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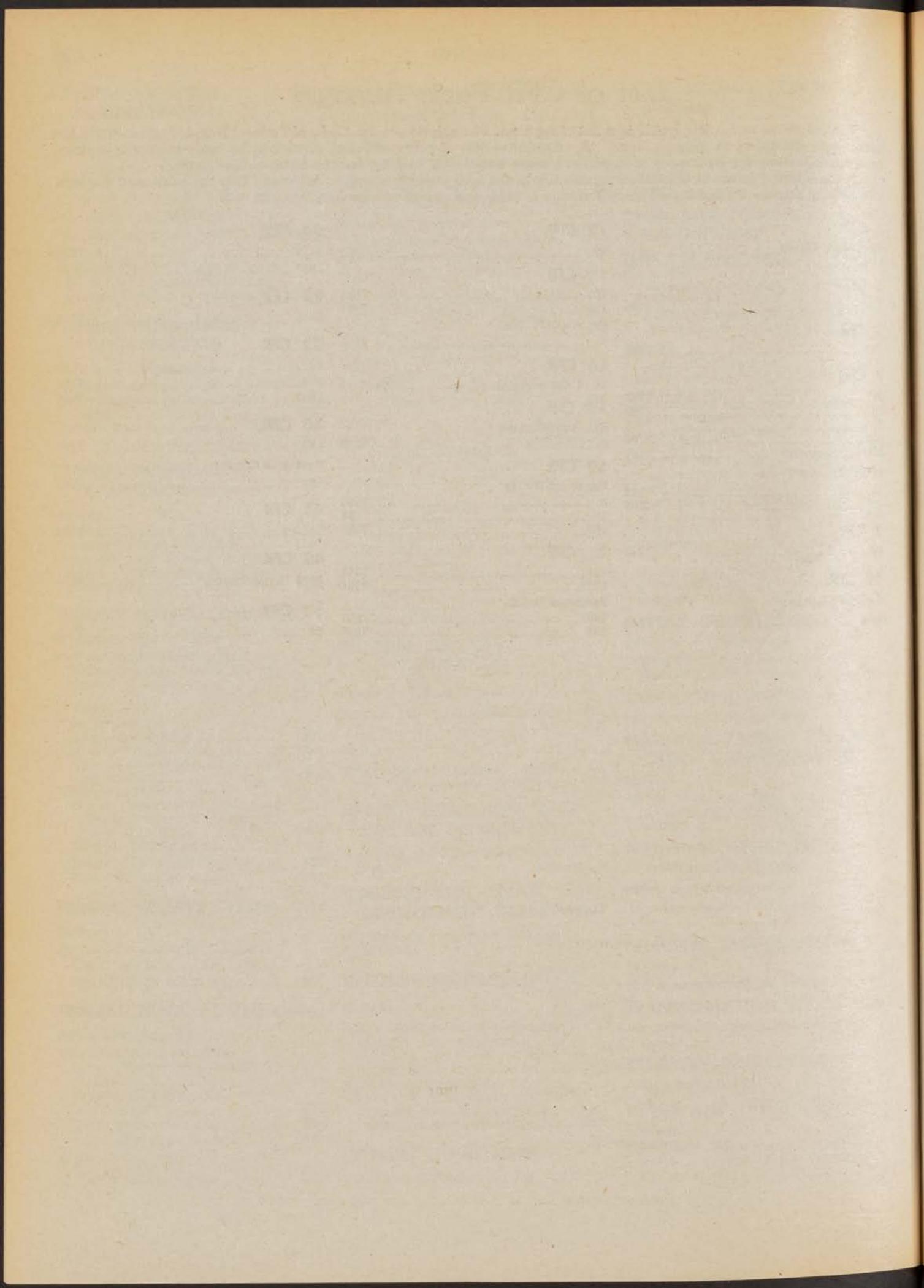
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List of CFR Parts Affected

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

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Title 3—The President

EXECUTIVE ORDER 11667

Establishing the President's Advisory Committee on the Environmental Merit Awards Program

On October 31, 1971, I announced the establishment of the President's Environmental Merit Awards Program. The Administrator of the Environmental Protection Agency and the Commissioner of Education sent letters to high school principals inviting them to participate in this program by establishing local tripartite committees to supervise and direct local Environmental Merit Awards Programs, and to make awards to individual students or groups of students for significant environmental accomplishments by them. These committees were to be composed of students, faculty and interested members of the community.

Today, more than 2,500 high schools, including schools in each of the 50 States, are actively involved in this program.

In view of this encouraging response, I have concluded that I should establish a national committee to advise me of ways in which this program can be further expanded and enhanced and of other ways in which the environmental accomplishments of individuals and groups may be appropriately recognized.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the President's Advisory Committee on the Environmental Merit Awards Program. The Committee shall be composed of a Chairman, to be designated by the President, and such members as the President may, from time to time, appoint.

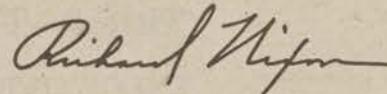
(b) The Committee shall advise the President and the Administrator of the Environmental Protection Agency on ways in which the Environmental Merit Awards Program can be expanded and enhanced. The Committee shall select individuals or groups of individuals who deserve special recognition for their local environmental accomplishments and confer appropriate Environmental Merit Awards upon them on behalf of the President. The Committee shall perform such other related functions as the President may, from time to time, specify.

SEC. 2. No member of the Committee shall receive compensation from the United States by reason of service as a member of the Committee but

THE PRESIDENT

such members may be allowed such travel expenses, including per diem in lieu of subsistence, as may be authorized by law.

SEC. 3. The Environmental Protection Agency shall provide, to the extent permitted by law, administrative support for the Committee and the Environmental Merit Awards Program.



THE WHITE HOUSE,
April 19, 1972.

[FR Doc. 72-6171 Filed 4-19-72;11:20 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that the positions at GS-15 and below on the President's Commission on School Finance having expired of their own terms are no longer excepted under Schedule C.

Effective on publication in the *FEDERAL REGISTER* (4-20-72), paragraph (i) of § 213.3199 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant
to the Commissioners.

[FR Doc. 72-6026 Filed 4-19-72; 8:50 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

On February 15, 1972, notice of proposed rule making regarding revisions to Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets (7 CFR Part 29) was published in the *FEDERAL REGISTER* (37 F.R. 3362).

The aforesaid policy statement and regulations are concurrent and identical statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 U.S.C. 511 et seq.) and the Commodity Credit Corporation

Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 et seq.) and the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U.S.C. 1421 et seq.).

Statement of considerations. The notice of proposed revisions included (1) advancing the closing dates for filing applications to March 15 for Flue-cured and July 15 for Burley; (2) that no oral hearing be held on an application which was denied the previous year, unless the review committee considers it to contain new and substantial evidence of such changed circumstances as would warrant oral hearing; (3) new language further defining and clarifying the time and manner of filing applications and the criteria to be considered in deciding applications; and (4) minor revisions of certain definitions.

Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed revised regulations. No objections to the proposals were received. The proposed revisions provide a more convenient schedule for hearings and decisions on applications for tobacco inspection and price support services, and clarify these regulations in other respects. After consideration of all relevant facts, the Policy Statement and Regulations so proposed are hereby adopted without change and are set forth below.

Effective date. These regulations shall become effective 30 days following the date of publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 12th day of April 1972.

RICHARD E. LYNG,
Assistant Secretary.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets.

Sec.

29.1 Definitions.

29.2 Policy statement.

29.3 Procedures for filing, hearing, and determination of applications.

AUTHORITY: The provisions of this Subpart A issued under sec. 14, 49 Stat. 734, as amended; sec. 4, 62 Stat. 1070, as amended, 7 U.S.C. 511m, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054 as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

§ 29.1 Definitions.

For purposes of this Subpart A, the following terms shall have the following meanings:

(a) "Additional sale" means an additional auction sale proposed to be conducted on a designated market.

(b) "Adequate set of buyers" means 5 or more buyers representing 5 or more companies or buying organizations which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested.

(c) "Auction market" means a marketing center containing one or more warehouses where tobacco is delivered by producers thereof, or their agents, for sale by the auction process. There may be one or more auction sales on an auction market.

(d) "Bona fide auction sale" and "auction sale" mean the buying and selling of tobacco offered by producers by the auction process which customarily and usually consists of an adequate set of buyers; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(e) "Designated market" means an auction market designated by the Secretary under section 5 of the Tobacco Inspection Act.

(f) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) "New market" means an auction market, other than a designated market, at which inspection service under the tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(h) "Hearing Clerk" means the Hearing Clerk of the U.S. Department of Agriculture, Washington, D.C. 20250.

(i) "Kind of tobacco" means any one of the following: Flue-cured, Burley, Fire-cured, Dark air-cured, Maryland or Virginia sun-cured.

RULES AND REGULATIONS

§ 29.2 Policy statement.

Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets and additional sales only as hereinafter provided. Also, since these services shall be made available to new markets and additional sales only as herein provided, referenda incident to market designations shall not be conducted until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market or additional sale will function as a bona fide auction sale, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the proposed new market or additional sale; the roads and road distances involved in moving tobacco to the proposed new market or additional sale in relation to other tobacco marketing centers; the relative availability or congestion of all facilities for redrying and packing tobacco handled or to be handled in the proposed new market or additional sale; the location of other auction markets on which tobacco produced in the marketing area of the proposed new market or additional sale may be marketed; the number of tobacco growers to be affected by the proposed new market or additional sale; the volume of tobacco likely to be sold in the proposed new market or additional sale; the relationship of sales in the proposed new market or additional sale to sales in other auction markets in the producing area for that kind of tobacco; and other economic factors affecting the marketing of tobacco, by growers, in the marketing area of the proposed new market or additional sale and in the producing area for that kind of tobacco, including limitations on sales imposed by any marketing agreement and/or order, or by any other means.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on auction markets designated for free and mandatory inspection shall be given priority over applicants for additional inspection service on a fee basis on other auction markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those auction sales or auction markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary, on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any auction market will be offered through tobacco auction warehouses operating in such market, and, notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any auction market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at Part 1464 of this title.

§ 29.3 Procedures for filing, hearing, and determination of applications.

(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than March 15 in the case of Flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 15 in the case of Burley and all other kinds of tobacco. Applications should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. Applications which are not received by the Hearing Clerk on or before the foregoing cutoff date for the kind of tobacco shall be rejected as untimely filed. After denial of an application for additional inspection and price support services for a marketing season, no application from the same auction market or proposed new market shall be considered for the next consecutive marketing season, unless the application contains a statement by the applicant setting forth new facts that constitute evidence of such a substantial change in conditions since the previous hearing as the review committee as specified in paragraph (h) of this section deems would warrant such further hearing.

(b) *Form and content of application.* The application shall be in writing, shall set forth the grounds for the application and shall be signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed new market or additional sale.

(c) *Hearings on applications.* Following the closing date for filing applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and price support services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin within 50 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, and published in the *FEDERAL REGISTER*, and a copy shall be mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Presiding officer.* The presiding officer at each such hearing shall be a Hearing Examiner of the Office of Hearing Examiners of the U.S. Department of Agriculture or such other employee of the Department of Agriculture as the Secretary may designate to act as presiding officer at such hearing. The presiding officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and, following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of presenting evidence relative to the factors specified in § 29.2(a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The presiding officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the presiding officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed 20 days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the presiding officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service, the Administrator, Commodity Stabilization Service, and a representative of the Office of

the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final: *Provided*, That any determination that additional services will be provided may be reconsidered and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false, or that the new market or additional sale in question is not functioning as a bona fide auction sale. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

[FR Doc. 72-6039 Filed 4-19-72; 8:52 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.80-2 of the Witchweed Quarantine regulations, 7 CFR 301.80-2, as amended, a supplemental regulation designating regulated areas, § 301.80-2a, is hereby amended as follows:

§ 301.80-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

NORTH CAROLINA

(1) Generally infested area.

Bladen County. The entire county.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence north-

west along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence extending north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence north along said road to its intersection with the Duplin and Wayne County line, thence northeast along said county line to its junction with the Duplin and Lenoir County line, thence southeast along said county line to its intersection with State Secondary Road 1005, thence south along said road to its junction with State Secondary Road 1733, thence west along said road to its junction with State Secondary Road 1732, thence south along said road to its junction with State Secondary Road 1735, thence south along said road to its junction with State Secondary Road 1700, thence west along said road to its intersection with Cabin Creek, thence south along said creek to its junction with Limestone Creek, thence south along said creek to its intersection with State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its intersection with the Northeast Cape Fear River, thence northwest along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922,

thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1101, thence southeast along said road to its intersection with State Secondary Road 1102, thence southwest along said road to its junction with State Secondary Road 1126, thence west along said road to its intersection with State Secondary Road 1100, thence southeast along said road to its junction with State Highway 41, thence southwest along said highway to its intersection with the Duplin and Sampson County line, thence northwest and northeast along said county line to the point of beginning.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence north along Hector Creek and State Secondary Road 1111 to its junction with State Secondary Road 1110, thence west along said road to its junction with State Secondary Road 1108, thence southwest along said road to its junction with State Secondary Road 1106, thence north along said road to its junction with State Highway 27, thence northeast along said road to its junction with State Secondary Road 1201, thence north along said road to its junction with Lee-Harnett County line, thence northeast along said county line to the point of beginning.

The Edwards, Charles, farm located on the north side of State Secondary Road 1128, and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Harrington, Luke, farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Harrington, Redin, farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, and said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Jenkins, Cecil, farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The McLeod, Carl, farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Morgan, Robert, farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The Parker, E. O., farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Hoke County. All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Games Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road lying

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within the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to State Secondary Road 1181, thence west along said road to its junction with State Highway 55, thence southwest along said road to Squirrel Creek, thence north and northwest along said creek to the Neuse River, thence west along said river to Dallys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction

with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15-401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highways 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15-401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15-501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Bunch, Archie W., farm located at the intersection of State Secondary Roads 1323 and 1001.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Calhoun, L. E., farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon jump zone.

The King, J. Lloyd, farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Odoms, Hobson, farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east along State Secondary Road 1929 to its intersection with State Secondary Road 1926, thence north along said road to its junction with 1918, thence northeastward along said road to its junction with State Secondary Road 1915, thence southeast and south along said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

(2) *Suppressive area.*

Brunswick County. The Babson, N. L., farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.

The Frink, D. M., farm located on the north side of State Secondary Road 1145 at its junction with State Secondary Road 1147.

The Griffin, John, farm located on the west side of State Secondary Road 1304, and 1.3 miles northeast of junction of said road with U.S. Highway 17.

The Hughes, Luther H., farm located at the end of a farm road on the west side of State Highway 130, which farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.

The Inman, Frank D., farm located on the west side of State Secondary Road 1333 and 0.1 mile north of its junction with State Secondary Road 1328.

The Meares, Hobson, farm located on both sides of State Secondary Road 1165, and 2 miles south of the intersection of said road with U.S. Highway 17 at Thomasboro.

The Register, W. C., farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The Russ, John R., farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The Simmons, W. V., farm located on the west side of State Secondary Road 1333 and

on the north side of its junction with State Secondary Road 1328.

The Smith, B. Coda, farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The Smith, Jessie O., farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.

The Smith, Newman, farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.

The Ward, N. G., farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

Columbus County. The Hickman Bros. farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Long, Ernest H., farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The Prince, J. Carl, farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Prince, Jennings L., farm located at the junction of State Secondary Road 1108 and State Secondary Road 1109.

The Squires, Alva O., farm located on the east side of State Highway 211 and 0.3 mile south of the intersection of said highway with State Secondary Road 1740.

The Suggs, Lacy, farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Watts, Gaddie, farm located on the southwest side of State Highway 904 at a point 136 yards southeast of the junction of said road with State Secondary Road 1127.

Duplin County. The Bostic, F. J., farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The Crow, T. C., farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Faison, I. R., farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Green, Willie, farm located on both sides of State Secondary Road 1971, and 0.6 mile southwest of the junction of said road and State Highway 50.

The Jackson, Emmitt, farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The Johnson, C. M., farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Sidney J., farm located on the east side of State Secondary Road 1718 and 0.2 mile south of the junction of said road and State Highway 41.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kissner, Henry, farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Precythe, Harold, farm located on the east side of U.S. Highway 117 and 0.1 mile

south of the junction of said road and State Secondary Road 1354.

The Summerlin, Oliver, farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

Harnett County. That area bounded by a line beginning at a point where Harnett-Lee County line and State Secondary Road 1201 intersect and extending south on said road to its junction with State Highway 27, thence west on said road 0.4 mile to its junction with State Secondary Road 1106, thence south on said road to its junction with State Secondary Road 1108, thence east on said road to its junction with State Secondary Road 1110, thence southeast on said road to its junction with State Secondary Road 1111, thence extending south along Hector Creek to its junction with the Moore-Cumberland-Harnett County line, thence northwest and northeast along the Moore-Harnett County line to its junction with the Moore-Lee-Harnett County line, thence northeast along the Harnett-Lee County line to the point of beginning.

The Blalock, Clarence J., farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The Blalock, F. P., farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Johnson, Sr., Jonah C., farm located at the junction of State Secondary Road 1553 and 1555. The farm lies in the northeast portion of this junction.

The Parrish, Eddie L., farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The Wagner, W. L., farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Johnston County. The Barefoot, Wade H., farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Beasley, Rufus P., farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Blackman, Dewey, farm located on the south side of State Secondary Road 1146, and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Braswell, J. G., farm located on the east side of State Secondary Road 2519 and 0.4 mile north of the junction of State Secondary Roads 2519 and 2520.

The Davis, I. H., farm located on the southwest side of State Secondary Road 1197 and 0.1 mile southeast of the junction of said road with State Secondary Road 1198.

The Everett, Betty, farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Everett, Jaspar, farm located on a farm road and 0.5 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1008, said junction being 0.8 mile northeast of the

intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Annie, farm located on the west side of State Secondary Road 1138 and 0.5 mile south of its junction with State Secondary Road 1144.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Lee, Blanche, Maye, and Mildred, farm located on the south side of State Secondary Road 1144 and 0.8 mile west of the junction of said road with U.S. Highway 701.

The Martin, Emitt, farm located on the east side of State Secondary Road 2519 and 0.3 mile north of the junction of State Secondary Roads 2519 and 2520.

The McArthur, Margaret, farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The Oliver, Mrs. Beulah, farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, and extending northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eubanks, Eugene, farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The Greene, Earl F., farm located on both sides of State Secondary Road 1127 and 0.9 mile northwest of the junction of said road and State Highway 41.

The McDaniel, W. F., farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Taylor, Mary L., farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland, farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland, farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Williams, Roscoe, farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

Lee County. The Battle, Wilbert, farm located on the north side of State Secondary Road 1188 and 0.3 mile east of the junction of said road with State Secondary Road 1001.

