla.	Depleted	
CI73-512 A 1-29-73	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, TX 77046.	Columbia Gas Transmission Corp., Valentine Field, Lafourche Parish, La.	[7] 26.875	15.025
CI73-513 A 1-26-73	Pacific Lighting Gas Development Co., 720 West Eight Street, Los Angeles, CA 90017.	Transwestern Pipeline Co., Dewey County, Okla.	38.0	14.65
CI73-514 A 1-31-73	Classen Oil & Gas Co., Suite 300, 3545 Northwest 58th Street, Oklahoma City, OK 73112.	Panhandle Eastern Pipeline Co., Southeast Lambert and Northeast Helena, Alfalfa, Okla.	[3] 35.0	14.65
CI73-515 B 1-29-73	Exxon Corp., Post Office Box 2180, Houston, TX 77001.	Plaquemines Oil & Gas Co., Inc., Potash Field, Plaquemines Parish, La.	Depleted	
CI73-517 B 1-29-73	Burk Gas Corp., 800 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Lone Star Gas Co., Red Springs Field, Smith County, Tex.	([8])	
CI73-518 (CI65-235) F 1-26-73	Walter H. Stephens and Frank W. Cass (successor to Amerada Hess Corp.), 2001 Bryan Tower, Suite 2929, Dallas, TX 75201.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	19.2205	14.65
CI73-520 B 1-26-73	Charles T. McCord, Jr., 1705 Beck Bldg., Shreveport, La.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	Depleted	

[1] The joint interest lease was transferred and conveyed.
[2] Applicant proposes to include authorization for the sale of gas produced from the Crow No. 1 Well, South Vici Field, Dewey County, Okla., under FPC Gas Rate Schedule No. 104.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Applicant is willing to accept a certificate at an initial rate of 26 cents per Mcf subject to B.t.u. adjustment; however, the contract price is 45 cents per Mcf.
[5] Plus upward B.t.u. adjustment of .015 cents per Mcf.
[6] Applicant is willing to accept a certificate at an initial rate of 26 cents per Mcf subject to B.t.u. adjustment; however, the contract price is 35 cents per Mcf.
[7] Applicant is willing to accept a certificate at an initial rate of 26.875 cents per Mcf; however, the contract price is 28.375 cents per Mcf.
[8] Expiration of contract.

[FR Doc.73-3108 Filed 2-16-73;8:45 am]

[Dockets Nos. RP71-15, etc.]

EAST TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

FEBRUARY 13, 1973.

Take notice that East Tennessee Natural Gas Co., on December 29, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1 to be effective March 1, 1973. The proposed changes would increase revenues from jurisdictional sales and service by approximately $75,000 annually based on the 12-month period ending November 30, 1972.

East Tennessee states its filing to track increased purchased gas costs from its supplier, Tennessee Gas Pipeline Co., a division of Tenneco Inc., is pursuant to the PGA clause in section 22 of the General Terms and Conditions in its FPC Tariff, as approved by the Commission's order issued September 25, 1972.

Copies of the filing were served upon the company's jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 February 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3158 Filed 2-16-73;8:45 am]

[Dockets Nos. CP73-45, etc.]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

Notice of Motion for Approval of Settlement Agreement and Proposed Order

FEBRUARY 13, 1973.

Take notice that on January 31, 1973, a proposed settlement agreement and proposed Commission order was submitted to the administrative law judge in the above referenced dockets. These cases concern applications for certificates of public convenience and necessity for deferred exchanges of natural gas filed pursuant to section 7 of the Natural Gas Act, by Michigan Wisconsin Pipe Line Co. (Mich-Wis) and Southern Natural Gas Co. (Southern) on August 4, 1972, in dockets Nos. CP73-45 and CP73-49, respectively, and by Florida Gas Transmission Co. (Florida) and Southern on July 17, 1972, jointly in docket No. CP 73-14, all as more fully explained in the order of the Commission issued in these dockets on November 16, 1972. Gas was delivered by Southern to Mich-Wis and Florida under both of these exchange agreements pursuant to the emergency provisions of § 157.22 of the regulations under the Natural Gas Act.