The Douglass, Grady C., farm located in the northeast quadrant of the junction of State Secondary Roads 1188 and 1001.

The Douglass, Grady C., farm located on both sides of State Secondary Road 1188 and 0.5 mile east of the junction of said road with State Secondary Road 1001.

The McGilvary, Aquilla, farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

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The McIntyre, James, farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. The Barwick, Wilson, farm located in the northwest junction of State Secondary Roads 1333 and 1332.

The Bilzard, Robert E., farm located on the south side of State Secondary Road 1105 and 0.3 mile southwest of the intersection of State Secondary Road 1105 and U.S. Highway 258.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

The Carter, Roland, farm located on the east side of State Highway 11 and the south side of State Secondary Road 1113 at the junction of said roads.

The Chambers, Eugene, farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Davis, Earl R., farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Edwards, Kate, farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The Grady, J. D., farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The Grady, W. Clifton, farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Herring, Ben D., farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Nobles, Hugh, farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Rouse, George R., farm located on the southwest intersection of State Secondary Roads 1143 and 1167.

The Smith, Nick, farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Whitfield, James A., farm located on the south side of State Secondary Road 1300 and 0.1 mile east of the junction of State Secondary Roads 1300 and 1305.

The Whitfield, Marietta, farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Whitfield, William R., farm located on the north side of State Highway 55 and 0.2 mile west of the junction of State Secondary Road 1300 and State Highway 55.

The Wood, C. W., farm located on the northwest side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

Montgomery County. The Hoover, Colon, farm located at the end of a dirt road and 0.2 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.9 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Lane, Walter, farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of the said secondary road with the Montgomery-Moore County line.

Moore County. That area bounded by a line where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The Barker, T. M., farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The Bass, M. C., farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The Black, Walter, farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The Bryant, R. E., farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15-501.

The Burnette, Florence, farm located on the northeast side of State Secondary Road 1825 and 0.2 mile northwest of the intersection of said road with State Secondary Road 2005.

The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Currie, Wilbur, farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Faulk, Elijah, farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The Hardy, N. W., farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The Hennings, J. G., Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Jones, Martin, farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Kelley, Herman, farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road with State Secondary Road 1239.

The Laton, William A., farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road with State Secondary Road 2018.

The Martin, Conner, farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The McCrimmon, Grover, farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The McNeill, Lena Bell, farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The McSwain, Carl, farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Page, Jack, farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The Smith, M. L., farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The Thomas, Claude and Ted, farm located on the west side of State Secondary Road 1128 and 0.5 mile northwest of the junction of said road with State Secondary Road 1122.

The Vaughn, A. C., farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The Bryant, Ira, farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The Freeman, John E., farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Henderson, Bill, farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Henderson, Charles, farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Melville, John, Sr., farm located on the east side of State Secondary Road 1434 and 0.4 mile south of its junction with State Secondary Road 1428.

The Morton, Leo E., farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

Pender County. The Armstrong, Willie, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Eakins, Cecil, farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1108.

The Shaw, Katy, farm located on the east side of State Secondary Road 1520 and 8.6 miles north of the junction of said road and State Highway 210.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Taylor, G. S., farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Richmond County. The Autry, J. H., farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Campbell, Daniel, E., farm located on the southeast side of State Secondary Road 1971 and 0.7 mile northeast of the junction of said road with State Secondary Road 2001.

The David, Ethel, farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Dial, Dormic, farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Elzbugar, Charity, farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Halley, Annie, farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Halley, Maria, farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin & Supply Co., farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Harrington, Will, farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Jenkins, Dewey, farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The Jenkins, George W., farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The Jones, W. R., farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Layton, E. D., farm located in the southwest corner of the junction of State Secondary Road 1003 with State Secondary Road 1468.

The Little, John, farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The Long, H. A., farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The Love, John T., farm located in the northeast corner of the junction of State Secondary Road 1442 with State Secondary Road 1477.

The McDonald, Leonard, farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The McLaurin, Etta, farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Mabe, Charlie, farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Mathews, Lizzie, farm located in the southwest quadrant of the intersection of State Secondary Road 1108 and 1971.

The Paul, B. T., farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and North Carolina Highway 38.

The Porter, Mrs. A. W., farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Quick, Douglas, farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Quick, Julius, farm located on the northeast side of State Secondary Road 1992 and 0.8 mile northwest of its junction with State Secondary Road 1994.

The Rush, James, farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Scholl, H. H., farm located on the southwest side of State Secondary Road 1805 and 0.3 mile southeast of its junction with State Secondary Road 1804.

The Scholl, B. W., farm located on the southwest side of State Secondary Road 1805 and 0.5 mile northwest of its junction with N.C. Highway 381.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

The Strong, Marvin, farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Teal, Robert, farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Terry, Tom, farm located on both sides of State Secondary Road 1442 and 0.3 mile northeast of its junction with State Secondary Road 1477.

The Terry, Wade, farm on the west side of State Secondary Road 1424 and 0.4 mile south of its junction with State Secondary Road 1432.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Waddell, A. M., farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Wallace, Talley, farm located on both sides of State Secondary Road 1476 and 0.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Wayne County. The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Caraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Casey, Emma E., farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The Daly, J. B., farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Grant, Maggie, estate located on the west side of N.C. Highway 111 and 1.1 miles south of the junction of State Secondary Road 1730 with said highway.

The Griffin, Oliver H., farm located 0.6 mile north of Dudley and 0.2 mile west of U.S. Highway 117.

The Ham, George E., farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909 and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Herring, Thel, farm located on the west side of State Secondary Road 1711, and

0.4 mile north of its junction with U.S. Highway 70A.

The Hines, J. D., farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The Hollaman, R. J., farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The Hollowell, D. Virgil, farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The Hollowell, H. M. and J. C., farm located at the northwest end of State Secondary Road 1240.

The Hollowell, Mrs. Mattie, farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The Lane, M. Duffey, farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The Lofton, C. L., Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The McClenney, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Murray, D. J., farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The Neal, N. E., farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parker, Worth W., farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Rogers, Charlie, farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The Smith, Olivia, farm located on the southeast side of State Secondary Road 1122 and both sides of State Secondary Road 1124.

The Tart, John, farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Uzzell, Brantley, farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitfield, James Weston, farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitley, Maude and Sarah, farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

The Wise, Ella, farm located on the south side of State Secondary Road 1208 and 1.0 mile west of its junction with State Secondary Road 1209.

RULES AND REGULATIONS

Wilson County. The Francis, Marie G., farm located on both sides of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

The Harrison, J. W. Heirs, farm located 1.5 miles north of Sims on the south side of State Secondary Road 1302 0.8 mile east of the intersection of State Secondary Roads 1302 and 1301.

The Williams, Dafney, farm located on the north side of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

SOUTH CAROLINA

(1) *Generally infested area.*

Darlington County. That area bounded by a line beginning at a point where State Secondary Highway 29 and State Secondary Highway 133 junction, thence extending north along State Secondary Highway 133 to its junction with State Secondary Highway 524, thence east along said highway to its intersection with the Atlantic Coast Line Railroad, thence south along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence west along said highway to the point of beginning.

The Barr, Minnie C., farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Cooper, Robert, farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Cooper, William, farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Daly, Sarah, farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Grandy, B. L., farm located on the south side of a dirt road and 0.9 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Pickett, James and J. W., farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Pickett, Liston J., farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary High-

way 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Robinson, Charlie, farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its intersection with Deep Creek, thence southwest along said creek to its junctions with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junctions with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Edwards, R. L., farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The Holliday, Henry, farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McPherson, R. F., farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of

miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with State Secondary Highway 548, thence west along said highway to its junction with a dirt road, thence west along said dirt road to its junction with State Secondary Highway 78, thence north along said highway to its junction with State Secondary Highway 391, thence northeast along said highway to its junction with U.S. Highway 501, thence southeast along said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Arnett, Henry and D. C., farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, and said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Bowens, Willie, farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of

its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Fowler, Jennie Bell, farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The Fowler, O. R., farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Frye, L. C., farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff community.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Johnson, Mayberry, farm located on the south side of State Primary Highway 917 at its junction with State Secondary Highway 59.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lewis, Boyd, farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff community.

The Lewis, J. T., farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Martin, Daniele E., farm located on the side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Milligan, O. L., farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Page, Mattie C., farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Reynolds, Dick, farm located on the south side of a dirt road and 0.4 mile west

of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Sarvis, Ida B., farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Sarvis, Ida B., farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Shelley, O. R., farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Williamson, Vide, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bass, Phillip, farm located on the west side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Bowen, Gus, farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The Caulk, C. C., farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Chavis, Dewey, farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Graham Lee, farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Homer, farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Conwell, Hossie, farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Croft, Lucille, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Fletcher, Oscar J., farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Hamer, Lois P., farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Joseph, James, farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

RULES AND REGULATIONS

The McCall, Jim, Estate farm located on the south side of a dirt road and 0.4 mile west of its junction with State Secondary Highway 257, said junction being 0.4 mile northeast of the intersection of said highway and State Secondary Highway 165.

The McColl, D. D., Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 283.

The McEachern, Lula, farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The McKay, Cleveland, farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The McQueen, Mable N., farm located on the northwest side of State Secondary Highway 17 and 0.6 mile northeast of its junction with State Secondary Highway 22.

The Odom, Ina, farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The Oxendine, Kay Frances, farm located on the east side of State Primary Highway 79, 0.3 mile south of the junction of said highway and State Secondary Highway 345.

The Parker, D. M., farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Pearson, Archie, farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Queen, farm located on the east side of a dirt road and 0.7 mile southwest of its junction with State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Rainwater, D. C., farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Rogers, John B., farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Rosser, Tony, farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The Smith, James Tyson, farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Spears, James, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Steele, Pauline, farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Talbert, B. F., farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The Walker, R. W., farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

(2) *Suppressive area.*

Chesterfield County. The Campbell, Coyt J., farm located on the south side of a dirt road

and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Chapman, C. S., farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Curry, Henry, Estate farm located on the south side of State Secondary Highway 337 and 1 mile southeast of its junction with State Secondary Highway 144.

The Evans, Jule, farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Funderburk, Abraham, farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Griggs, Fuller, farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Holdbrook, Alton, farm located on the north side of State Secondary Highway 22, and 1.5 miles east of its intersection with State Secondary Highway 20.

The Howle, James Earle, farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Johnson, Clyde, farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Keith, Julius, farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of the latter dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Parker, Elsie J., farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The Rainwater, R. D., farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

Darlington County. The Carrigan, L. F., estate located on the east side of U.S. Highway 52 and 0.2 mile southwest of its junction with State Secondary Highway 133.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Griggs, Bobby, farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Jackson, McLendon, farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The Sanderson, Rebecca F., farm located on the north side of State Secondary High-

way 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Florence County. The Benjamin, Willie, farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Braddy, Elmoreah, farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Burch, Corine Cherry, farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Carroway, Hattie, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Drayfus Development Corp., farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Gause, L. J., farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Gause, Luther, farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Kelly, Boyd, estate farm located on the west side of State Secondary Highway 136 and 1.2 miles northwest of its intersection with State Secondary Highway 35.

The Langston, Jimmy, farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Nowlin, Ed, farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Rogers, F. B., farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Turner, V. A., farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The Yarborough, S. L., farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Marlboro County. The Bell, Nettie, farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Holmes, T. H., farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The Strong, Marvin, farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177. (Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.80-2)

The Deputy Administrator of Plant Protection and Quarantine Programs has determined that witchweed infestations have been found or that there is reason to believe they exist in the civil divisions, parts of civil divisions, or premises in the quarantined States listed above, or that it is necessary to regulate such areas because of their proximity to witchweed infestations or their inseparability for quarantine enforcement purposes from witchweed infested localities. The Deputy Administrator has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Accordingly, such civil divisions, parts of civil divisions, and premises listed above are designated as witchweed regulated areas.

The purpose of this amendment is to delete from regulation the entire counties of Craven and Pitt, and one property each from Duplin, Jones, Lee, and Pender Counties in North Carolina, and the entire counties of Clarendon and Williamsburg in South Carolina. In addition, in North Carolina, Montgomery County is again regulated, and the regulated area extended in the previously regulated counties of Duplin, Harnett, Johnston, Lenoir, Moore, Onslow, Pender, and Richmond.

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

This amendment shall become effective upon publication in the FEDERAL REGISTER (4-20-72).

Done at Washington, D.C., this 13th day of April 1972.

LEO G. K. IVERSON,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc. 72-5995 Filed 4-19-72; 8:46 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—Feed Grain Set-Aside Program for Crop Years 1972-73

On September 11, 1971, notice of proposed rule making regarding determina-

tions with respect to the 1972 crop of feed grains was published in the FEDERAL REGISTER (36 F.R. 18322). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, supersedes for the crop years 1972-73 the regulations governing the Feed Grain Set-Aside Program for Crop Years 1971-73, 36 F.R. 12835, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which feed grain producers may set aside cropland on their farms and earn payments:

1. A new Form ASCS-516 will be used beginning with the 1972 program.

2. Provisions are added under which producers may set aside cropland in addition to the required set-aside (25 percent of the total feed grain base) and earn additional set-aside payments. Barley is a feed grain for 1972.

3. The regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such drug-producing plants on any part of the lands owned or controlled by them are incorporated by reference.

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- 775.21 Performance based upon advice or action of county or State committee.
- 775.22 Prohibition against payments to producers.
- 775.23 Supervisory authority of State committee.
- 775.24 Delegation of authority.

AUTHORITY: The provisions of this subpart issued under sec. 106, 84 Stat. 1368, 7 U.S.C. 1441 note.

S 775.1 General.

(a) The regulations in this subpart provide terms and conditions for the feed grain set-aside program for the 1972 and 1973 crops of feed grains, respectively,

under which payments are made to producers who set aside acreage from the production of any such crop of corn, grain sorghums, and barley (herein called "feed grains") to approved conservation uses and, in addition, maintain the acreage of cropland on the farm devoted in preceding years to soil-conserving uses (herein called "conserving base"), except to the extent that they elect to devote the set-aside acreage to alternate crops in lieu of conservation uses.

(b) If the operator of the farm elects to participate in the program, payments shall be made available to the producers on such farm only if such producers set aside, in accordance with this subpart, an acreage on the farm equal to the sum of the required set-aside and any additional set-aside acreage stated on Form ASCS-516, Intention to Participate and Payment Application (herein called "Form 516").

(c) In accordance with section 101 of the Agricultural Act of 1970 and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the program shall not exceed \$55,000.

(d) The program is applicable throughout the United States except in Hawaii and Alaska.

S 775.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) The following words or phrases shall have the meanings assigned to them in Part 719 of this chapter, as amended: "Acquired farm", "agency", "base period", "combination", "county", "community committee", "county committee", "county office", "county executive director", "cropland", "Department", "Deputy Administrator", "displaced owner", "division", "farm", "operator", "person", "reconstitution", "representative of the county committee", "representative of the State committee", "Secretary", "State executive director", "State committee", and "subdivision".

(b) "Alternate crop" means any of the crops which may be produced on the acreage set aside from production under the conditions specified in § 775.15(g).

(c) "Barley acreage" means:

(1) Any acreage planted to barley, and any acreage of volunteer barley which will be harvested as grain, excluding:

(i) Any acreage of barley approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of barley destroyed by any means or used for other than grain not later than the certification date;

(iii) Any acreage of barley destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

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(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is barley and such acreage meets the requirements of subparagraph (1) of this paragraph as being barley acreage.

(d) "Certification date" means the certification date as set forth in Part 718 of this chapter, as amended.

(e) "Conserving base" means the acreage of cropland on the farm devoted in preceding years to soil-conserving uses as determined under Part 792 of this chapter, as amended.

(f) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(g) "Corn acreage" means:

(1) Any acreage planted to field corn or sterile high-sugar corn, excluding:

(i) Any acreage of corn approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of corn destroyed by any means or used for other than grain or silage not later than the certification date;

(iii) Any acreage of corn destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is corn and such acreage meets the requirements of subparagraph (1) of this paragraph as being corn acreage.

(h) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(i) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(j) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

(k) "Feed grain acreage" means the sum of the corn, grain sorghum, and barley acreages on the farm.

(l) "Feed grain planted and considered planted acreage" means the sum of the corn, grain sorghum, and barley acreages as defined in paragraphs (c), (g), and (m) of this section and:

(1) Any acreage which the county committee determines was not planted to feed grains or failed because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as feed grain acreage (except for new farms) under the provisions of Part 719 of this chapter, as amended, for producers who do not participate and earn a payment under the program;

(3) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the

allotment which is not credited to cotton (except acreage which the county committee determines was not planted to wheat because of drought, flood, or other natural disaster or condition beyond the control of the operator): *Provided*, That wheat in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.5(d)(4); and

(4) Any acreage planted to soybeans for harvest as beans which is not credited to wheat or cotton: *Provided*, That soybeans shall not be considered as planted to feed grains for purposes of § 775.5(d)(4).

(m) "Grain sorghum acreage" means:

(1) Any acreage planted to grain sorghums of a feed grain or dual purpose variety (including any cross which, at all stages of growth, has most of the characteristics of a feed grain or dual purpose variety) and any acreage of sweet sorghums used for silage (haylage is a form of silage), excluding:

(i) Any acreage of grain sorghums approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of grain sorghums destroyed by any means or used for other than grain or silage not later than the certification date;

(iii) Any acreage of grain sorghums destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is grain sorghums and such acreage meets the requirements of subparagraph (1) of this paragraph as being grain sorghum acreage.

(n) "Great Plains Conservation Program" means the program authorized under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, Part 601 of this title, as amended.

(o) "Total feed grain base" means the sum of the feed grain bases established for corn, grain sorghums, and barley for the farm, except that each base shall be excluded that is diverted under CAP or CCP.

(p) "Wheat Set-Aside Program" means the program authorized under title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(q) "Upland Cotton Set-Aside Program" means the program authorized under title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

§ 775.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and ASCS commodity offices. Notices of base acreages and yields shall be mailed to producers. Applications for payments shall be approved by the county commit-

tee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 775.4 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

§ 775.5 Farm feed grain base.

(a) *How obtained.* Except as otherwise provided in this section, the base acreage for each of the commodities—corn, grain, sorghums, and barley—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillage acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. On farms with recognized history of irrigated and nonirrigated feed grain acreage in the base period for establishing yields, the base acreage for each applicable commodity shall be established separately for the irrigated acreage and for the nonirrigated acreage. Separate bases for irrigated acreage and for nonirrigated acreage shall not be established for farms where irrigation is used only in drier years. Commodity base acreages for farms determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon request of the State committee, authorize the State committee to adjust any feed grain base for farms within the State to the extent necessary to establish fair and equitable feed grain bases within such State.

(c) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under the program if there was no feed grain acreage on the farm in 1959 and 1960 unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain base was established in accordance with § 775.212(c)(2) of the 1963 feed grain program regulations, or (3) a new farm base is established in accordance with paragraph (d) of this section.

(d) *New farm base.* (1) The county committee, with the approval of the State committee, shall determine a base (herein called "new farm base") for each eligible farm for which a feed grain base is requested in writing before March 1 of

the current year. Each request shall be made by the farm operator or owner on Form MQ-25, Application for New Farm Allotment or Feed Grain Base, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed by subparagraph (2) of this paragraph have been met.

(2) Eligibility for a new farm base shall be conditioned upon the following:

(i) The farm does not otherwise qualify for a feed grain base for any commodity.

(ii) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a feed grain base is established for the current year.

(iii) The type of soil and topography of the land on the farm for which a base is requested is suitable for the production of the commodity and the production of the commodity on the farm will not result in an undue erosion hazard under continuous production.

(iv) The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) The operator expects to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. Where the farm operator is a partnership, each partner must expect to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. Where the farm operator is a corporation, it must have no major corporate purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive during the current year more than 50 percent of their income, including dividends and salaries, from the production of agricultural commodities or products from farming. In estimating the income of the farm operator from farming, no value shall be allowed for the estimated return from the production of the requested base. However, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm.

The provisions of this subdivision shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from both farming and nonfarming sources, will not provide a reasonable standard of living for the operator and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family.

(vi) The applicant has at least 2 years' experience in the last 5 years producing the commodity for which a base is requested: *Provided*, That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow the feed grain commodity because the applicant was in the armed services or the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest.

(vii) In the case of a farm which includes land returned to agricultural production after being acquired by an agency having the right of eminent domain for which the total feed grain base was pooled pursuant to Part 719 of this chapter, as amended, at least 3 years have elapsed from the date the former owner was displaced from the acquired farm to the date the request for a new farm base is considered.

(viii) If a farm with a feed grain base is reconstituted and the division of the base, as designated by the farm owner, leaves a divided part of the farm with a zero base, such part shall not be eligible for a new farm base for 3 years following the year the division became effective.

(3) In establishing a new farm base, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of feed grain under such system, and shall limit the base to the feed grain acreage planned for the farm for the current year.

(4) Notwithstanding any other provision of this subpart, if the feed grain planted and considered planted acreage for the year a new farm base is established is less than 90 percent of the base, (i) the base for such year shall be reduced to the acreage planted and considered planted to feed grains and payments computed on the basis of such reduced base, and (ii) the total feed grain base for the succeeding year shall be limited to the acreage planted and considered planted to feed grains for the prior year. Bases by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) The total new farm bases approved in a State in the current year shall not exceed 1 percent of the total feed grain base acreage for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1970.

(e) *Restrictive lease adjustment.* A feed grain base determined for any commodity under the preceding provisions of this section shall, for the current year only, be adjusted downward to the acreage permitted under a restrictive lease on land owned by the Federal Government. A feed grain base for any commodity as otherwise determined under the preceding provisions of this section shall

remain subject to reduction as provided in paragraph (f) of this section.

(f) *Reduced bases.* Notwithstanding any other provision of this subpart—

(1) The feed grain base shall be reduced (i) to the extent requested in writing by the farm owner not later than the closing date for filing form 516, and (ii) to zero for farms permanently removed from agricultural production as determined by the county committee.

(2) If the current year's feed grain planted and considered planted acreage is less than 45 percent of the total feed grain base, the feed grain base for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than one-half of the total feed grain base for the current year, but such reduction shall not exceed 20 percent of the total feed grain base. In making any such reduction, commodity bases shall be reduced proportionately. If the feed grain planted and considered planted acreage is zero for 3 consecutive years beginning in 1971, the total feed grain base shall be reduced to zero. However, no feed grain base shall be reduced or lost through failure to plant if all producers elect to limit the acres for payment at the minimum acre set-aside payment rates to the feed grain planted and considered planted acreage as provided in § 775.15(j).

(g) *National pool.* Base acreage eliminated from farms under the provisions of paragraph (f) of this section and acreage removed from the eminent domain pool pursuant to Part 719 of this chapter, as amended, shall be placed in a national pool for distribution and adjustments in accordance with instructions issued by the Deputy Administrator.

§ 775.6 County program yields.

County program yields for the current year are determined for each feed grain producing county in the United States, except for counties in Alaska and Hawaii. They are determined on the basis of the yields established for the county for the preceding crop with such adjustments as are determined necessary to provide fair and equitable yields. The county program yields for the current year are available for inspection in the county ASCS office.

§ 775.7 Farm yields and payment rates.

(a) *Farm yields.* The per acre farm yield for corn, grain sorghums, and barley shall be the county yield for the commodity, adjusted to reflect the farm productivity for the commodity and established in accordance with instruction issued by the Deputy Administrator.

(b) *Minimum set-aside payment rates.*

(1) The minimum set-aside per bushel payment rates for the 1972 crops of corn, grain sorghums, and barley shall be 40 cents, 38 cents, and 32 cents, respectively. The payment rates for the 1973 crops will be announced by amendment to this subpart. (The rates provided herein shall be increased in the event they are determined to be less than the minimum rates required by section 105(b) of the Agricultural Act of 1949, as amended.)

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(2) The minimum acre payment rates for corn, grain sorghums, and barley shall be determined by multiplying the farm yield established for the commodity as provided in paragraph (a) of this section by the payment rates provided in subparagraph (1) of this paragraph.

(c) *Additional acre set-aside payment rates.* The 1972 additional acre set-aside payment rates shall be determined by multiplying the farm yield established for the commodity as provided in paragraph (a) of this section by 52 cents for corn, 49 cents for grain sorghums, and 42 cents for barley for acreage set aside under § 775.11(a), and by 80 cents for corn and 76 cents for grain sorghums for acreage set aside under § 775.11(b). Payment rates for 1973 will be announced by amendment to this subpart if payments for additional set-aside are authorized.

§ 775.8 Notice of base acreages, yields, and payment rates.

Each operator interested in the feed grain crop on a farm for which a feed grain base is established shall be notified in writing of the commodity base acreage, the established yield per acre for corn, grain sorghums, and barley, as applicable, the minimum acre set-aside payment rates, the additional acre set-aside payment rates, and the conserving base for the farm: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of the notice. Such notice will be on Form ASCS-516 (Notice), Notice of Allotment, Base Acreages, Yields, and Rates (herein called "Form 516 (Notice)").

§ 775.9 Reconstitution of farms.

Farms shall be reconstituted and feed grain bases established therefor in accordance with Part 719 of this chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination:* Multiply the commodity base by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of bases for the commodity on the parent farms.

(b) *Division:* Determine a yield in accordance with § 775.7. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

(c) Any Form 516 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form 516 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 516 as specified in § 775.12(c).

§ 775.10 Requirements for eligibility.

(a) *General.* A person is eligible for the program if he is a producer on a farm

which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 516 must be filed for the farm by the operator in accordance with § 775.12.

(2) For 1972, an acreage equal to 25 percent of the total feed grain base must be set aside from production and devoted to approved conservation uses: *Provided*, That a producer whose payments under the program are reduced because of the \$55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions in Part 795 of this chapter, as amended: *Provided further*, That if at least 55 percent of the cropland acreage on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside on the farm.

(3) The acreage set aside from production as stated in Form 516 must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses specified in such part. Acreage designated as diverted or set aside under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) In the case of any farm participating in the CRP, CCP, or CAP, the acreage of feed grains and other non-conserving crops other than approved alternate crops on acreage set aside under this program, the wheat set-aside program, and the upland cotton set-aside program, plus the acreages set aside under such programs, shall not exceed the smallest number of acres of non-conserving crops permitted under the CRP, CCP, and CAP.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of feed grains, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set aside of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(7) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who is landowner, landlord, tenant, or sharecropper shares in the corn, grain sorghums, or barley produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in one or more of these commodities if feed grains had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.11 Additional set-aside.

In addition to the acreage required to be set aside under § 775.10(b)(2), acreage may be set aside for 1972, on other than farms with new farm bases under either but not both of the options provided in paragraphs (a) and (b) of this section.

(a) In addition to the required set-aside, producers may set aside an acreage of cropland up to 10 percent of the corn and grain sorghum bases established for the farm and up to 20 percent of the barley base. Producers may also set aside an additional acreage of cropland equal to 5 percent or 10 percent of the sum of the corn and grain sorghum bases.

(b) (1) In addition to the required set-aside, producers may set aside an acreage of cropland equal to 5 percent of the corn and grain sorghum bases established for the farm and an additional acreage of cropland equal to 5 percent of the sum of the corn and grain sorghum bases. Producers electing to set aside acreage under this paragraph (b) must reduce the 1972 corn and grain sorghum acreage for the farm below the 1971 acreage for such commodities by an acreage equal to twice the amount of acreage set aside under this paragraph.

(2) For the purpose of this paragraph (b), the 1971 corn and grain sorghum acreage shall be the 1971 feed grain planted and considered planted acreage as defined in § 775.2(e) of the regulations governing the 1971 program, 36 F.R. 12835, not to exceed the larger of (i) 50 percent of the 1971 total feed grain base, or (ii) the 1971 corn and grain sorghum acreage as defined in § 775.2 (b) and (c) of the regulations governing the 1971 program, plus acreage which failed and was credited as corn or grain sorghum acreage. Notwithstanding the provisions of the foregoing sentence, when the 1971 feed grain planted and considered planted acreage is from 45 to 50 percent of the 1971 total feed

grain base, the 1971 corn and grain sorghum acreage shall, for the purpose of this paragraph, be increased to 50 percent of the 1971 total feed grain base.

(3) For the purpose of this paragraph (b), the 1972 corn and grain sorghum acreage shall be the acreage defined in § 775.2 (g) and (m) plus any 1972 acreage of popcorn used for livestock feed except where such popcorn is (i) harvested primarily for human consumption and only the residue is pastured or harvested for livestock feed, or (ii) planted for human consumption but no ears are harvested for this purpose solely because of adverse weather conditions.

§ 775.12 Intention to participate in the program.

(a) *Who may file.* A Form 516 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 516 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 516 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish, to the satisfaction of the county committee, that they intended to participate in the program and the failure to file by such date was not due to the fault or negligence of the producers.

(d) *Withdrawal and revision.* The operator may, upon approval of the county committee, withdraw Form 516 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Part 718 and Part 791 of this chapter, as amended. If Form 516 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 516. If the farm is reconstituted or if a revised feed grain base notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice of reconstitution or revised feed grain base to file a new form 516.

§ 775.13 Designation, use, and care of set-aside acreage.

The regulations governing the designation, use, and care of land set-aside from production under this program and approved conservation uses thereon are set forth in Part 792 of this chapter, as amended.

§ 775.14 Determination of compliance.

(a) Determination of the acreage devoted to feed grains and of the acreage designated as set-aside acreage shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning

which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and the acreage which the operator designated as being devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 775.15 Payments.

(a) Payments of any amounts due the producers on a farm shall be made only after they sign Form 516 and the farm operator certifies that the farm is in compliance with the requirements of the program. The certification of compliance after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) Except as provided in paragraph (j) of this section, payments at the minimum acre set-aside payment rates shall be determined by multiplying 50 percent of the feed grain base for each commodity by the applicable per acre farm payment rate as determined in accordance with § 775.7(b) (2).

(d) Payments at the additional acre set-aside payment rates for acreage set aside pursuant to § 775.11(a) shall be determined by crediting the additional set-aside proportionately to each commodity of the base and multiplying the acreage credited by the applicable per acre farm payment rate as determined in accordance with § 775.7(c). Payments at the additional acre set-aside payment rates for acreage set aside pursuant to § 775.11(b) shall be determined by crediting as much of the additional set-aside as possible to the commodity, corn or grain sorghums, with the higher payment rate, not to exceed one-half the amount that the 1972 acreage of that commodity is reduced below the 1971 acreage, crediting the remaining additional set-aside to the other commodity, and multiplying the acreage credited by the applicable per acre farm payment rate as determined in accordance with § 775.7(c).

(e) Payments will be made to producers as soon as practicable after July 1 of the current year.

(f) Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(g) Part or all of the acreage set aside under §§ 775.10(b) (2) and 775.11 may be devoted to approved alternate crops. If a producer elects to devote the set-aside acreage to approved alternate crops, a reduction shall be made in the payments otherwise computed for the farm.

(1) For 1972, the approved alternate crops are castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acreage devoted to approved alternate crops shall be at a fair and reasonable rate as determined in accordance with instructions issued by the Deputy Administrator.

(2) For 1973, the approved alternate crops will be announced by amendment to this subpart.

(h) If a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(i) Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any wheat marketing certificates or upland cotton payments for the farm.

(j) Producers otherwise eligible for payment may elect to limit the acres for payment at the minimum acre set-aside payment rates to the feed grain planted and considered planted acreage in order to protect the feed grain base from reduction due to failure to plant. The acres for payment shall be proportionate to each commodity of the base.

§ 775.16 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 775.17 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of feed grains or would have had an interest as a producer if feed grains had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, the payment shall be issued to the producer who has the interest in the crop at the time of harvest. If the crop is completely destroyed prior to harvest, the payment

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shall be issued to the producer who had the interest at the time of destruction of the crop. In the event no crop is planted for harvest, a fair and equitable division of the payment shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 775.18 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the feed grain set-aside program shall not be entitled to receive payments under the program for the year with respect to which the scheme or device was adopted and shall refund to the Commodity Credit Corporation any payments received by him.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining payments shall render the person liable for a refund to the Commodity Credit Corporation of the payments received by him with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) made a false report of the feed grain, wheat, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified compliance with other provisions of the feed grain, wheat, or upland cotton set-aside programs, or (3) obstructed the county committee's efforts to determine compliance with the feed grain, wheat, or upland cotton set-aside programs, shall not be entitled to receive program benefits under the feed grain set-aside program, the upland cotton set-aside program, and the wheat set-aside program for the year in which such action occurred and shall refund any payment and return any wheat marketing certificates received by him, or in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 775.19 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 775.20 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with

the Appeal Regulations, Part 780 of this chapter, as amended.

§ 775.21 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 775.22 Prohibition against payments to producers.

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

§ 775.23 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.24 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date: Upon publication in the *FEDERAL REGISTER* (4-20-72).

Signed at Washington, D.C., on April 14, 1972.

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

[FR Doc.72-6040 Filed 4-19-72; 8:51 am]

Chapter IX—Agricultural Marketing Service¹ (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 265]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.565 Navel Orange Regulation 265.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Naval Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 18, 1972.

(b) *Order.* (1) The respective quantities of Naval oranges grown in Arizona and designated part of California which may be handled during the period April 21, 1972, through April 27, 1972, are hereby fixed as follows:

- (i) District 1: 913,000 cartons;
- (ii) District 2: 187,000 cartons; and
- (iii) District 3: Unlimited.

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

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

Dated: April 19, 1972.

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

[FR Doc.72-6182 Filed 4-19-72; 11:40 am]

¹ Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

[Valencia Orange Reg. 386]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**Limitation of Handling****§ 908.686 Valencia Orange Regulation 386.**

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

(2) The need for the regulation stems from an appraisal of the current and prospective marketing conditions for Valencia oranges. The production of Valencia oranges in California-Arizona for the 1971-72 season is estimated as of March 21, 1972, at 43,000 carloads—down 2,836 carloads from the 45,386 carloads produced last season. Valencia orange production in District 2 is estimated at 20,500 carloads—down 8,175 carloads from the production of last year.

(i) It is estimated that there will be opportunity to market 20,200 carloads of California-Arizona Valencia oranges in fresh market channels. This amount represents 47 percent of the total estimated available supply of California-Arizona Valencia oranges. The remaining 53 percent of such oranges will be available for utilization in export markets and in processing outlets.

(ii) It is estimated that Valencia oranges produced in District 2 will be of such size that on July 1, 1972, 132 such oranges will pack a carton. Last season it took 150 oranges to pack a carton. It is anticipated that on July 1 only 15.17 percent of the Valencia oranges produced in District 2 will be size 180 and smaller.

(iii) Available information indicates that 180 size and smaller oranges will not provide consumer satisfaction, will cause disruption of orderly marketing, will depress grower returns, which, based on data for March 1972, are only 33 percent of parity. As there are ample supplies of the more desirable sizes (size 163 and larger) to fill all of the anticipated demand for fresh Valencia oranges, it is

determined that the accompanying size regulation should be issued to prevent undesirable size Valencia oranges (size 180 and smaller) from being marketed in fresh market channels.

(3) It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the **FEDERAL REGISTER** (5 U.S.C. 553) in that (i) notice of proposed rule making concerning this regulation, with an effective date as herein specified, was published in the **FEDERAL REGISTER** (37 F.R. 6478) and no objection to this regulation or such effective date was received; (ii) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Valencia Orange Administrative Committee on March 21, 1972, which was held to consider recommendations for regulation, after giving due notice to this meeting, at which interested persons were afforded an opportunity to submit their views; (iii) shipments of Valencia oranges are currently being made and the regulation should be effective on the specified date to be of maximum benefit during the current season; and (iv) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) **Order.** (1) During the period April 28, 1972, through January 15, 1973, no handler shall handle any Valencia oranges grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2," shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 17, 1972.

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

[FR Doc. 72-6038 Filed 4-19-72; 8:51 am]

[Valencia Orange Reg. 388]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**Limitation of Handling****§ 908.688 Valencia Orange Regulation 388.**

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the **FEDERAL REGISTER** (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as herein-after set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 18, 1972.

(b) **Order.** (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 21 through April 27, 1972, are hereby fixed as follows:

- (i) District 1: 22,277 cartons;
- (ii) District 2: 30,106 cartons; and
- (iii) District 3: 150,000 cartons.

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

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

Dated: April 19, 1972.

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

[FR Doc. 72-6183 Filed 4-19-72; 11:40 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Arizona immediately before the reference to "California," and a new subparagraph (a) (5) relating to the State of Arizona is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(5) *Arizona.* All of Yuma County and that portion of Mohave County south of the Colorado River, excluding that portion of the Hualpai Indian Reservation lying in Mohave County.

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

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

The amendment quarantines all of Yuma County and a portion of Mohave County in Arizona because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect

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to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 14th day of April 1972.

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

[F.R. Doc. 72-5994 Filed 4-19-72; 8:48 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 735—EMPLOYEE RESPONSIBILITY AND CONDUCT

A proposal to adopt the provisions of 5 CFR Part 735 was published at 36 F.R. 214 by the Administrator, National Credit Union Administration. That proposal is hereby revoked.

Notice is hereby given that the Administrator, National Credit Union Administration, has received the permission of the Civil Service Commission to adopt the provisions of 5 CFR Part 735. These regulations have been approved by the Civil Service Commission and are hereby made applicable to the employees of the National Credit Union Administration as of February 22, 1972.

This notice is published pursuant to the authority conferred in 5 CFR 735.104(F) (2).

HERMAN NICKERSON, Jr.,
Administrator.

APRIL 13, 1972.