The settlement agreement generally provides that Michigan-Wisconsin and Florida shall redeliver gas to Southern in the manner contemplated by the existing contracts. Southern agrees in turn to make those volumes available over a 2-year period commencing April 1, 1973, to the individual resale customers which were curtailed as a result of Southern's exchange deliveries in 1972, over and above the volumes of gas such customers will be entitled to receive pursuant to Southern's customer allocations. These volumes would be available in the amounts, at the times, and at the rates set forth in the settlement agreement.

In addition, the settlement provides that Florida will utilize, in future rate proceedings before this Commission, an allocation of peak day deliveries for a test period between jurisdictional and nonjurisdictional customers that will not reflect the impact of the redeliveries of gas to Southern upon its resale allocations. This would be accomplished by attributing the redelivery volumes to the direct sale category for cost allocation purposes.

Because of the previous notice of proceedings, and the seeming present inclusion of all interested parties, it appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of comments and protests. Therefore, any person desiring to make a comment or a protest with reference to this settlement agreement or proposed order should, on or before March 2, 1973, file his comment or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure. These filings will be considered by the Commission in determining the appropriate action to be taken with regard to this settlement agreement but will not serve ot make the protestants parties to the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3223 Filed 2-16-73;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-FACILITIES

Notice of Meeting and Agenda

Agenda, Transmission-Technical Advisory Task Force-Facilities to be held in Conference Room 4454-A of the Federal Power Commission, 441 G Street NW, Washington, DC, February 28, 1973—9 a.m. Presiding: Mr. Thomas H. Jenkins (acting), FPC Survey Coordinating Representative and Secretary.

1. Meeting call to order—Mr. Jenkins.
2. Objectives and purposes of meeting—
A. Statement of Task Force Program and Goals Attained by the Transmission-Technical Advisory Task Force-Facilities—Mr. John W. Morton, Director, Transmission-Technical Advisory Task-Force Facilities.
B. Review of Phase I Draft Report for Acceptance by Facilities Task Force—Mr. Richard C. Jackson, Deputy Director, Transmission-Technical Advisory Task Force-Facilities.
C. Review of Phase II Draft Report for Acceptance by Facilities Task Force—Mr. Jackson.
D. General Review of Environmental Aspects Concerning Phases I and II Draft Reports of the Transmission-Technical Advisory Task Force-Facilities—Mr. Jackson.
E. Estimated date for completion of final report—Mr. Jackson.
F. Other business and next meeting date.
3. Adjournment—Mr. Jenkins.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3224 Filed 2-16-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY, TASK FORCE ON ENVIRONMENTAL ASPECTS

Notice of Meeting and Agenda

Agenda Technical Advisory Committee on Conservation of Energy, Task Force on Environmental Aspects, to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, D.C., 9:30 a.m., February 22, 1973, Room 785.

1. Meeting called to order by FPC Representative.
2. Objectives and purposes of the meeting.
A. Environmental impact of total projected future energy consumption (presentation by Jim MacKenzie, followed by discussion).
B. Impact of environmental legislation (briefing by David Berg, Fred Lawrence, Paul Stulpman, followed by discussion).
C. Environmental implications of opportunities for energy conservation (discussion).
D. Proposed policy recommendations and implementation methods (discussion).
E. Other business.
F. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3225 Filed 2-16-73;8:45 am]

FEDERAL RESERVE SYSTEM

CAROLINA BANCORP, INC.

Formation of One-Bank Holding Company

Carolina BanCorp, Inc., Sanford, N.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Carolina Bank, Sanford, N.C. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 9, 1973.

Board of Governors of the Federal Reserve System, February 12, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3147 Filed 2-16-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Texas Bank & Trust Company of Dallas, Dallas, Tex. In addition, Applicant will become the indirect owner of 21.3 percent of the voting shares of First Bank & Trust Co., Cedar Hill; 18.1 percent of the voting shares of Central Bank and Trust Co., Farmers Branch; 10 percent of the voting shares of Commercial National Bank of Dallas, Dallas; and 24.2 percent of the voting shares of First Bank & Trust of Richardson, Richardson, all in Texas. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 12, 1973.