Sec.	
735.101	Adoption of regulations.
735.102	Review of statements of employment and financial interests.
735.103	Disciplinary and other remedial action.
735.104	Gifts, entertainment, and favors.
735.105	Outside employment and other activity.
735.106	Financial interest.
735.107	Miscellaneous statutory provisions.
735.108	Specific provisions of agency regulations governing special Government employees.
735.109	Statements of employment and financial interests.
735.110	Supplementary statements.
735.111	Use of Government property.
735.112	Misuse of information.
735.113	General conduct prejudiced to the Government.

AUTHORITY: The provisions of this Part 735 issued under E.O. 11222; 3 CFR 1964-65 Comp., p. 306; 5 CFR 735.104.

§ 735.101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f) the National Credit Union Administration (referred to hereinafter as the Administration) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: Sections 735.101-102, 735.201a, 735.202 (a), (e), (f), 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.306, 735.403(a), 735.404, 735.405-735.411, and 735.412 (b) and (d).

These adopted sections are modified and supplemented as set forth in this part.

§ 735.102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the General Counsel. When this review indicates a conflict between the interests of an employee of special Government employee of the Administration and the performance of his services for the Government, the General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved the General Counsel shall forward a written report on the indicated conflict to the Administrator, National Credit Union Administration.

§ 735.103 Disciplinary and other remedial action.

An employee or special Government employee of the Administration who violates any of the regulations in this part or adopted under § 735.101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

- (a) Changes in assigned duties;
- (b) Divestment by the employee or special Government employee of his conflicting interest; or
- (c) Disqualification for a particular assignment.

§ 735.104 Gifts, entertainment, and favors.

The Administration authorizes the exception to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)-(4).

§ 735.105 Outside employment and other activity.

(a) An employee of the Administration may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing in advance to the Administrator, or to the Regional Director of a regional employee is involved.

(b) Employees of the Administration may engage in teaching, writing, and lecturing provided, however, employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing or appearance, the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Administration, or which draws substantially on official data or ideas which have not been published or otherwise publicly released by the Administration. The foregoing limitation on

the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

(c) Incompatible activities in which an employee may not engage include, but are not limited to, the following:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

§ 735.106 Financial interest.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts, or appears to conflict with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive Order, this section, or the Administration regulations.

§ 735.107 Special statutory provisions.

The Administration authorizes the adoption of the regulations regarding miscellaneous statutory provisions as set forth in 5 CFR 735.210.

§ 735.108 Specific provisions of Administration regulations governing special Government employees.

(a) Special Government employees of the Administration shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 735.101, except 5 CFR 735.203(b).

(b) Special Government employees of the agency may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the agency authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 735.104.

§ 735.109 Statements of employment and financial interests.

(a) Employees in the following named positions shall submit statements of employment and financial interests:

(1) Deputy Administrator.

(2) Assistant Administrator for Administration.

(b) Each statement of employment and financial interests required by this section shall be submitted to the Ad-

ministrator, National Credit Union Administration, Washington, D.C. 20456.

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the Administration's grievance procedure.

§ 735.110 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement of employment and financial interests on June 30 as required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or the regulations in this part or adopted under § 735.101.

§ 735.111 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 735.112 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 735.113 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

Note: This part was approved by the Civil Service Commission on April 6, 1972, and is effective on publication in the FEDERAL REGISTER (4-20-72).

[FR Doc. 72-5983 Filed 4-19-72; 8:46 am]

that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fortuna, Calif., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143) the Fortuna, Calif., transition area is amended to read as follows:

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC; within 2.5 miles southwest and 3.5 miles northeast of the 129° and 309° bearings from the Rohnerville Airport (lat. 40° 38' 15" N., long. 124° 07' 53" W.), extending from 7.5 miles northwest to 3 miles southeast of the airport, and within 2 miles each side of the Fortuna VORTAC 034° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fortuna VORTAC 229° radial, extending from the VORTAC 18.5 miles southwest of the VORTAC.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 13, 1972.

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

[FR Doc. 72-5986 Filed 4-19-72; 8:47 am]

[Docket No. 11876, Amdt. 135-31]

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

Additional Airworthiness Requirements: Airplanes With 10 or More Passenger Seats

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to establish procedures for the extension of the May 31, 1972, compliance date of § 135.144 which prescribes additional airworthiness requirements for reciprocating engine and turbo-propeller powered small airplanes with a passenger seating configuration, excluding any pilot seat, of 10 seats or more.

Section 135.144 was adopted by Amendment 135-18 and made effective on July 19, 1970. As adopted, the section prohibits, after May 31, 1972, any person from operating a reciprocating engine or turbo-propeller powered small airplane in Part 135 operations that has

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-WE-52]

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

Alteration of Transition Area

On February 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3645) stating

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a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless that airplane is type certificated—

(a) In the transport category;

(b) Before July 1, 1970, in the normal category and meets special conditions issued by the Administrator for airplanes intended for use in operations under Part 135;

(c) Before July 19, 1970, in the normal category and meets the additional airworthiness standards in SFAR No. 23; or

(d) In the normal category and meets the additional airworthiness standards prescribed in Appendix A to Part 135.

In recent months the FAA has learned, through request for exemptions and its own examination, that several operators have encountered difficulty in obtaining the modification kits necessary for achieving compliance with § 135.144 by May 31, 1972. This difficulty is further compounded by the fact that operators who place their orders now are faced with a lead time of 36 weeks for delivery after receipt of the order by the manufacturer. Once the kits are delivered, it is anticipated that a few more months, depending on the size of particular fleets, will be needed to complete installation on all affected airplanes. Furthermore, the FAA is aware of at least two operators who have taken steps to type certificate their airplanes in accordance with § 135.144 but who would, without the extension adopted herein or an exemption, be unable to operate. Accordingly, the FAA believes that it would be in the public interest to prevent the widespread disruption in air taxi service that would occur in the absence of the relief provided by this amendment.

Finally, it appears that several operators have delayed compliance with § 135.144 pending action by the FAA on a request which attempts to show that compliance with certain airworthiness requirements of SFAR 23 can be obtained with modifications less costly than those currently under consideration. Agency action on the substance of that request will be completed in the near future. Because we believe that the request is a good faith attempt to provide an alternate means of compliance, any associated delays in compliance should be accommodated where such action is in the public interest.

Because not all operators are in the same stage of modification, the FAA is of the opinion that an extension of the May 31, 1972 compliance date of § 135.144 that would provide flexibility is appropriate for dealing with individual situations. Accordingly, two new compliance dates have been selected, and will be available to affected operators based on their individual capabilities for compliance with § 135.144. Under this amendment, paragraph (a) of new § 135.144a permits an operator to obtain an extension, until November 30, 1972, of the May 31, 1972 compliance date by applying, prior to May 31, 1972, to the FAA Regional Director having jurisdiction over its operations. Paragraph (a) of § 135.144a requires the certificate holder

to: submit its request to the FAA Principal Maintenance Inspector in the particular region; show that it has prepared and begun a program to modify the airplane in compliance with the additional airworthiness standards of § 135.144 by a certain date; describe what has been accomplished to achieve compliance as of the date of application; and submit a schedule for compliance with each requirement necessary for full compliance with § 135.144.

In order to provide for those operators who are granted an extension under paragraph (a) of § 135.144a but who are unable to achieve compliance with § 135.144 by November 30, 1972, paragraph (b) of § 135.144a permits a further extension until May 31, 1973, if the applicant shows that he has made a diligent effort to achieve compliance prior to November 30, 1972; that his inability to do so is due to circumstances beyond his control; and his request complies with the requirements of paragraph (a).

In view of the imminence of the May 31, 1972 compliance date, and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and that good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective April 20, 1972, by adding a new section immediately following § 135.144 to read as follows:

§ 135.144a Special provisions for extension of the compliance date of § 135.144.

(a) A certificate holder may obtain an extension of the May 31, 1972 compliance date prescribed in § 135.144 until November 30, 1972, from the Director of the FAA Regional Office having jurisdiction over its operations if—

(1) It submits its request for an extension before May 31, 1972;

(2) It submits its request to the FAA Principal Maintenance Inspector in the region having jurisdiction over the certificate holder's operations;

(3) It shows that it has prepared and begun a program to modify the airplane in compliance with § 135.144 by a certain date;

(4) It describes what has been accomplished to achieve compliance as of the date of application; and

(5) It submits a schedule for compliance with § 135.144 with regard to each requirement necessary for full compliance therewith.

(b) A certificate holder granted an extension of the compliance date under paragraph (a) of this section may be granted a further extension of that date, but not beyond May 31, 1973, if—

(1) It submits its request after May 31, 1972, and before November 30, 1972;

(2) Its request complies with the requirements of paragraphs (a) (2) through (5) of this section; and

(3) It shows that due to circumstances beyond its control it cannot comply with

the extended compliance date granted under paragraph (a) of this section.

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

Issued in Washington, D.C., on April 13, 1972.

K. M. SMITH,
Acting Administrator.

[FR Doc. 72-5987 Filed, 4-19-72; 8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2179]

PART 13—PROHIBITED TRADE PRACTICES

Ecology Corporation of America et al.

Subpart—Advertising falsely or misleadingly: § 13.85 Government approval, action, connection or standards; § 13.195 Safety: 13.195-60 Product.

(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, Ecology Corporation of America et al., Paterson, N.J., Docket No. C-2179, March 30, 1972]

In the Matter of Ecology Corporation of America, a Corporation, North American Chemical Corporation, a Corporation, Venet Advertising, Inc., a Corporation

Consent order requiring two Paterson, N.J., corporations selling and distributing Ecolo-G detergent and their New York City advertising agency to cease misrepresenting that their detergent is safe and not hazardous, that no special precautions need be taken when using the detergent, and misrepresenting that any municipal, State or Federal agency has approved the label or any feature of their product.

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

I. It is ordered, That respondent Ecology Corporation of America, a corporation, its officers, representatives, agents, employees, successors and assigns and respondent North American Chemical Corp., a corporation, its officers, representatives, agents, employees, successors and assigns directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Ecolo-G detergent or any other consumer product in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing, directly or by implication, that Ecolo-G, or any other such product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, is safe and not hazardous.

2. Representing, directly or by implication, that no special precautions to avoid harm need be taken when using Ecolo-G, or any other product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, and

3. Representing in any manner that the U.S. Government, or any agency thereof, or any State, municipal or local government, or any agency thereof, has approved the label of such product, or any part thereof, or has approved any feature of such product.

II. *It is ordered*, That respondent Venet Advertising Inc., a corporation, its officers, representatives, agents, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, created and prepared by respondent, for Ecolo-G detergent or any other home laundry products used in the cleaning of clothing in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing, directly or by implication, that Ecolo-G, or any other such product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, is safe and not hazardous.

2. Representing, directly or by implication, that no special precautions to avoid harm need be taken when using Ecolo-G, or any other product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, and

3. Representing in any manner that the U.S. Government, or any agency thereof, or any State, municipal or local government, or any agency thereof, has approved the label of such product, or any part thereof, or has approved any feature of such product.

III. *It is further ordered*, That respondents Ecology Corporation of America and North American Chemical Corp. forthwith cease and desist from disseminating any advertisement for Ecolo-G detergent unless the cautionary statements required by the Food and Drug Administration under the Federal Hazardous Substances Act are clearly and conspicuously disclosed in such advertisement.

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

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

It is further ordered, That each respondent, within sixty (60) days after service upon it of this order, file with the Commission a written report setting

forth in detail the manner and form of its compliance with the order.

Issued: March 30, 1972.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc. 72-5973 Filed 4-19-72; 8:46 am]

[Docket No. C-2178]

PART 13—PROHIBITED TRADE PRACTICES

Marshall Lewis Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15-20 *Business methods and policies*; § 13.60 *Earnings and profits*; § 13.115 *Jobs and employment service*; § 13.260 *Terms and conditions*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions*. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully*.

(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, Marshall Lewis Enterprises, Inc., et al., Jersey City, N.J., Docket No. C-2178, March 30, 1972]

In the Matter of Marshall Lewis Enterprises, Inc., a Corporation Doing Business as Radio Broadcasting Associates, and Dean Lewis, and Stuart Marshall, Individually

Consent order requiring a Jersey City, N.J., firm engaged in producing and co-producing radio shows and program features for radio stations to cease misrepresenting in its newspaper advertising that its courses of instruction will qualify participants as program producers, announcers or disc jockeys, misrepresenting the profits to be made by persons accepting respondents' offers, failing to reveal the costs to applicants prior to their signing a contract for tests and pilot shows, and failing to reveal all other terms and conditions of respondents' operation.

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

It is ordered, That respondents Dean Lewis and Stuart Marshall individually and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the solicitation of members of the general public to enter into contractual agreements to produce or coproduce and/or host radio shows or otherwise solicit contracts for the purchase of respondents' services, facilities, air time, or courses of instruction and training in broadcasting in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting directly or by implication:

(a) That employment is being offered when in fact the purpose is to obtain purchasers of respondents' services, facilities, air time or course of instruction and training.

(b) That the radio shows of respondents' "producers" are to be broadcast over a broadcasting network or networks or otherwise misrepresenting the range of radio transmission of said radio shows.

(c) That the radio shows of respondents' "producers" will be distributed by respondents to radio stations for sale or syndication; that such distributions are successful in terms of selling or syndicating said radio shows and that the "producers" of said radio shows may realize earnings therefrom.

(d) That the course of instruction and training offered by respondents is adequate to qualify participants as program producers, radio program hosts, announcers or disc jockeys.

2. Placing advertisements in newspapers, publications or any other media without a clear disclosure in said advertisements of the full name and address of the advertiser and the business in which the advertiser is engaged.

3. Misrepresenting in any manner the earnings, profits or gains derived or which may reasonably be derived by persons who are accepted by respondents to produce or coproduce and/or host radio shows or otherwise engage respondents' services, facilities, air time or courses of instruction and training in broadcasting.

4. Failing clearly and unqualifiedly to reveal, at the outset of the initial contact with members of the general public, that the purpose of such contact is to induce said members of the public to enter into contractual agreements with respondents to purchase respondents' products, services, or facilities as the case may be which shall be identified and described with particularity, including: the amounts or costs that may be incurred by applicants prior to the signing of a contract for tests, pilot shows or any other service or facility; the total cost of reveal, at the outset of the initial contact by any agreement which may be offered to any applicant; the downpayment required on the signing of a contract and the number, frequency and amount of all payments to be made pursuant to the terms of any contract which may be offered to any applicant.

5. Failing clearly and unqualifiedly to reveal, at the outset of the political contact with members of the general public who may enter into contractual agreements with respondents, all the terms and conditions of each and every type of contract which respondents may ultimately offer to said persons; the circumstances and requirements pursuant to which each type of contract may be offered to any individual and complete details as to the manner and method by which said persons can derive income pursuant to each such contract.

6. Failing clearly and unqualifiedly to disclose orally or by written communication at the outset of the initial contact

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with members of the general public and prior to their entry into contractual agreements with respondents to produce or coproduce and/or host radio shows or engage respondents' services, facilities, air time or courses of instruction and training in broadcasting:

(a) That respondents do not undertake to obtain sponsors or lend any assistance in obtaining sponsors for radio shows of said members of the public.

(b) The percentage of persons who have entered into such contractual agreements with respondents who have obtained sponsors for their radio shows and the average income derived from sponsors for all such persons during the year preceding.

7. Failing to clearly and unqualifiedly set forth in writing in all contracts for the production of radio programs the minimum number of radio programs which must be completed in order to avoid a retroactive increase in each program's production costs and the dollar amount to be paid for each program's production costs or any other costs, retroactively, in the event the contract is canceled prior to the completion of the minimum number of radio programs.

It is further ordered, That respondents deliver a copy of this order to all present and future employees, instructors or other persons engaged in the offering for sale or sale of respondents services, facilities, air time or courses of instruction and training.

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

Issued: March 30, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 72-5974 Filed 4-19-72; 8:46 am]

[Docket No. C-2173]

PART 13—PROHIBITED TRADE PRACTICES

Titan Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; § 13.170 *Qualities or properties of product or service*: 13.170 *Cosmetic or beautifying*; § 13.195 *Safety*: 13.195-60 *Product*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition*; § 13.1710 *Qualities or properties*; § 13.1730 *Results*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1885 *Qualities or properties*; § 13.1890 *Safety*; § 13.1892 *Sales contract, right-to-cancel provision*.

(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, Titan Enterprises, Inc., et al., Chicago, Ill., Docket No. C-2173, March 20, 1972]

In the Matter of Titan Enterprises, Inc., a Corporation, Trading as V.I.P. International Scientific Co., and Anthony J. Damato, Individually and as an Officer of Said Corporation, and Dean Forcucci, Individually

Consent order requiring a Chicago, Ill., corporation engaged in selling surgically-implanted hairpieces to cease making false claims for its PERMATEQUE hair replacement system by misrepresenting that the replaced hair has all the characteristics of natural hair and that no maintenance costs are necessary, respondents are also required to affirmatively disclose that the application of its system involves surgery wherein discomfort, pain and medical problems may occur, they are also required to notify prospective purchasers to consult their personal physicians, no contract shall become binding prior to the third day after execution, nor shall any promissory note be negotiated to a third party until the fifth day after the physician consultation, and each prospective customer shall be notified of his right to cancel any contract within 3 days.

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

It is ordered, That respondents Titan Enterprises, Inc., a corporation, trading as V.I.P. International Scientific Co., or under any other trade name or names, its successors and assigns, and Anthony J. Damato, individually and as an officer of said corporation and Dean Forcucci, individually (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of the Perma-Teque hair replacement system or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the U.S. mails within the meaning of section 12 (a) (1) of the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, teeth, and fingernails and has the following characteristics of natural hair;

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or

skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising and in all oral sales presentations, offering for sale, selling, or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of stainless steel sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of stainless steel sutures in the scalp, and by virtue of the stainless steel sutures remaining in the scalp, there is a high probability of discomfort and pain, and a risk of infection, skin disease, and scarring.

3. The System has been in use for too short a period of time to determine to a reasonable medical certainty the extent or seriousness of the above-described side effects, or whether there are other side effects.

4. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in subparagraph 2 of this paragraph, and such care may involve additional costs for medications and assistance.

5. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures: *Provided however*, That in advertisements which consist of less than 10 column inches in newspapers or periodicals, and in radio or television advertisements with a running time of 1 minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby stainless steel sutures are placed in the scalp. Discomfort, pain and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least 11-point type.

It is further ordered, That respondents provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding paragraph of this order, subparagraphs 1 through 5, thereof, and that respondents require that such prospective purchasers, subsequent to receipt of such disclosure sheet, consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be

done, the probabilities of discomfort and pain, and risks of infection, skin disease, and scarring.