Board of Governors of the Federal Reserve System, February 12, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3149 Filed 2-16-73;8:45 am]

FIRST FLORIDA BANCORPORATION

Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of United National Bank, Cocoa Beach, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 12, 1973.

Board of Governors of the Federal Reserve System, February 12, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3148 Filed 2-16-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESSS

CALIFORNIA

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 February 8, 1973, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of California from severe storms and flooding, beginning about January 12, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. 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 my by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Robert C. Stevens, Regional Director, OEP Region 9, 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 California to have been adversely affected by this declared major disaster:

The counties of: Marin, San Luis Obispo, Santa Barbara, Solano, and the city of South San Francisco.

Dated: February 13, 1973.

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

[FR Doc.73-3157 Filed 2-16-73;8:45 am]

TARIFF COMMISSION

[TEA-W-183]

CONSOLIDATED NATIONAL SHOE CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Consolidated National Shoe Corp., Norwood, Mass., the U.S. Tariff Commission, on February 14, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women and children's footwear (of the types provided for in items 700.20, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: February 14, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-3205 Filed 2-16-73;8:45 am]

[TEA-W-182]

PAGE STEEL & WIRE CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Monessen, Pa., Page Steel & Wire Co. Division plant of the American Chain & Cable Co., Bridgeport, Conn., the U.S. Tariff Commission, on February 14, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with flat, round, and shaped wire (of the types provided for in items 609.20 to 609.27, inclusive, 609.40 to 609.43, inclusive, and 609.70 to 609.72, inclusive, of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued February 14, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-3204 Filed 2-16-73;8:45 am]

[TEA-W-181]

WHEELING-PITTSBURGH STEEL CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Monessen, Pa., plant of the Wheeling-Pittsburgh Steel Corp., Pittsburgh, Pa., the U.S. Tariff Commission, on February 14, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with wire rods and round wire (of the types provided for in items 608.70 to 608.75, inclusive, and 609.40 to 609.43, inclusive, of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: February 14, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-3203 Filed 2-16-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALASKA DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Alaska has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Department of Labor as the State agency designated by the Governor of the State to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1) and includes proposals for vertical special industry codes for construction, wood products, petroleum, and fishing.

The plan includes legislation submitted to the Alaska Legislature in January 1973. Under the legislation the Department of Labor will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of employees of the United States, employees protected under the Atomic Energy Act of 1954, 42 U.S.C. 2021, and employees whose working conditions are regulated by Federal agencise other than the Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 29 U.S.C. 653 (b)(1)).

The legislation further proposes to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and the protection of employees from hazards; procedures for the development and promulgation of standards under the State Administrative Procedure Act, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint, or elimination of imminent danger situations.

The legislation is also intendd to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings; and coverage of employees of State agencies and political subdivisions.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it is consistent with the constitution and laws of Alaska. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 including provision for coverage of personnel under the existing merit system, implementation of the occupational health program on a developmental basis and a proposed budget for operation of the program.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, WA 98104; and Department of Labor, 338 Denali, 710 McKay Building, Anchorage, AK 99501. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until March 21, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, OSHA, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address as well as at the regional and State offices.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by March 21, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 14th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3195 Filed 2-16-73;8:45 am]

IDAHO DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is

hereby given that an Occupational Safety and Health Plan for the State of Idaho has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Department of Labor as the State agency designated by the Governor of the State to administer the plan throughout the State. In addition, the Industrial Commission will have the authority to adopt standards, grant variances, and review citations and penalties. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1).

The plan includes proposed legislation that has been submitted to the Idaho Legislature. Under the legislation the Department of Labor will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of maritime employees, domestic servants, agricultural employees, employees of the United States, and employees whose working conditions are regulated under the following Federal laws: the Atomic Energy Act of 1954, 42 U.S.C. 2021; the Federal Metal and Nonmetallic Mine Safety Act, 30 U.S.C. 721; the Federal Safety Appliances Act, 45 U.S.C. 1; and the Federal Railroad Safety Act of 1970, 45 U.S.C. 431.