It is further ordered, That no contract for application of respondents' System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician who is not associated, directly or indirectly, financially, or otherwise, with the respondents, or after the day on which said contract for application of the System was executed, whichever day is later, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician or after the day on which said contract for application of the System was executed, whichever day is later.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician, or after the day on which said contract for application of the System was executed, whichever day is later.

4. Respondents shall obtain for each purchaser a certificate signed by the physician who was consulted as required by this order, such certificate specifying that the said physician has explained to the purchaser the nature of the surgery to be done, and has advised him of the probabilities of discomfort and pain, and risks of infection, skin disease and scarring, and specifying the date and approximate time of the consultation; and respondents shall retain all such certificates for 3 years.

It is further ordered, That respondents serve a copy of this order upon each physician participating in application of respondents' System, and obtain written acknowledgment of the receipt thereof. Respondents shall retain such acknowledgments for so long as such persons continue to participate in the application of respondents' System.

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

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dis-

solution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; provided that if said respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

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, signed by such respondents, setting forth in detail the manner and form of their compliance with this order.

Issued: March 20, 1972.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc. 72-5975 Filed 4-19-72; 8:46 am]

[Docket No. C-2177]

PART 13—PROHIBITED TRADE PRACTICES

Union Mortgage Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing*: 13.71-10 *Truth in Lending Act*; § 13.73 *Formal regulatory and statutory requirements*: 13.73-92 *Truth in Lending Act*; § 13.155 *Prices*: 13.155-95 *Terms and conditions*: 13.155-95(a) *Truth in Lending Act*. **Subpart—Neglecting, unfairly or deceptively, to make material disclosure:** § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-75 *Truth in Lending Act*; § 13.1892 *Sales contract, right-to-cancel provisions*; § 13.1905 *Terms and conditions*: 13.1905-60 *Truth in Lending Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Union Mortgage Co. et al., Los Angeles, Calif., Docket No. C-2177]

In the Matter of Union Mortgage Co., a Corporation Doing Business as Union Home Loans, and Stockton Home Mortgage Co., a Corporation Doing Business as Union Home Loans, and Hacienda Home Loans, a Corporation, and Irving Tushner, Individually, and Joseph Seedman, Individually and as an Officer of Said Corporations

Consent order requiring three California companies located in Los Angeles

and Sacramento engaged in arranging loans secured by real property to cease violating the Truth in Lending Act by failing to disclose in its extension of consumer credit the terms annual percentage rate, finance charge, amount financed, the number of installments, any charge for life or property insurance, and other disclosures required by Regulation Z of said Act.

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

It is ordered, That respondent Union Mortgage Co., a corporation, doing business as Union Home Loans or any other name, respondent Stockton Home Mortgage Co., a corporation, doing business as Union Home Loans or any other name, respondent Hacienda Home Loans, a corporation doing business as Hacienda Home Loans or any other name, their officers, and respondent Irving Tushner, individually, and respondent Joseph Seedman, individually and as an officer of respondent corporations, and respondents; agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, extension of "consumer credit," or arranging for "consumer credit" as defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states:

a. The dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) of Regulation Z;

(1) The amount of the loan;

(2) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(3) The amount of the finance charge expressed as an annual percentage rate; and

(4) The sum of the payments.

b. That a specific amount of credit, installment amount, or period of repayment can be arranged unless respondents usually and customarily arrange or will arrange credit amounts on installments for the stated amount and for the stated period, as required by § 226.10(a) of Regulation Z.

c. That loans at a specific annual percentage rate can be arranged unless respondents usually and customarily arrange or will arrange loans at the stated annual percentage rate.

d. Any amount represented to be the amount of credit available to borrowers other than the "amount financed" as defined in §§ 226.2(d) and 226.8(d) (1) of Regulation Z.

2. Failing to disclose the annual percentage rate computed in accordance

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with § 226.5 of Regulation Z to the nearest quarter of 1 percent, as required by §§ 226.8 and 226.10 of Regulation Z.

3. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

4. Failing to print the terms "finance charge" and "annual percentage rate," where required to be used, more prominently than the other terminology required to be used by Regulation Z, as required by § 226.6(a) thereof.

5. Failing to make all the required disclosures in one of the following three ways, in accordance with § 226.8(a) or § 226.801 of Regulation Z.

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "Notice: See other side for important information," with the place for the customer's signature following the full content of the document.

6. Stating, utilizing, or placing any additional information in conjunction with the disclosures required by Regulation Z to be made, which information misleads or detracts attention from the information required by Regulation Z to be disclosed.

7. Failing to identify each creditor in the transaction, as required by § 226.6(d) of Regulation Z.

8. Failing to disclose the date on which the finance charge begins to accrue when different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

9. Failing to disclose the due dates of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

10. Failing to include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any of the following charges incurred by the customer:

a. Any charge for credit life or disability insurance, if a specific dated and separately signed affirmative written indication of the customer's desire for such insurance is not obtained, as provided in § 226.4(a)(5) of Regulation Z;

b. Any charge for property insurance, if a specific statement in writing is not made that the customer may choose the person through whom such insurance is obtained, as provided in § 226.4(a)(5) of Regulation Z;

c. Any charge for servicing extensions of credit or for collecting payments scheduled to repay the customer's indebtedness, as required by § 226.4(a) of Regulation Z.

11. Failing to disclose the amount of the finance charge accurately, as required by § 226.8(d)(3) of Regulation Z.

12. Failing to identify any payment which is more than twice the amount of an otherwise regularly scheduled equal payment as a "balloon payment," or failing to state the conditions under which

that payment may be refinanced if not paid when due, as required by § 226.8(b)(3) of Regulation Z.

13. Failing, when any existing extension of credit is refinanced within the meaning of § 226.8(j) of Regulation Z, to make all disclosures required by Regulation Z to be made as if the refinancing were a new transaction, as required by § 226.8(j) of Regulation Z.

14. Failing, in any transaction in which a security interest is or will be retained or acquired in real property which is used or is expected to be used as the principal residence of the customer, including any transaction required by § 226.8(j) of Regulation Z to be treated as a new transaction, to:

a. Provide each customer who has the right provided by § 226.9(a) of Regulation Z to rescind the transaction with two copies of the notice of right to rescind in the form required by § 226.9(b) of Regulation Z, which notice shall identify the transaction to which the right to rescind relates, as required by § 226.9(b) of Regulation Z.

b. Provide each customer who has the right provided by § 226.9(a) of Regulation Z to rescind the transaction with a copy of all disclosures required under § 226.8 thereof, as required by § 226.6(e) of Regulation Z.

15. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents cease and desist collecting monthly loan service charges on any loans consummated subsequent to July 1, 1969, in which said loan service charge was not disclosed on the truth in lending disclosure statements as part of the finance charge of those transactions.

It is further ordered, That respondents rebate or credit the account of every borrower who obtained a loan through respondents subsequent to July 1, 1969, with the amount of any monthly loan service charge imposed against those borrowers' accounts subsequent to July 1, 1971, in which said loan service charge was not originally disclosed as part of the finance charge of those transactions on the truth in lending disclosure statements provided those borrowers at the time the loans were consummated.

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

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

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

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

Issued: March 24, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5976 Filed 4-19-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

DIETHYLCARBAMAZINE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-380V) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing revised labeling regarding the safe and effective use of diethylcarbamazine including the requirement that the drug be made available only on a prescription basis. The supplemental application is approved.

The order also provides for recodification of the regulation concerning diethylcarbamazine from Part 121 to Part 135c in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135c are amended as follows:

§ 121.214 [Deleted]

1. Part 121 is amended in Subpart C by deleting § 121.214 *Diethylcarbamazine* which is being recodified into Part 135c.

2. Part 135c is amended by adding the following new section:

§ 135c.20 *Diethylcarbamazine*

(a) *Chemical name*. N,N-Diethyl-4-methyl-1-piperazine-carboxamide.

(b) *Specifications.* Each pound of the drug contains 30 grams of diethylcarbamazine (as base).

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is administered to dogs to control large roundworms (*Toxocara canis*). It is added to the daily diet in those areas where roundworms are suspected or known to be a problem.

(2) It is administered daily in meal or moist feeds as follows:

Weight of animal in pounds	Recommended amount per day	Dosage in milligrams
20.....	1/4 level teaspoonful.....	32.....
50.....	1/2 level teaspoonful.....	70.....
100.....	1 level teaspoonful.....	149.....

(3) Dogs with established heartworm infections should not receive diethylcarbamazine until they have been converted to a negative status.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-20-72).

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

Dated: April 12, 1972.

FRED J. KINGMA,

Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.72-6001 Filed 4-19-72;8:48 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

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Los Angeles	Glendora	I 06 037 1440 03 through I 06 037 1440 05	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802.	Office of the City Clerk, Glendora City Hall, 118 East Foothill Blvd., Glendora, CA 91740.	Apr. 21, 1972.
Do.	do.	Monterey Park	I 06 037 2260 03 through I 06 037 2260 06	California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	do.	Do.
Do.	San Bernardino	Upland	I 06 071 4000 03 through I 06 071 4000 08	do.	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, CA 91754.	Do.
Kansas	Butler	El Dorado			City Administrative Offices, 123 East D St., Upland, CA 91786.	Do.
Minnesota	Washington	Afton	I 27 163 0040 02 through I 27 163 0040 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101.	Afton Village Hall, Afton, Minn. 55001.	Do.
Missouri	Monroe	Paris	I 27 169 7660 03 through I 27 169 7660 07	Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the Planning Director, Room 8, Municipal Bldg., Winona, Minn. 55987.	Do.
New Jersey	Bergen	Lodi		do.		Do.
New York	Erie	Evans				Do.
Pennsylvania	Dauphin	Harrisburg				Do.
Do.	Montgomery	Hatfield Township				Do.
Rhode Island	Newport	Jamestown	I 44 005 0100 03 through I 44 005 0100 04	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907.	Office of the Town Clerk, Town of Jamestown, Jamestown, R.I. 02835.	Do.
Rhode Island	do.	do.		Rhode Island Insurance Division, 169 Weybasset St., Providence, RI 02903.		Do.
Wisconsin	Buffalo	Fountain City	I 55 011 1770 01 through I 55 011 1770 02	Department of Natural Resources, Post Office Box 450, Madison, WI 53701.	Office of the City Clerk, 615 South Main St., Fountain City, WI 54629.	Do.
				Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.		

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

Issued: April 13, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-5946 Filed 4-19-72;8:45 am]

RULES AND REGULATIONS

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	
California	Los Angeles	Glendora	H 06 037 1440 03 through H 06 037 1440 05	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802.	Office of the City Clerk, Glendora City Hall, 116 East Foothill Blvd., Glendora, CA 91740.	Nov. 6, 1970.	
Do.	do	Monterey Park	H 06 037 2260 03 through H 06 037 2260 06	do	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, CA 91754.	Oct. 17, 1970.	
Do.	San Bernardino	Upland	H 06 071 4000 03 through H 06 071 4000 08	do	City Administrative Offices, 123 East D St., Upland, CA 91786.	Jan. 8, 1971.	
Kansas	Butler	El Dorado	H 27 163 0040 02 through H 27 163 0040 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101.	Afton Village Hall, Afton, Minn. 55001.	Apr. 21, 1972.	
Minnesota	Washington	Afton	H 27 163 0040 02 through H 27 163 0040 05	Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Afton Village Hall, Afton, Minn. 55001.	Mar. 24, 1971.	
Do.	Winona	Winona	H 27 169 7660 03 through H 27 169 7660 07	do	Office of the Planning Director, Room 8, Municipal Bldg., Winona, Minn. 55987.	June 17, 1970.	
Missouri	Monroe	Paris				Apr. 21, 1972.	
New Jersey	Bergen	Lodi				Do.	
New York	Erie	Evans				Do.	
Pennsylvania	Dauphin	Harrisburg				Do.	
Do.	Montgomery	Hatfield Town-ship				Do.	
Rhode Island	Newport	Jamestown	H 44 005 0100 03 through H 44 005 0100 04	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907.	Office of the Town Clerk, Town of Jamestown, Jamestown, R.I. 02835.	Nov. 20, 1970.	
Wisconsin	Buffalo	Fountain City	H 55 011 1770 01 through H 55 011 1770 02	Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701.	Office of the City Clerk, 615 South Main St., Fountain City, Wis. 54629.	Mar. 27, 1971.
				Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.			

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

Issued: April 13, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 72-5947 Filed 4-19-72; 8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 479-72]

PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart H—Antitrust Division

CONSUMER AFFAIRS LITIGATION; SPECIAL FUNCTIONS

This order updates the Department of Justice regulations assigning responsibility for certain consumer affairs litigation to the Antitrust Division.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, Subpart H of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

Section 0.41 is amended by revising paragraph (b) and by adding a new paragraph (h) to read as follows:

§ 0.41 Special functions.

(b) Upon appropriate certification by the Federal Trade Commission the institution of civil or criminal proceedings to impose penalties for violations of the unfair or deceptive practices provisions of the Federal Trade Commission Act.

(h) All litigation arising under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Child Protection and Toy Safety Act of 1969 (15 U.S.C. 1261, 1261 note, 1262, and 1274), the Automobile Information

Disclosure Act (15 U.S.C. 1231 et seq.), the Federal Cigarette Labeling and Advertising Act as amended by the Public Health Cigarette Smoking Act (15 U.S.C. 1331 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), the Federal Caustic Poison Act (15 U.S.C. 401 note), sections 112, 619, and 620 of the Consumer Credit Protection Act (15 U.S.C. 1611, 1681q, and 1681r), the Wool Products Labeling Act of 1939 (15 U.S.C. 68 et seq.), the Fur Products Labeling Act (15 U.S.C. 69 et seq.), and the Textile Fiber Products Identification Act (15 U.S.C. 70 et seq.).

Dated: April 13, 1972.

RICHARD G. KLEINDIENST,
Acting Attorney General.

[FR Doc. 72-6019 Filed 4-19-72; 8:49 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 60—DEPARTMENT OF DEFENSE DRUG ABUSE TESTING PROGRAM

The Assistant Secretary of Defense (Health and Environment) approved the following:

Sec.
 60.1 Purpose.
 60.2 Applicability.
 60.3 Policy and responsibilities.
 60.4 Periodic review.
 60.5 Testing criteria and geographic areas of responsibility.

AUTHORITY: The provisions of this Part 60 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 60.1 Purpose.

This part establishes requirements for a systematic drug abuse testing program of military personnel on extended duty; to provide for early identification of individuals who require treatment and rehabilitation; to develop improved data on prevalence rates of drug abuse by area; and to provide a degree of deterrence for certain individuals.

§ 60.2 Applicability.

The provisions of this part apply to the Departments of Army, Navy, and Air Force.

§ 60.3 Policy and responsibilities.

(a) **General.** All members of the United States Army, Navy, Marine Corps, and Air Force on extended active duty will be screened annually using a method of random testing. Biochemical testing of urine samples is the acceptable screening method, with tests sufficiently sensitive to identify to a high degree of certainty those individuals who, at the time of testing, are excreting the drugs in question. Since biochemical tests cannot differentiate drug abusers from legitimate users, medical evaluation is essential to arrive at a diagnosis. Thus, for those individuals who may be identified as positive through the biochemical screen, medical evaluation provides the only means of differentiating drug dependent individuals, casual drug abusers, legitimate drug users, and false positives.

(b) **Characteristics and establishment of the random testing program.** (1) The overall objectives of the random testing program are to provide a deterrent effect on experimental and casual users, and enable earlier detection of drug abusers thereby enhancing their recovery from the drug abuse syndrome prior to serious physical or psychological deterioration.

(2) The detection rate is calculable in advance as a function of the number of days per year an individual uses drugs and the proration of tests performed on each man per year. This program will generate data which may also be used to identify drug abuse trends, and geographic risk areas. Also the frequency

of testing may be increased to better the odds of detecting an individual during his most vulnerable periods of service.

(3) The concept of the random testing program establishes a procedure to attain the maximum realistic detection capability within certain prescribed criteria. Although the guidance contained in Optimized Method of Random Testing, DASD(DAA) No. 1-72¹ is of a detailed nature, its provision is for information and assistance only. The services are authorized to develop their own random testing program utilizing the following criteria:

- (i) Ensure a relatively constant workload on the urine testing labs.
- (ii) Provide a completely random system of selecting those to be tested so that an individual's chances for testing will remain relatively constant throughout the year.
- (iii) Be completely unannounced to the individuals tested.
- (iv) Be invulnerable to prediction by the subjects based upon historical analysis.
- (v) Be capable of adjusting to changing requirements.
- (vi) Use the testing frequencies prescribed in § 60.5 for guidance.

(c) **Laboratory methodology.** The military departments will develop standardized laboratory procedures for detection of users of drugs of abuse consistent with the following:

(1) Determine the specific gravity on each sample. Individuals whose samples are found to be less than 1.010 specific gravity will be required to submit another specimen for testing.

(2) Collect urine specimens for testing under direct observation, minimum volume 50 milliliters, properly label for positive identification and forward to the laboratory under secure conditions without preservation or refrigeration to arrive within 5 days of specimen collection.

(3) For drug screening, apply a single set of drug detection sensitivity levels, regardless of the screening method used, as follows:

(i) Total Morphine—0.5 microgram/milliliter

(ii) Methadone/Codeine—1.0 microgram/milliliter

(iii) Amphetamines—5.0 microgram/milliliter

(iv) Barbiturates—1.0 microgram/milliliter

(4) For laboratory confirmation use gas liquid chromatography.

(5) The laboratory will report electronically, within 48 hours of receipt of the specimen, confirmed positive results to the originating agency for medical evaluation. A written follow-up report of results will be provided on all specimens received.

(d) **Quality control.** Pursuant to authority in 37 F.R. 3772, Secretary of the Army is designated the Executive Agent for coordinating quality control of the drug detection program of the military

departments. The objective is to establish a single quality control program applicable to all in-service laboratories of the military departments and to civilian contract laboratories, with the quality control activity performed by the Armed Forces Institute of Pathology. Each of the services will support as necessary the Army's function as quality control agent for the triservice urine testing program. The provisions of the Armed Services Procurement Regulations 32 CFR 1-30 will be observed in contractual arrangements with civilian agencies.

(e) **Geographic area testing responsibilities.** The assigned geographic areas of responsibility for drug testing are shown in Section II of § 60.5(b) below. Since they vary in their drug prevalence and military populations, a redistribution of testing assignments may be made in the future. The designated drug risk areas and frequency of testing shown in the Testing Criteria (§ 60.5 (a)) were determined in accordance with drug abuse experience or predicted drug availability.

(f) **Service personnel to be tested.** (1) All members of the Army, Navy, Marine Corps, and Air Force on extended active duty will be tested in accordance with random methods to at least the minimum frequencies prescribed herein. In addition, certain mandatory event testing is required:

- (i) Initial entry into active duty.
- (ii) DEROs (Vietnam and Thailand).
- (iii) First reenlistments.

(2) The following types of military personnel are classified as high risk, for testing purposes, and shall be tested at a more frequent rate:

(i) Drug rehabilitants undergoing treatment at rehabilitation centers.

(ii) Staff members supporting rehabilitation efforts.

(iii) Rehabilitatees on return to duty.

(3) Schedules of testing for the foregoing are included in testing criteria (§ 60.5(a)).

§ 60.4 Periodic review.

Review of the testing program will be conducted on a semiannual basis with notice provided by ASD(H&E) on his designee. For planning purposes the first review will be a triservice conference scheduled for July 1972.

§ 60.5 Testing criteria and geographic areas of responsibility.²

(a) **Testing criteria.**—(1) **Random testing frequency.** (i) High Risk Areas—Average 3.0 Tests Per Person/Year:

(a) Vietnam

(b) Thailand

(c) Philippines

(d) Okinawa;

(ii) Moderate Risk Areas—Average 1.6 Tests Per Person/Year:

(a) Korea

¹ Filed as part of original. Extra copies available from each military service.

² Illustrative map—filed as part of original.

RULES AND REGULATIONS

(b) West Coast CONUS³
 (c) Northeast Coast CONUS⁴
 (d) Taiwan;
 (iii) Minimum Risk Areas—Average 1.2 Tests Per Person/Year. All other geographical areas not listed above.

(2) *Mandatory event testing.* (i) Initial entry into Service and first reenlistment.

(ii) DEROs—Vietnam and Thailand.
 (iii) Drug rehabilitation patients—a minimum of two tests per week.

(iv) Drug rehabilitation staff—one test per week, date selected randomly.

(v) Rehabilitatees on return to duty—twice a month for the first year after return to duty.

(vi) Commanders are allowed the flexibility of implementing tests peculiar to local areas or for local determined needs providing the military service responsible for the geographic area testing agrees that laboratories supporting such tests are capable of handling the extra load.

(b) *Geographical areas of responsibility.*

	Army	Navy	Air Force	Total
Conus ¹	1,070,218	1,383,838	802,646	3,346,702
Europe			415,940	415,940
Pacific	838,155			838,155
Total	1,908,373	1,383,838	1,308,586	4,600,797

¹ Navy figure includes US SOUTHCOTM.

MAURICE W. ROCHE,
 Director, Correspondence and
 Directives Division, OASD
 (Comptroller).

[FR Doc. 72-6025 Filed 4-19-72; 8:50 am]

SUBCHAPTER F—TRANSPORTATION

PART 178—TRANSPORTATION AND TRAFFIC MANAGEMENT

The Deputy Secretary of Defense approved the following revision to Part 178.

Sec.

178.1 Purpose and applicability.

178.2 Responsibilities.

178.3 Policies.

AUTHORITY: The provisions of this Part 178 issued under 5 U.S.C. 301 and 10 U.S.C. 2202.

§ 178.1 Purpose and applicability.

(a) This part promulgates general policies governing the use of Department of Defense (DoD)-owned transportation capability and the use of commercial transportation for the movement of cargo (including personal property) and passengers.

(b) The provisions of this part apply to all components of the DoD.

§ 178.2 Responsibilities.

The Assistant Secretary of Defense (Installations and Logistics) shall be responsible for:

(a) Establishing policies and providing guidance to DoD components concerning (1) the efficient and effective use of DoD and commercial transportation resources, and (2) the establishment and operation of Transportation Single Manager Agencies.

³ California, Oregon, Washington.

⁴ Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island.

(b) Assuring that all DoD components are guided by and pursue policies which are consistent with applicable statutes and relevant decisions and rulings of the courts, the Office of Management and Budget, and transportation regulatory bodies.

§ 178.3 Policies.

(a) *Control and organization of transportation resources.* DoD transportation resources shall be so organized and managed as to assure optimum responsiveness, efficiency, and economy in support of the defense mission.

(b) *The DoD-owned transportation force.* There shall be maintained and operated in peacetime sufficient DoD-owned transportation resources to meet approved DoD emergency and wartime requirements, having due regard for available commercial transportation. These transportation resources will be used in peacetime to provide essential training for operational personnel and for logistic needs as appropriate to assure military effectiveness in support of national defense policies. The military capability generated thereby will be utilized in the most efficient and effective manner possible.

(c) *Selecting the means of transportation—(1) General.* The means of transportation selected shall be that which will meet DoD requirements satisfactorily at the lowest overall cost from origin to the final known destination (in CONUS or overseas). In determining the lowest overall cost, consideration shall be given to the extent to which expedited movement will contribute to economies through reduction in pipeline or stored supplies, personnel travel time, or other factors such as shipment preparation costs or reduction of loss or damage to cargo. In addition, the benefits of routing cargo to enable (i) consolidation of shipments and (ii) distribution of fixed costs through the use of government controlled resources shall be considered.

(2) *Foreign flag ships.* (i) Foreign flag ships will not be used for DoD traffic except to the extent necessary to meet military requirements when U.S. flagships are (a) not available or (b) available only at prices higher than private persons are charged.

(ii) No cargoes financed by the Department of Defense will be shipped from the United States on a foreign-flag ship which has called at a (a) Cuban port on or after January 1, 1963, or (b) North Vietnam port on or after January 25, 1966, unless the Secretary of Commerce, after consultation with the Secretary of State, has made a specific exception therefor.

(3) *Foreign-flag air carriers.* Foreign-flag air carriers will not be used for DoD traffic (cargo and passenger) except when (i) U.S.-flag air carriers are not available or capable of satisfying the transportation requirement, or (ii) foreign-flag air carriers will accept payment in excess or near-excess U.S.-owned foreign currencies which U.S.-flag carriers will not accept (DOD Instruction

7360.9, "Use of United States-owned Foreign Currencies", July 2, 1971).¹

(d) *Explosives and other dangerous articles.* (1) Shipments of explosives and other dangerous articles shall conform to applicable requirements established by statute or by regulatory bodies having responsibility over such traffic.

(2) Shipments will not knowingly be tendered for transportation in a manner, form, or under conditions which will result in a carrier violation of any of the above-mentioned requirements.

(3) Any proposed DOD requirement governing the movement of explosives or other dangerous articles which is more restrictive than or exceeds such requirements must be submitted to the Assistant Secretary of Defense (Installations and Logistics) for approval.

(e) *Negotiations for commercial transportation.* (1) The appropriate Transportation Single Manager or Military Department (DOD Directives 5160.2 (published at 32 F.R. 6291), 5160.10 (published at 32 F.R. 6300 and 32 F.R. 11387), 5160.53 (published at 32 F.R. 6295)) and DOD Instructions 4500.2, "Land Transportation in Overseas Areas," August 17, 1954¹ and 4500.17, "Proceedings Before Transportation Regulatory Bodies," January 16, 1969¹ shall (i) maintain a continuing review of applicable charges to assure that they are fair and reasonable for the DOD traffic to which they apply, and (ii) take appropriate action to obtain proper relief from those which are found to be unfair or unreasonable.

(2) In negotiations involving general rate and service matters or competitive procurement the responsible DOD element will assure that all qualified carriers are afforded an opportunity to participate on an equal basis.

(3) In negotiating for rates or services, a guarantee of tonnage apart from the contract for specific services shall not be made to individuals carriers or carrier groups or associations. This will not preclude dissemination of information as to potential movements if such information does not compromise national security.

(f) *Non-DOD use of DOD transportation.* (1) DOD transportation may be authorized for other than DOD missions when:

(i) U.S. commercial carriers cannot meet the official national interest requirements of other U.S. Government agencies, space is available on DOD transportation resources, and use of such resources will not impair the defense mission. Reimbursement will be at a rate computed to recover all costs except those related to military personnel and capital investments, in accordance with DOD Directive 7410.4, "Regulations Governing Industrial Fund Operations", January 2, 1970.¹

(ii) The Head of a Federal executive department or agency certifies that U.S.

¹ Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

commercial carriers are not available to meet the national interest requirement of non-U.S. Government traffic or the service is justified by reason of statute, public health, or safety. Reimbursement by the organization or individual concerned will be at a rate computed to cover full costs to the U.S. Government, including military personnel costs and/or depreciation allowances for capital investments, in accordance with DOD Directive 7410.4, "Regulations Governing Industrial Fund Operations." January 2, 1970,¹ but shall not be lower than comparable commercial rates.

(2) Requests for such DoD transportation will be submitted to the Secretary of Defense or the Secretaries of the Army, Navy, or Air Force, and must include a certification as to the need therefor and the nonavailability of commercial transportation. When the danger to public health or safety is of such imminent seriousness as to preclude obtaining such approval, the appropriate commander will take such action as the circumstances require, with notification to the appropriate Secretary; however, the transportation will be furnished with the understanding that the DoD will be reimbursed unless reimbursement is subsequently waived by the Assistant Secretary of Defense (Comptroller).

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Comptroller).

[FR Doc. 72-6005 Filed 4-19-72; 8:50 am]

**Chapter XVIII—Office of Civil Defense,
Office of the Secretary of the Army**
**PART 1807—CONTRIBUTIONS FOR
CIVIL DEFENSE PERSONNEL AND
ADMINISTRATIVE EXPENSES**

Cash Advances

Section 1807.10 is revised to read as follows:

§ 1807.10 Advances.

(a) States may obtain cash advances of the Federal contribution by drawing payment vouchers against letters of credit in accordance with procedures established by OCD. Each drawdown on a letter of credit shall be initiated at approximately the same time that the recipient State, or its participating political subdivision is to disburse its funds in payment of eligible civil defense personnel and administrative expenses, and shall be in the amount required to cover the Federal share of such imminent disbursement. Neither the State nor any of its political subdivisions shall accumulate Federal funds beyond the amounts needed for immediate disbursement.

(b) Unlike the States, political subdivisions are required to return to the Federal Government interest earned on advances. Proper use of the drawdown procedure should preclude the accrual of interest on funds drawn by a State or any of its political subdivisions. Fail-

¹ Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

ure to observe the time and amount limitations on drawdowns or to meet the reporting requirements established by OCD may result in revocation of the unobligated portion of the letter of credit.

(c) Advanced funds must be separately identified and properly accounted for as Federal funds in the fund accounts of the State and, where applicable, its political subdivisions. The Director of Civil Defense and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a Federal contribution or to an advance of Federal funds.

(64 Stat. 1255, 72 Stat. 533, 50 U.S.C. App. 2253, 2286; Reorg. Plan No. 1 of 1958, as amended, 72 Stat. 1799-1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Establishment of the Office of Civil Defense and Delegation of Authority Regarding Civil Defense Functions, published 10 April 1964, 29 F.R. 5017)

Effective date. This amendment is effective immediately.

Dated: April 11, 1972.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc. 72-5972 Filed 4-19-72; 8:46 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

O-Ethyl S,S-Dipropylphosphorodithioate

A petition (PP 2F1204) was filed by Mobil Chemical Co., Industrial Chemicals Division, Post Office Box 677, Richmond, VA 23208, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide O-ethyl S,S-dipropylphosphorodithioate in or on the raw agricultural commodities sugarcane and sugarcane fodder and forage at 0.02 part per million (negligible residue).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

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

1. The insecticide is useful for the purpose for which the tolerances are being established.
2. The proposed use is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry.

The use is classified in the category in § 180.6(a)(3).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.262 is revised to read as follows:

§ 180.262 O-Ethyl S,S-dipropylphosphorodithioate; tolerances for residues.

Tolerances are established for negligible residues of the insecticide O-ethyl S,S-dipropylphosphorodithioate in or on the raw agricultural commodities bananas, corn grain, corn fodder and forage, fresh corn including sweet corn (kernels plus cob with husk removed), peanuts, peanut hay, pineapples, pineapple fodder and forage, soybeans, soybean forage and hay, sugarcane, sugarcane fodder and forage, and sweetpotatoes at 0.02 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4-20-72).

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

Dated: April 12, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc. 72-5969 Filed 4-19-72; 8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-25—GENERAL

Subpart 101-25.1—General Policies

TIRE IDENTIFICATION PROGRAM

This amendment clarifies the policy with regard to tire recordkeeping required of motor vehicle manufacturers.

RULES AND REGULATIONS

Section 101-25.110-3 is revised as follows:

§ 101-25.110-3 Tires accompanying new motor vehicles.

The tire identifications and record-keeping regulations issued by the Department of Transportation require each motor vehicle manufacturer or his designee to maintain a record of tires on or in each vehicle shipped by him together with the name and address of the first purchaser.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4-20-72).

Dated: April 14, 1972.

HAROLD S. TRIMMER, Jr.,
Acting Administrator
of General Services.

[F.R. Doc. 72-6014 Filed 4-19-72; 8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1030-A]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized to Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of April 1972.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211, 15250; 35 F.R. 5334, 10661, 15294; 36 F.R. 5978, 11999, 19370, 25423), and good cause appearing therefor:

It is ordered, That: § 1033.1030 Service Order No. 1030-A. (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company) be, and it is hereby vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., April 11, 1972; that copies of this order and direction shall be served upon the Association of American Railroads Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by fil-

ing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 72-6055 Filed 4-19-72; 8:52 am]

[S.O. 1096]

PART 1033—CAR SERVICE

Southern Railway Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co. and Over Tracks of Missouri Pacific Railroad Co. and Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Southern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of April 1972.

It appearing, that, because of general deterioration, the present crossings and track connections between the Missouri Pacific Railroad Co. and the Southern Railway Co. at Kansas City Junction, Memphis, Tenn., have become unsafe for normal operation unless undertaken with excessive precautions; that extensive rebuilding of these crossings and connections is necessary for continued operation through this area; that a general rearrangement of the use of tracks approaching Kansas City Junction, Memphis, Tenn., from the west will facilitate the prompt reconstruction of the necessary crossings and track connections at Kansas City Junction; that the Southern Railway Co. seeks authority to operate over the former northbound main track of the St. Louis-San Francisco Railway Co. (SL-SF) between SL-SF chaining station 25656+03 and SL-SF chaining station 25558+58.5 at Memphis, Tenn.; that the Missouri Pacific Railroad Co. seeks authority to operate over the former eastbound main track of the Southern Railway Co. (Sou) between Sou chaining station 106+68 and Sou chaining station 7+63, at Memphis, Tenn.;

order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1096 Service Order No. 1096.

Southern Railway Co. authorized to operate over tracks of St. Louis-San Francisco Railway Co. and over tracks of Missouri Pacific Railroad Co.; Missouri Pacific Railroad Co. authorized to operate over tracks of Southern Railway Co.

(a) The Southern Railway Co. be, and it is hereby, authorized to operate over the former northbound main track of the St. Louis-San Francisco Railway Co. (SL-SF) between SL-SF chaining station 25656+03 and SL-SF chaining station 25558+58.5, at Memphis, Tenn.:

(b) The Missouri Pacific Railroad Co. be, and it is hereby, authorized to operate over the former eastbound main track of the Southern Railway Co. (Sou) between Sou chaining station 106+68 and Sou chaining station 7+63, at Memphis, Tenn.:

(c) The Missouri Pacific Railroad Co. be, and it is hereby, authorized to operate over the westbound main track of the Southern Railway Co. (Sou) between Sou chaining station 106+68 and Sou chaining station 7+63, at Memphis, Tenn.:

(d) The Southern Railway Co. be, and it is hereby, authorized to operate over the former main track of the Missouri Pacific Railroad Co. (MP) between MP chaining station 15+63 and MP chaining station 21+04, at Memphis, Tenn.:

(e) The Missouri Pacific Railroad Co. and the Southern Railway Co., be, and they are hereby, authorized to operate over the necessary connecting tracks at Memphis, Tenn., to effect the operations authorized in paragraphs (a), (b), (c), and (d) of this section.

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

(g) Effective date: This order shall become effective at 11:59 p.m., April 13, 1972.

(h) Expiration date: The provisions of this order shall expire at 11:59 p.m., September 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 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

filings it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6056 Filed 4-19-72; 8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the *FEDERAL REGISTER* (4-20-72).

§ 28.28 Special regulations: Recreation; for the individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the public use areas of the refuge is permitted for the purpose of nature study, photography, hiking, bicycling, snowshoeing, cross-country skiing, sunbathing, and picnicking from 6 a.m. to 9 p.m. from May 1 through October 15, and from dawn to dusk from October 16 through April 30. The landing of boats and entrance into the refuge is permitted at the Knobbs, Grape Island, and Stage Island for the purposes listed above from 6 a.m. to 9 p.m. from May 1 to October 15. Bathing and swimming are permitted in the designated area during the hours 10 a.m. to 6 p.m. from May 30 through September 1. Surf fishing is permitted day and night on the ocean beach of the public use area from May 1 through October 15 and at other times by permit. Plums and cranberries may be picked outside of the dune research natural area from August 25 to October 31, to the limit of one-half bushel per family.

Foot travel is not permitted in the dune research natural area. Cooking fires are permitted only in refuge fireplaces installed by the Bureau, or on the ocean beach of the public use area. Pets are allowed if on a leash not over 10 feet in length.

Alcoholic beverages are not permitted on the refuge. Glass beverage bottles may not be taken out of vehicles.

Designated nature trails located west of the refuge access road are available for use without securing a permit from the manager-in-charge. All other areas west of the refuge access road are closed.

Tents and camping trailers are not permitted on the refuge.

Bicycles and registered motor vehicles are permitted on the refuge access road and in designated parking areas only. Parking vehicles along the access roadside is prohibited. Snowmobiles, air cushion, all-terrain or other similar vehicles are not permitted on the refuge. A required permit may be obtained upon application to the manager-in-charge for the use of over-the-sand vehicles for surf fishing only, day and night from May 1 to May 29 and September 2 to October 15 inclusive, and during the hours from 6 p.m. to 8 a.m. from May 30 to September 1 inclusive. No vehicle shall be operated on the beach between the hours of 8 a.m. and 6 p.m., and during such hours all authorized vehicles shall exit from the refuge or remain in the designated parking area.

Applicants for over-the-sand vehicle permits must provide evidence that the vehicle is duly registered and licensed in accordance with applicable State and Federal regulations and show that it is equipped with the following: Spare tire, shovel, jack, towrope or chain, board or similar support for jack, and low pressure tire gauge. Permits are to be affixed to the vehicles as instructed at the time of issuance. Vehicles authorized by permit to operate on the beach exclusively for the purpose of surf fishing and which are equipped with self-contained water or chemical toilets and permanently installed holding tanks, having a minimum capacity of not less than 3 days waste material, may park in the designated area for a period not to exceed 72 consecutive hours. At the end of such period, the operator of said vehicle shall exit from the refuge but may be readmitted after emptying the vehicle's holding tank at designated disposal sites. Operators must be checked in, in accordance with procedures specified by the manager-in-charge.

Over-the-sand vehicles shall not be parked in the over-sand routes or interfere with moving traffic.

When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited.

Failure to comply with the provisions of permits issued or with regulations listed above shall be grounds for immediate cancellation of the permit.

Public Use Areas which include portions of the beach, the Knobbs, Grape Island, and Stage Island are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28,

and are effective through December 31, 1972.