The legislation further proposes to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances which are granted by the Industrial Commission; the protection of employees from hazards; procedures for the development and promulgation of standards by the Industrial Commission, including standards for the protection of employees against new and unforeseen hazards; and procedures for prompt restraint, or elimination of imminent danger situations.

The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations by the Industrial Commission; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings before the Industrial Commission; and coverage of employees of political subdivisions.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the constitution of Idaho. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 including provision for coverage of personnel under the existing merit system.

2. *Location of plan for inspection and copying.* A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, Washington 98104; and Office of the Commissioner, Department of Labor, Industrial Administration Building, 317 Main Street, Boise, Idaho 83702. Copies of the Plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until March 21, 1973, by which to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, OSHA, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, DC 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address and at the Regional and State offices.

Any interested person(s) may request an informal hearing concerning the proposed Plan, or any part thereof, whenever particularized written objections thereto are filed by March 21, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this 14th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3194 Filed 2-16-73;8:45 am]

MISSISSIPPI DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Mississippi has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of the approval of the plan is in issue before him.

The plan designates the State Board of Health as the agency responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the U.S. Secretary of Labor will be adopted under the plan, and will be effective until State standards, which are deemed to be as effective as the Federal standards are developed and promulgated through public hearings, and which will be filed with the Secretary of Labor not less than 30 days prior to being promulgated as a new or revised standard.

The plan includes proposed enabling legislation to be considered by the Mississippi Legislature during its 1973 session to bring the plan into conformity with the requirements of Part 1902. Under the proposed legislation, the State Board of Health, Division of Occupational Safety and Health, will have the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. It provides for the coverage of all employees within the State, including employees of State agencies and municipalities.

There are provisions within the legislation granting the Director of the Division of Occupational Safety and Health the authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discharge in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the proposed legislation.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from an attorney that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State. The plan sets out goals for bringing it into full compliance with Part 1902 upon enactment of the proposed legislation by the State Legislature.

The proposed legislation sets forth the general authority and scope for implementing the Mississippi plan. In addition, the plan is developmental within 29

CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and to make it fully operative. There are set forth in the proposed plan timetables for the development of a public employee program, personnel training and compliance activities. The plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 587, 1375 Peachtree Street NE., Atlanta, GA, and the offices of the State Board of Health, Division of Occupational Safety and Health, 2628 Southerland Street, Jackson, MI 39205.

3. *Public participation.* Interested persons are hereby given until March 21, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by March 21, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 14th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3193 Filed 2-16-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR OCEANOGRAPHY

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 Oceanography will be held at 9 a.m. on February 22 and 23, 1973, at 1800 G Street NW., Washington, DC 20550 (meeting room locations are indicated in the agenda, below). The purpose of this panel is to provide advice and recommendations (a) concerning support for research in Oceanography; and (b) as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting is as follows:

FEBRUARY 22 SESSION

This session will be devoted to the review and evaluation of pending proposals—Rooms 621 and 642.

FEBRUARY 23 SESSION

1. Review and evaluation of pending proposals—Rooms 621 and 642.
2. Discussion of support of research activities in Oceanography—Room 642.

The entire February 22 session as well as the period covered by agenda item 1 of the February 23 session will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act. The remaining portion of the meeting, covering agenda item 2 of the February 23 session, will be open to the public, beginning at 2:30 p.m. Attendance at this portion of the meeting will be limited to space available.

For further information respecting this panel, contact Dr. Carl J. Lorenzen, Staff Associate, Oceanography Section, Division of Environmental Sciences, Room 317, 1800 G Street NW., Washington, DC 20550. Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

FEBRUARY 9, 1973.

[FR Doc.73-3335 Filed 2-16-73;11:37 am]

ADVISORY PANEL FOR REGULATORY BIOLOGY ET AL.