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

APRIL 13, 1972.

[FR Doc. 72-6018 Filed 4-19-72; 8:49 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS, AND CLASSIFICATIONS OF ECONOMIC UNITS

Miscellaneous Amendments

Part 101—Coverage, Exemptions and Classifications of Economic Units was added to a new Title 6 of a new Chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237), and further amended on February 4, 1972 (37 F.R. 2678), February 24, 1972 (37 F.R. 3913), March 9, 1972 (37 F.R. 5043), March 18, 1972 (37 F.R. 5700), and March 31, 1972 (37 F.R. 6827).

Subpart B is amended to add a paragraph (i) to § 101.16 to modify the pre-notification requirements for price adjustments proposed or established by low-profit or loss firms to further implement the Council's and the Price Commission's policy of relief for such firms.

Subpart D is amended to add a paragraph (1) to § 101.34 to reflect a Council decision to exempt rates and other charges of U.S. tankers. The Council determined that the rates, which are subject to intense price competition, were at a very depressed level during the base period. Use of this base price could cause severe economic hardship, and relief is not feasible under Price Commission regulations. The Council also considered the fact the rates are not likely to increase materially in the future beyond levels necessary to maintain an adequate return, and since the industry itself is small, exemption would have minimum inflationary impact on the rest of the economy.

Because the purpose of these regulations is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council decisions, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

These amendments shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
Director,
Cost of Living Council.

RULES AND REGULATIONS

Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart B is revised and amended to add § 101.16(i) to read as follows:

§ 101.16 Modification of prenotification requirements.

Notwithstanding the provisions of § 101.11 the following price adjustments by price category I firms need not be prenotified.

(i) Price adjustments proposed or established by low-profit firms as defined in and subject to the conditions and procedures prescribed in § 300.31 of this title.

2. Subpart D is revised and amended to add § 101.34(l) to read as follows:

§ 101.34 Certain price adjustments.

* * * * *

(1) *U.S. tanker rates.* Rates for the transportation of goods in a coastwise voyage by sea as defined in 46 U.S.C. section 88, in tank vessels built in and doc-

umented under the laws of the United States and owned by persons who are citizens of the United States, or tank vessels to which the privilege of engaging in the coastwise trade is extended by section 13 or 808 of title 46 of the United States Code.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1488; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

[FR Doc.72-6170 Filed 4-19-72;11:29 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 15, 158]

MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Relief From Duties

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to revise the Customs Regulations pertaining to relief from duties on merchandise lost, damaged, abandoned, or exported.

The proposed revision is part of the general revision of the Customs Regulations which includes a rearrangement of the sequence of parts in Chapter I of Title 19 of the Code of Federal Regulations. As part of this rearrangement, it is proposed to revise and redesignate Part 15 as Part 158, and include therein the material presently in § 8.49 of the Customs Regulations.

Changes or additions in language are proposed to clarify some provisions, eliminate inconsistencies, and conform the Customs Regulations to current administrative practices. The principal changes in the requirements and procedures in proposed Part 158 from those set forth in Part 15 and § 8.49 are as follows:

1. In the second sentence of § 158.4, the term "to the importer" has been deleted after the term "permitted," since the importing carrier's liability for shortages is the same whether the merchandise is "permitted" to the importer or to the next carrier.

2. In the last sentence of § 158.4, the term "bonded common carrier" has been changed to "bonded carrier," since liquidated damages may be assessed against any type of bonded carrier, whether a common carrier, contract carrier, freight forwarder, or private carrier.

3. In § 158.5, the term "before the liquidation of the entry becomes final" has been added for clarification, and to be consistent with the same time limit in § 158.3.

4. In § 158.5(b), the term "importing carrier" has been changed to "importing or bonded carrier, as appropriate," to allow for instances where an unconcealed shortage occurs while the merchandise is in the custody of a bonded carrier.

5. Section 158.12, which is based primarily on C.D. 679, has been added to show the treatment given to merchandise which is partially damaged, but not completely worthless, at the time of importation.

6. In § 158.45(a), the special procedure in the present § 8.49(c) for liqui-

dated consumption entities has been eliminated, based on current practice.

The proposed revision of Part 15 as Part 158 is as follows:

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Sec.

158.0 Scope.

Subpart A—Lost or Missing Packages and Deficiencies in Contents of Packages

- 158.1 Definition of "permitted" merchandise.
- 158.2 Shortage in packages released under immediate delivery.
- 158.3 Allowance for lost or missing packages included in an entry.
- 158.4 Liability of carrier for lost or missing packages.
- 158.5 Deficiencies in contents of packages—general.
- 158.6 Deficiencies in contents of examination packages.

Subpart B—Damaged or Defective Merchandise

- 158.11 Merchandise completely worthless at time of importation.
- 158.12 Merchandise partially damaged at time of importation.
- 158.13 Excessive moisture and other impurities.
- 158.14 Perishable merchandise condemned.

Subpart C—Casualty, Loss, or Theft While in Customs Custody

- 158.21 Allowance in duties for casualty, loss, or theft while in Customs custody.
- 158.22 Not applicable when allowances made under other provisions.
- 158.23 Filing of application and evidence by importer.
- 158.24 Place of filing.
- 158.25 Partial destruction or injury.
- 158.26 Loss or theft in public stores.
- 158.27 Accidental fire or other casualty.
- 158.28 Waiver of evidence.
- 158.29 Decision by district director.
- 158.30 Review of district director's decision.

Subpart D—Destroyed, Abandoned, or Exported Merchandise

- 158.41 Destruction of prohibited merchandise.
- 158.42 Abandonment by importer within 30 days after entry.
- 158.43 Abandonment or destruction of merchandise in bond.
- 158.44 Disposition of abandoned merchandise.
- 158.45 Exportation of merchandise.

AUTHORITY: The provisions of this Part 158 issued under R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624. Subpart C also issued under sec. 563, 46 Stat. 746, as amended; 19 U.S.C. 1563. Additional authority is cited in the text or following the sections affected.

§ 158.0 Scope.

This part sets forth general rules for granting relief from duties on merchandise which is lost, damaged, abandoned, or exported.

Subpart A—Lost or Missing Packages and Deficiencies in Contents of Packages

§ 158.1 Definition of "permitted" merchandise.

For the purpose of this subpart, merchandise is "permitted" when Customs authorizes the carrier bringing the shipment to the port to make delivery to the consignee or the next carrier and:

(a) These parties in interest, or their agents, make a joint determination of the quantities being delivered, or,

(b) The carrier bringing the shipment to the port, at its option, independently declares the quantities available for delivery by filing with the district director, no later than the close of business on the next working day after a determination of quantities is made, a signed statement that:

(1) An independent determination of quantities of merchandise available for delivery has been made, with the date of the determination shown;

(2) At least 4 days have elapsed since the consignee or his agent was notified that Customs has authorized delivery; and,

(3) The merchandise was and is available for delivery.

§ 158.2 Shortage in packages released under immediate delivery.

An importer may file a consumption or warehouse entry for less than the invoiced and manifested number of packages in a shipment "permitted" and delivered to him or deposited in a bonded warehouse under the immediate delivery provisions of § 8.59 of this chapter, if he files with the entry a Customs Form 5931, in triplicate. The Customs Form 5931 shall be executed by both the importer and the importing carrier or bonded carrier, as appropriate, and shall contain a declaration by the carrier that the missing packages were not available for delivery within the provisions of section 448(a), Tariff Act of 1930, as amended (19 U.S.C. 1448(a)).

§ 158.3 Allowance for lost or missing packages included in an entry.

Allowance shall be made in the assessment of duties for lost or missing packages of merchandise included in an entry whenever it is established to the satisfaction of the district director before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not "permitted." A claim for such allowance shall be made on Customs Form 5931, in triplicate, executed by the importer and the importing carrier or bonded carrier, as appropriate. When the importing or bonded carrier refuses to execute the Customs Form

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5931, a claim may be allowed if the importer properly executes the Customs Form 5931 and attaches copies of the dock receipt or other document evidencing nonreceipt of the lost or missing packages.

§ 158.4 Liability of carrier for lost or missing packages.

Upon a joint determination or independent determination of quantity as set forth in § 158.1 (a) or (b) resulting in the merchandise being "permitted," the carrier shall be responsible only for any discrepancy between the manifested quantity and the "permitted" quantity. In the case of an importing carrier, when there is a difference between the quantity shown on the inward foreign manifest and the quantity "permitted," liquidated damages or duties shall be assessed under the provisions of the carrier's bond or under the provisions of section 448, Tariff Act of 1930, as amended (19 U.S.C. 1448), unless the carrier corrects his manifest (see § 4.12 of this chapter). In the case of a bonded carrier, liquidated damages for lost or missing merchandise shall be assessed in accordance with § 18.8 of this chapter.

§ 158.5 Deficiencies in contents of packages—general.

An allowance shall be made in the assessment of duties for deficiencies in the contents of packages when, before the liquidation of the entry becomes final, the importer files:

(a) In the case of a concealed shortage, a Customs Form 5931, in triplicate, executed by the importer alone, and the district director satisfies himself as to the validity of the claim; or,

(b) In the case of an unconcealed shortage, a Customs Form 5931, in triplicate, executed by both the importer and the importing or bonded carrier, as appropriate.

§ 158.6 Deficiencies in contents of examination packages.

Allowance for deficiency in the contents of any examination package reported to the district director by a Customs officer shall be made in the liquidation of the entry. No Customs officer except one making an examination contemplated by section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), shall report a supposed deficiency to the district director unless it is established to the satisfaction of the reporting officer that the merchandise was not imported.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

Subpart B—Damaged or Defective Merchandise

§ 158.11 Merchandise completely worthless at time of importation.

(a) *Nonperishable merchandise.* When a shipment of nonperishable merchandise, or any portion thereof which shall have been segregated from the remainder of the shipment under Customs supervision at the expense of the importer, is found by the district director to be en-

tirely without commercial value at the time of importation by reason of damage or deterioration, an allowance in duties on such merchandise on the ground of nonimportation shall be made in the liquidation of the entry.

(b) *Perishable merchandise.* In the case of perishable merchandise, an allowance in duties may be made under the following conditions:

(1) An application for such allowance shall be filed with the district director on Customs Form 4315 in duplicate, within 96 hours after the unloading of the merchandise and before any of the shipment involved has been removed from the pier pursuant to the entry permit.

(2) Should an application filed in accordance with subparagraph (1) of this paragraph be withdrawn, the merchandise involved shall thereafter be released upon presentation of an appropriate permit.

(3) Allowance in duty shall be made in the liquidation of the entry on such of the merchandise covered by the application as is found by the district director to be entirely without commercial value by reason of damage or deterioration.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

§ 158.12 Merchandise partially damaged at time of importation.

(a) *Allowance in value.* Merchandise which is subject to ad valorem or compound duties and found by the district director to be partially damaged at the time of importation shall be appraised in its condition as imported, with an allowance made in the value to the extent of the damage. However, no allowance shall be made when forbidden by law or regulation; for example, schedule 6, part 2, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), provides that no allowance or reduction of duties for partial damage or loss in consequence of discoloration or rust occurring before importation shall be made upon iron or steel or upon any article of iron or steel.

(b) *No allowance in specific duties.* In the case of merchandise subject to specific or compound duties and found to be partially damaged at the time of importation, no allowance may be made in the specific duties or in the weight, quantity, or measure (except that an allowance for any excessive moisture or other impurities may be made in accordance with § 158.13). However, any part of the shipment which is totally worthless and can be segregated from the rest of the shipment may be treated as a nonimportation in accordance with § 158.11.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

§ 158.13 Excessive moisture and other impurities.

(a) *Application by importer.* An application for an allowance in duties under section 507, Tariff Act of 1930 (19 U.S.C. 1507), for excessive moisture or other impurities not usually found in or upon such or similar merchandise shall be made by the importer on Customs

Form 4315. The application shall be filed with the district director within 10 days after the report of weight or gauge has been received by the district director or within 10 days after the date upon which the entry or a related document was endorsed to show that invoice weight or gauge has been accepted by the Customs inspector or other Customs officer.

(b) *Allowance by district director.* If the district director is satisfied after any necessary investigation that the merchandise contains excessive moisture or other impurities not usually found in or upon such or similar merchandise, he shall make allowance for the amount thereof in the liquidation of the entry.

(c) *Limitations on allowance.* No allowance under this section shall be made when forbidden by law or regulation; for example, Schedule 1, Part 6, Subpart B, Headnote 2, Tariff Schedules of the United States (19 U.S.C. 1202), provides that no allowance in weight shall be made for dirt or other impurities in seed of any kind provided for in that subpart.

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

§ 158.14 Perishable merchandise condemned.

(a) *Application by importer.* When fruit or other perishable merchandise has been condemned by health officers or other legally constituted authorities within 10 days after landing, an importer who desires allowance in duties under section 506(2), Tariff Act of 1930, as amended (19 U.S.C. 1506(2)), shall within 5 days after such condemnation file with the district director written notice of the condemnation. The date of landing in the case of merchandise forwarded under an entry for immediate transportation is the date of arrival at the port of destination.

(b) *Allowance in duties.* If the district director is satisfied after any necessary investigation that the claim is valid, allowance in duties shall be made in the liquidation of the entry. Such allowance shall be limited to perishable goods condemned by the health officers or authorities in the original package, unless segregation of the merchandise was under constant Customs supervision at the importer's expense.

(Sec. 506(2), 46 Stat. 732, as amended; 19 U.S.C. 1506(2))

Subpart C—Casualty, Loss, or Theft While in Customs Custody

§ 158.21 Allowance in duties for casualty, loss, or theft while in Customs custody.

Section 563(a), Tariff Act of 1930, as amended (19 U.S.C. 1563(a)), provides for allowance in duties upon satisfactory proof of the loss or theft of any merchandise while in the public stores, or of the actual injury or destruction, in whole or in part, of any merchandise by accidental fire or other casualty, while in bonded warehouse, or in the public stores, or while in transportation under bond, or while in Customs custody although not in bond, or while within the limits of any port of entry and before having been landed under Customs

supervision. Such allowance is subject to the conditions set forth in this subpart.

§ 158.22 Not applicable when allowances made under other provisions.

The procedures in this subpart do not apply in cases where allowances in duties are made under Subpart A or Subpart B of this part, or § 18.6 of this chapter.

§ 158.23 Filing of application and evidence by importer.

Within 30 days from the date of his discovery of the loss, theft, injury, or destruction, the importer shall file an application in duplicate on Customs Form 4315, and within 90 days from the date of discovery shall file any evidence required by § 158.26 or § 158.27.

§ 158.24 Place of filing.

The application and evidence shall be filed with the district director at the port where the loss, theft, injury, or destruction occurred. In the case of total loss of merchandise by fire or other casualty while in transportation under bond, the application and evidence shall be filed with the district director at the port at which the transportation entry was made. In the case of partial destruction or injury to such merchandise, the application and evidence shall be filed with the district director at the port of destination, except that if the merchandise is returned to the port at which the transportation entry was made, the application shall be filed at that port.

§ 158.25 Partial destruction or injury.

In the case of partial destruction or injury, no application shall be entertained unless the district director shall have had an opportunity to examine the merchandise or the remainder thereof for the purpose of fixing the percentage of injury or destruction. Whether the duty involved is ad valorem, specific, or compound, the percentage of injury for the purpose of the allowance shall be determined by comparing the market value of comparable sound merchandise with the net salvage value of the injured merchandise computed on the basis of the market value of comparable injured merchandise, such comparison to be made as of the time and place of examination.

§ 158.26 Loss or theft in public stores.

In the case of alleged loss or theft while the merchandise is in the public stores, there shall be filed a declaration of the importer, owner, or ultimate consignee that he did not receive the merchandise and that to the best of his knowledge and belief it was lost or stolen as alleged in the application. If the alleged loss or theft consisted of only a part of an examination package and was discovered after the release of the package from Customs custody, the following evidence shall be submitted:

(a) A declaration of each cartman, lighterman, or other carrier handling the package between the public stores and the place of delivery, setting forth the condition of the package at the time of receipt and delivery by him and whether

or not there was an abstraction of the merchandise while the package was in his possession.

(b) A declaration of the person who first received the package for the importer, owner, or ultimate consignee as to whether or not he examined the package at the time of receipt, and, if so, as to its condition at that time.

(c) A declaration of the person who opened the package after release from Customs custody that the alleged missing merchandise was not found by him in the package or elsewhere.

§ 158.27 Accidental fire or other casualty.

In the case of injury or destruction by accidental fire or other casualty, the following evidence shall be submitted:

(a) A declaration of the master of the vessel, the conductor or driver of the vehicle, the proprietor of the warehouse, or other person (except a Customs officer) having charge of the merchandise at the time of casualty, stating:

(1) The time, place, and nature of such casualty;

(2) That the merchandise was on board the vessel or vehicle, in the warehouse, or otherwise in his charge, as the case may be, at the time of the casualty; and

(3) That it was totally destroyed and there is no probability of recovering or saving any part thereof, or that it was injured as the result of the casualty.

(b) The bill of lading, the entry, and the invoice covering the merchandise, or certified copies of the foregoing, unless such documents are already in the possession of the district director at the port where the claim is filed.

(c) A copy of the insurance appraiser's report, if any.

§ 158.28 Waiver of evidence.

The district director may waive the production of any of the evidence required by this subpart if the validity of the claim is otherwise established to his satisfaction.

§ 158.29 Decision by district director.

When the application and evidence have been received and examined by the district director, he shall determine whether the desired abatement or refund of duty shall be made and notify the importer of his decision.

§ 158.30 Review of district director's decision.

(a) *Filing of petition.* The importer may file with the district director a petition addressed to the Commissioner of Customs for a review of the district director's decision. Such petition shall be filed in duplicate within 30 days from the date of the notice of the district director's decision, shall completely identify the case, and shall set forth in detail the objections to the district director's decision.

(b) *Decision by Commissioner.* When the petition has been filed, the district director shall promptly transmit both copies thereof and the entire file to the

Commissioner, together with a full statement of his views. When the Commissioner's decision is received, the district director shall proceed in conformity therewith.

Subpart D—Destroyed, Abandoned, or Exported Merchandise

§ 158.41 Destruction of prohibited merchandise.

Merchandise regularly entered or withdrawn for consumption in good faith and denied admission into the United States by any Government agency after its release from Customs custody, pursuant to a law or regulation in force on the date of entry or withdrawal for consumption, may be destroyed under Government supervision. In such case, the destroyed merchandise is exempt from duty and any duties collected thereon shall be refunded. In lieu of destruction, the merchandise may be exported under Customs supervision in accordance with § 158.45(c).

(Sec. 558(a), 46 Stat. 744, as amended; 19 U.S.C. 1558(a))

§ 158.42 Abandonment by importer within 30 days after entry.