Notice of Meetings

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of meetings of the following committees including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR REGULATORY BIOLOGY

Date and time of meeting. 9 a.m. on February 22 and 23, 1973.
Location of meeting. Room 338; 1800 G Street NW., Washington, DC 20550.
Agenda. The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Frank P. Conte, Program Director, Regulatory Biology Program, Division of Biological and Medical Sciences, Room 323, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR ECONOMICS

Date and time of meeting. 9 a.m. on February 23, 1973.
Location of meeting. Room 511; 1800 G Street NW., Washington, DC 20550.
Agenda. The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. James H. Blackman, Program Director, Economics Program, Division of Social Sciences, Room 205, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR BIOCHEMISTRY

Date and time of meeting. 9 a.m. on February 23 and 24, 1973.
Location of meeting. Room 517; 1800 G Street NW., Washington, DC 20550.
Agenda. The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Roy L. Kisliuk, Program Director, Biochemistry Program, Division of Biological and Medical Sciences, Room 329, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR BIOPHYSICS

Date and time of meeting. 9 a.m. on February 23 and 24, 1973.
Location of meeting. Room 517; 1800 G Street NW., Washington, DC 20550.
Agenda. The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Eloise E. Clark, Section Head, Molecular Biology Section, Division of Biological and Medical Sciences, Room 329, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR GENETIC BIOLOGY

Date and time of meeting. 9 a.m. on February 23 and 24, 1973.
Location of meeting. Room 321; 1800 G Street NW., Washington, DC 20550.
Agenda. The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Margaret Lieb, Program Director, Genetic Biology Program, Division of Biological and Medical Sciences, Room 326, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL ON THE MATERIALS RESEARCH LABORATORIES

Date and time of meeting. 9 a.m. on February 26, 1973.
Location of meeting. Room 321; 1800 G Street NW., Washington, DC 20550.
Agenda. The agenda will be devoted to the review and evaluation of research proposals.

For further information, contact: Dr. Roman J. Wasilewski, Section Head, Materials Research Laboratory Section, Division of Materials Research, Room 336, 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director for Administration.

FEBRUARY 9, 1973.

[FR Doc.73-3336 Filed 2-16-73;11:37 am]

SCIENCE INFORMATION COUNCIL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Science Information Council will be held at 9:30 a.m. on February 22 and 23, 1973, in Room 338, 1800 G Street NW., Washington, DC 20550. The purpose of the Council, pursuant to Public Law 85-864, is to advise, to consult with, and to make recommendations to the Science Information Service.

The agenda for this meeting will include:

FEBRUARY 22 SESSION—9:30 A.M. TO 5:00 P.M.

1. Welcome and introductory remarks by the Assistant Director for National and International Programs.
2. Remarks by the Director, National Science Foundation.
3. Remarks by the Chairman, Science Information Council.
4. Remarks by the Head, Office of Science Information Service.
5. Presentation on Program Review, by a member of the Council.
6. Presentations on information activities of NSF Directorates.

a. Directorate for Research Applied to National Needs, by the Division Director, Division of Social Systems and Human Resources.

b. Directorate for Research, by the Assistant Director for Research.

c. Directorate for National and International Programs, by the Deputy Assistant Director for National and International Programs.

FEBRUARY 23 SESSION—9:30 A.M. TO 12 NOON

1. Presentation on Economics, by a member of the Council.
2. Presentation on Publications, by a member of the Council.
3. Presentation on Networking for Science, by a member of the Council.
4. Other business.

The meeting shall be open to the public. Attendance will be limited to space available. Persons who may want to attend should notify the Office of Science Information Service by telephone (202-632-5834) prior to the meeting.

For further information concerning the Council, contact Mr. Eugene Pronko, Office of Science Information Service, Room 651, 1800 G Street NW., Washington, DC 20550. Summary minutes of this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

FEBRUARY 9, 1973.

[FR Doc.73-3337 Filed 2-16-73;11:37 am]

DEPARTMENT OF STATE

[Public Notice CM/C-1]

ADVISORY COMMITTEE OF THE FOREIGN SERVICE INSTITUTE

Postponement of Meeting

Several of the public members of the Advisory Committee of the Foreign Service Institute of the Department of State have indicated that they will be unable to attend the second meeting of the Committee originally scheduled for February 26 and 27, 1973. The meeting therefore is postponed until the late spring. The time of the rescheduled meeting will be announced at a later date.

Dated: February 15, 1973.

DONALD C. BERGUS,
Executive Secretary.

[FR Doc.73-3319 Filed 2-16-73;10:54 am]

INTERSTATE COMMERCE COMMISSION

[Notice 181]

ASSIGNMENT OF HEARINGS

FEBRUARY 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-117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now assigned March 20, 1973, at Washington, D.C., is postponed to March 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120364 Sub 3, A & B Freight Line, Inc., now assigned March 20, 1973, at Chicago, Ill., will be held in Room 1992, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 56679 Sub 64, Brown Transport Corp., now being assigned hearing April 11, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 31389 Sub 151, McLean Trucking Co., now being assigned hearing April 16, 1973 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

AB 5 Sub 71, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Kings Creek and Crisfield, Somerset County, Md., now assigned February 21, 1973, at Pocomoke City, Md., will be held at the Public Library, Third and Market Streets.

MC-C-7933, Bekins Van Lines Co.—Investigation and revocation of certificates ______, now assigned February 20, 1973, at Chicago, Ill., February 26, 1973, at St. Paul, Minn., February 28, 1973, at Denver, Colo., March 5, 1973, at Los Angeles, Calif., March 9, 1973, at San Francisco, Calif., March 15, 1973, at Phoenix, Ariz., March 19, 1973, at Jacksonville, Fla., March 23, 1973, at Washington, D.C., April 2, 1973, at Boston, Mass., and April 9, 1973, at Chicago, Ill., are canceled.

MC 13674, Checker Transfer & Storage Co., now being assigned hearing April 2, 1973 (1 week), at Columbia, S.C., in a hearing room to be later designated.

MC-C-7910, Allied Foods, Inc., and Alterman Foods, Inc.—Investigation of Operations and Practices, now being assigned hearing April 9, 1973 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-124796 Sub 97, Continental Contract Carrier Corp., now assigned March 8, 1973, will be held in the Tax Court Room, 1743 Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-29886 Sub 265, Dallas & Mavis Forwarding Co., Inc., MC-124947 Sub 17, Machinery Transports, Inc., now assigned March 12, 1973, will be held in the Tax Court Room, 1743 Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-88300 Sub 30, Dixie Transport Co., application dismissed.

AB 6 Sub 2, Burlington Northern Inc., abandonment between Chariton, Humeston, Lucas, and Wayne Counties, Iowa, now assigned March 19, 1973, will be held at the First State Bank Building, Second Floor, 917 Braden Street, Chariton, IA.

MC 124211 Sub 209, Hilt Truck Line, Inc., now assigned March 26, 1973, will be held in Room 286, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-111424 Sub 4, Shippers Truck Service, Inc., now being assigned hearing April 9, 1973 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC-116544 Sub 129, Wilson Brothers Truck Line, Inc., now assigned February 16, 1973, at New Orleans, La., is canceled and application dismissed.

MC 135725 Sub 7, Fry Trucking, Inc., now being assigned March 22, 1973 (2 days), at Chicago, Ill., will be held in Room 865, Everett McKinley Dirksen Building, 219 South Dearborn Street.

AB-8 Sub 2, Denver & Rio Grande Western Railroad Co. abandonment between Montrose and Ridgeway, Montrose and Ouray Counties, Colo., now being assigned hearing March 26, 1973 (3 days), at Montrose, Colo., in a hearing room to be later designated.

MC-F-11580, North Park Transportation Co.—Purchase—Clarence Shaw, doing business as Saratoga Truck Line (Mary Alice Sjoden, Executrix), now being assigned hearing March 29, 1973 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 123004 Sub 2, The Luper Transportation Co., now being assigned hearing April 2, 1973 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 2890 Sub 43, American Buslines, Inc., Extension—Sterling, Colo., continued March 6, 1973, will be held at the City Office Building, 1115 13th Avenue, Sidney, NE.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3190 Filed 2-16-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 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 on or before March 7, 1973.

FSA No. 42623—*Joint water-rail container rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 5), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, and Macao, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf sea board, on the other.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.73-3189 Filed 2-16-73;8:45 am]

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