Allowance in duties for merchandise abandoned to the Government in accordance with section 506(1), Tariff Act of 1930, as amended (19 U.S.C. 1506(1)), shall be subject to the following conditions:

(a) *Minimum quantity to be abandoned.* The merchandise being abandoned shall represent 5 percent or more of the total value of all the merchandise of the same class or kind entered in the invoice in which the merchandise being abandoned appears.

(b) *Application within 30 days.* The importer shall file written notice of abandonment with the district director at the port where the entry was filed within 30 days after the date of entry, or, in the case of examination packages, within 30 days after release, whether or not delivery is taken by the importer immediately after entry or release as the case may be.

(c) *Delivery of merchandise.* Within the 30-day period set forth in paragraph (b) of this section, the importer shall deliver the abandoned merchandise to such place as the district director specifies, unless the district director is satisfied that the merchandise is so far destroyed as to be nondeliverable.

(d) *Identification of merchandise.* The importer shall identify the abandoned merchandise with that described in the invoice used in making entry to the satisfaction of the district director, who shall make such examination as may be necessary to verify such identification.

(e) *Segregation and repacking.* When repacking is necessary to segregate the abandoned merchandise from the remainder of the shipment, such repacking shall be done at the expense of the importer and under Customs supervision. (Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

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§ 158.43 Abandonment or destruction of merchandise in bond.

Allowance in duties for merchandise entered under bond destroyed under section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)), or for merchandise in bonded warehouse abandoned to the Government under section 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1563(b)), shall be subject to the following conditions:

(a) *Application by importer.* The importer shall file an application for abandonment or destruction of merchandise in bond with the district director on Customs Form 3499, with the title modified to read "Application and Permit to Abandon (or Destroy) Goods in Bond." When an application is for permission to destroy, the proposed method of destruction shall be stated in the application and be subject to the approval of the district director.

(b) *Concurrence of warehouse proprietor.* An application to abandon or destroy warehoused merchandise shall not be approved unless concurred in by the warehouse proprietor.

(c) *Costs of abandonment.* When in the opinion of the district director the abandonment of merchandise under section 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1563(b)), will involve any expense or cost to the Government, or if the merchandise is worthless or unsalable, or cannot be sold for a sum sufficient to pay the expenses of sale, such abandonment shall not be permitted unless the importer deposits a sum which in the opinion of the district director will be sufficient to save the Government harmless from any expense or cost resulting from such abandonment. The sum so advanced shall be placed in a special deposit account and expended to cover the cost of destruction or to meet any deficit should the merchandise be sold and the proceeds of sale be less than the expenses of such sale. After meeting such expenses or deficit, any balance remaining shall be refunded to the importer. However, the applicant may elect to destroy such merchandise under Customs supervision pursuant to the provisions of section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)).

(d) *Costs of destruction.* Destruction of merchandise under section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)), shall be at the expense of the importer.

(e) *Action by district director.* When the conditions set forth in paragraphs (a) through (d) of this section are met, the district director may grant applications and make an allowance in duties for the merchandise abandoned or destroyed. In any case where doubt exists, the matter shall be referred to the Commissioner of Customs.

(Secs. 557, 563, 46 Stat. 744, as amended, 746, as amended; 19 U.S.C. 1557, 1563)

§ 158.44 Disposition of abandoned merchandise.

(a) *General conditions.* The disposition of merchandise abandoned to the Government pursuant to section 158.42

or 158.43, and not retained for official use, shall be governed by the regulations of the General Services Administration applicable to the Bureau of Customs.

(b) *Sale of merchandise.* If the merchandise is cleared for sale, it shall be sold in accordance with the applicable provisions of Part 20 of this chapter, unless it is worthless or it appears probable that the expenses of sale will exceed the proceeds. If the merchandise is sold, no part of the proceeds shall be returned to the importer.

(c) *Disposition of worthless merchandise.* If the merchandise or any part thereof is worthless or it appears probable that the expenses of its sale will exceed the proceeds, it shall be destroyed or otherwise disposed of as the district director shall specify. The district director shall insure that such merchandise is destroyed or removed from the control of the importer to avoid the possibility of any part of the same merchandise being made the subject of another application.

(Secs. 506(1), 563(b), 46 Stat. 732, as amended, 746, as amended; 19 U.S.C. 1506(1), 1563(b))

§ 158.45 Exportation of merchandise.

(a) *From continuous Customs custody.* Merchandise in Customs custody for which entry has not been completed and merchandise which has remained in continuous Customs custody that is covered by a liquidated or unliquidated consumption entry may be exported under Customs supervision in accordance with §§ 18.25-18.27 of this chapter, with refund of any duties that have been paid.

(b) *After release from Customs custody.* Except as provided for in paragraphs (c) and (d) of this section, no refund or other allowance in duties shall be made because of the exportation of merchandise after its release from Customs custody unless a drawback of duties is expressly provided for by law (see Part 22 of this chapter).

(c) *Prohibited merchandise.* If merchandise has been regularly entered or withdrawn for consumption in good faith and is thereafter found to be prohibited entry under any law of the United States, it may be exported under Customs supervision in accordance with §§ 18.25-18.27 of this chapter, with refund of any duties that have been paid. In lieu of exportation, the merchandise may be destroyed in accordance with § 158.41.

(d) *Not legally marked merchandise.* When merchandise found to be not legally marked is exported or destroyed under Customs supervision after once having been released from Customs custody, as provided for in section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c)), such exportation or destruction shall not exempt such merchandise from the payment of duties other than the marking duties.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

For ready comparison there is annexed to this notice a parallel reference table showing the relation of sections in the proposed Part 158 to 19 CFR Part 15.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the *FEDERAL REGISTER*. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), in the Division of Regulations, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 10, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 158 to 19 CFR Part 15.)

Proposed Part 158 Section	19 CFR Section
158.0	New.
158.1 (a) and (b)	15.8(a)(1).
158.2	15.8(a)(1).
158.3	15.8(a)(2).
158.4	15.8(a)(2) and (d).
158.5 (a) and (b)	15.8(a)(3).
158.6	15.8(b).
158.11(a)	15.10(a).
158.11(b)	15.10(b).
158.12 (a) and (b)	New.
158.13(a)	15.7(a).
158.13(b)	15.7(b).
158.13(c)	New.
158.14 (a) and (b)	15.2 and footnote 3.
158.21	15.1(a) footnote 2.
158.22	15.1 footnote 1.
158.23	15.1(a).
158.24	15.1(b).
158.25	15.1(b).
158.26 (a)-(c)	15.1(c).
158.27 (a)-(c)	15.1(d).
158.28	15.1(g).
158.29	15.1(e).
158.30 (a) and (b)	15.1(f).
158.41	15.5.
158.42 (a)-(e)	15.3 (a) and (b).
158.43(a)	15.4(a).
158.43(b)	15.4(a).
158.43(c)	15.4(c).
158.43(d)	New.
158.43(e)	15.4(d).
158.44(a)	15.6(a).
158.44(b)	15.6(a).
158.44(c)	15.6(b).
158.45(a)	8.49 (a) and (c).
158.45(b)	New.
158.45(c)	8.49(b).
158.45(d)	New.

[FR Doc. 72-6036 Filed 4-19-72; 8:51 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-441]

NEW PRODUCER SALES OF NATURAL GAS

Notice Denying Motion for Extension of Time

APRIL 13, 1972.

Notice is hereby given that the motion filed on April 10, 1972 (37 F.R. 7345), by

the Associated Gas Distributors, for a 2-week extension of time from May 1 to May 15, 1972, to submit comments in the above-designated matter is denied.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6086 Filed 4-19-72; 8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service¹

[7 CFR Part 52]

CANNED PLUMS

Proposed Standards for Grades²

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of the U.S. Standards for Grades of Canned Plums (7 CFR 52.1781-52.1796). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed revision. Current grade standards for canned plums do not provide for an allowance for pit material in the style of halves in grade A or grade B. Since these grade standards were last amended in 1962 the industry has employed a mechanical means of cutting the plums in half rather than cutting them by hand, as previously practiced. With the use of mechanical equipment to cut the plums in half, packers are experiencing considerable difficulty in packing plums entirely free from pit material as required by the current grade standards for Grade A and Grade B.

Recommended minimum drained weights are the same for both the purple and green-yellow varietal types. Information gained over the past several years indicate there may be a need for higher drained weights for the green-yellow

¹ Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

² Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

types than for the purple type. Higher drained weights are recommended for the smaller size plums than for the larger size (less than 70 count) for No. 10 containers.

Proposed changes in the grade standards for canned plums include:

(1) The elimination of the Grade D classification since it no longer serves any purpose in marketing channels;

(2) An allowance for pit material in the style of halves in Grades A and B which would reflect good commercial practice;

(3) Separate drained weights for green-yellow varietal types which would be a slight increase over those currently recommended;

(4) A standard sample unit size which will eliminate bias due to differences in amount of product in different container sizes. This also makes the standard easier to apply since allowances are specified in numbers of units, thereby eliminating percentage calculations as currently required;

(5) Fill weight values as an alternate method of ascertaining compliance with fill of container with respect to the fruit ingredient;

(6) A partial limiting rule included in the Grade C classification for the factor of uniformity of size. A sample unit scoring in the Grade C classification for this factor would not be classified above Grade B regardless of the total score. Such a limit is not provided in the current grade standards;

(7) A slightly different format utilizing a chart form of listing various types of defects and other deviations along with applicable allowances which makes the standards easier to read.

No other changes are proposed except for slight adjustments in allowances due to rounding off percentage calculations to whole numbers in the transposition to the standard sample unit size.

The proposed revision is as follows:

PRODUCT DESCRIPTION, VARIETIES, STYLES, AND GRADES

Sec.

52.1781 Product description.

52.1782 Varietal types.

52.1783 Styles.

52.1784 Grades.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

52.1785 Liquid media and Brix measurements for canned plums.

52.1786 Recommended fill of container.

52.1787 Recommended minimum drained weight.

52.1788 Recommended fill weights.

SAMPLE UNIT SIZE

52.1789 Sample unit size.

FACTORS OF QUALITY

52.1790 Ascertaining the grade of a sample unit.

52.1791 Ascertaining the rating for the factors which are scored.

52.1792 Color.

52.1793 Uniformity of size.

52.1794 Defects.

52.1795 Character.

ALLOWANCES FOR QUALITY FACTORS

52.1796 Allowances for quality factors.

LOT COMPLIANCE

52.1797 Ascertaining the grade of a lot.

SCORE SHEET

52.1798 Score sheet for canned plums.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, VARIETIES, STYLES, AND GRADES

§ 52.1781 Product description.

"Canned plums," as defined in the standards of identity for canned fruits (21 CFR 27.45) issued pursuant to the Federal Food, Drug, and Cosmetic Act, is the food prepared from mature plums of the domestic (*Prunus domestica L.*) varietal groups; are packed in water or plum juice with or without nutritive sweetening ingredients; and are sealed in a container and so processed by heat as to prevent spoilage. The food may be seasoned with one or more of the optional ingredients permitted under the Federal Food, Drug, and Cosmetic Act.

§ 52.1782 Varietal types.

- (a) Purple plum groups.
- (b) Green-yellow plum groups.

§ 52.1783 Styles.

- (a) "Whole, unpeeled, unpitted."
- (b) "Whole, peeled, unpitted."
- (c) "Whole, unpeeled, pitted."
- (d) "Whole, peeled, pitted."
- (e) "Halves, unpeeled, pitted."
- (f) "Halves, peeled, pitted."

§ 52.1784 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of canned plums that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a good, practically uniform color;

(4) Are at least reasonably uniform in size;

(5) Are practically free from defects;

(6) Have a good character; and

(7) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned plums that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a reasonably good and reasonably uniform color;

(4) Are at least fairly uniform in size;

(5) Are reasonably free from defects;

(6) Have a reasonably good character; and

(7) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of canned plums that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a fairly good color;

(4) Are fairly uniform in size;

(5) Are fairly free from defects;

(6) Have a fairly good character; and

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(7) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned plums that fail to meet the requirements of U.S. Grade C.

LIQUID MEDIA, FILL OF CONTAINER,
DRAINED WEIGHTS, AND FILL WEIGHTS

§ 52.1785 Liquid media and Brix measurements for canned plums.

"Cut-out" requirements for liquid media in canned plums are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements for the particular varieties and respective designations are specified in Table I:

TABLE I—BRIX REQUIREMENTS

Designations	Brix measurement	
	Purple plum groups	Other varieties
Extra heavy sirup or extra heavy plum juice sirup.	28° or more but not more than 35°.	24° or more but not more than 35°.
Heavy sirup or heavy plum juice sirup.	21° or more but less than 26°.	19° or more but less than 24°.
Light sirup or light plum juice sirup.	18° or more but less than 21°.	16° or more but less than 19°.
Slightly sweetened water or slightly sweetened plum juice.	Less than 18°.	Less than 16°.
In water.	Not applicable.	Not applicable.
In plum juice.	do.	do.

§ 52.1786 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with plums as full as practicable without impairment of quality, and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.1787 Recommended minimum drained weight.

(a) *General.* (1) The minimum drained weight recommendations specified in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. (2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for ascertaining drained weights.* The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch \pm 3 percent, square openings) so as to distribute

the product evenly, turning the pit cavities down in halves, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* A lot of canned plums is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "X̄" in Table II); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table II) does not exceed the applicable acceptance number specified in the single sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products.

TABLE II
RECOMMENDED MINIMUM DRAINED WEIGHTS

Container size (metal, unless otherwise stated)	In any liquid medium							
	Purple		Green, yellow					
	Halved unpeeled (ounces)	Whole unpeeled (ounces)	Whole peeled (ounces)	Whole unpeeled (ounces)	LL	X̄	LL	X̄
8 Z tall (211 x 304) and 8 Z glass	4.1	4.7	3.6	4.2	4.1	4.7	3.9	4.5
No. 303 (303 x 406) and No. 303 glass	8.9	9.7	8.1	9.0	8.5	9.4	8.1	9.0
No. 2 (307 x 409):								
Any count.	11.1	12.0					10.5	11.5
Less than 17.			9.5	10.5				
17 or more.			10.0	11.0				
No. 2½ (401 x 411):								
Any count.	15.8	17.0					15.4	16.7
16 or less.			14.2	15.5				
17 to 22.			14.7	16.0				
23 or more.			15.2	16.5				
No. 2½ Glass:								
Any count.	15.7	16.8					15.2	16.5
16 or less.			13.7	15.0				
17 or more.			14.2	15.5				
No. 10 (603 x 700):								
Any count.	60.8	63.0					59.9	62.4
Less than 70.			57.5	60.0				
70 or more.			59.5	62.0				

§ 52.1788 Recommended fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

\bar{X}_{min} means the minimum lot average fill weight.

LWL means the lower warning limit for subgroup averages.

LRL means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

\bar{R} means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

Sampling allowance code means a code letter on the Sampling Allowance Chart of the Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 containers.

(e) *Sampling frequency.* (1) Small lots—for lots consisting of 100 cases or less which require 4 hours or more to pack use the "optional fill weight procedure" contained in the Instructions for Adaptation of the Variables Control Chart Plan to Fill Weights.

(2) Other than small lots—draw at least one subgroup per code approximately every 40 minutes.

(f) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

TABLE III
RECOMMENDED FILL WEIGHT VALUES

Container designation (metal unless otherwise stated.)	Purple plums, whole, unpeeled						Sampling allowance code	
	\bar{X}_{\min}	LWL ₇	LRL ₇	LWL	LRL	\bar{R}'	R_{\max}	
8 Z tall (211 x 304) and 8 Z glass	4.6	4.1	3.8	3.5	2.9	1.3	2.70	J
No. 303 (303 x 406) and No. 303 glass	9.8	9.2	8.8	8.4	7.7	1.6	3.4	M
No. 2 (307 x 409) less than 17	11.5	10.8	10.4	9.9	9.1	1.9	3.9	O
17 or more	12.0	11.3	10.9	10.4	9.6	1.9	3.9	
No. 2½ (401 x 411):								
Less than 17	17.0	16.1	15.6	15.0	14.0	2.3	4.9	
17 to 22	17.5	16.6	16.1	15.5	14.5	2.3	4.9	
23 or more	18.0	17.1	16.6	16.0	15.0	2.3	4.9	
No. 2½ Glass:								
Less than 17	16.5	15.6	15.1	14.5	13.5	2.3	4.9	
17 or more	17.0	16.1	15.6	15.0	14.0	2.3	4.9	
No. 10 (603 x 700):								
Less than 70	66.0	64.5	63.7	62.6	60.9	4.0	8.4	Z
70 or more	68.0	67.5	66.7	65.6	63.9	4.0	8.4	
PURPLE PLUMS, HALVED, PEELED AND UNPEELED								
8 Z tall and 8 Z glass	5.2	4.7	4.5	4.2	3.7	1.2	2.5	I
No. 303 and No. 303 glass	10.7	10.2	9.9	9.5	8.9	1.4	3.0	K
No. 2	13.3	12.7	12.3	11.9	11.2	1.6	3.4	M
No. 2½	18.7	17.9	17.5	16.9	16.0	2.1	4.4	Q
No. 2½ glass	18.5	17.7	17.3	16.7	15.8	2.1	4.4	
No. 10	70.0	68.7	68.0	67.0	65.5	3.5	7.4	X
8 Z tall (211 x 304) and 8 Z glass	5.1	4.6	4.3	4.0	3.4	1.3	2.7	J
No. 303 (303 x 406) and No. 303 glass	10.0	9.4	9.0	8.6	7.9	1.6	3.4	M
No. 2 (307 x 409)	12.2	11.5	11.1	10.6	9.8	1.9	3.9	O
No. 2½ (401 x 411)	18.2	17.3	16.8	16.2	15.2	2.3	4.9	S
No. 2½ glass	17.9	17.0	16.5	15.9	14.9	2.3	4.9	
No. 10 (603 x 700)	67.0	65.5	64.7	63.6	61.9	4.0	8.4	Z
GREEN-YELLOW PLUMS, WHOLE, PEELED								
8 Z tall and 8 Z glass	5.3	4.8	4.5	4.2	3.6	1.3	2.7	J
No. 303 and No. 303 glass	10.5	9.9	9.5	9.1	8.4	1.6	3.4	M
No. 2	12.8	12.1	11.7	11.2	10.4	1.9	3.9	O
No. 2½	18.7	17.8	17.3	16.7	15.7	2.3	4.9	S
No. 2½ glass	18.4	17.5	17.0	16.4	15.4	2.3	4.9	
No. 10	68.8	67.3	66.5	65.4	63.7	4.0	8.4	Z

SAMPLE UNIT SIZE

§ 52.1789 Sample unit size.

Compliance with requirements for the various quality factors is based on the following sample unit size for the applicable style:

- (a) Whole—25 whole plums.
- (b) Halves—50 halves.

FACTORS OR QUALITY

§ 52.1790 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

- (1) *Factors not rated by score points.*
- (i) *Varietal characteristics.*
- (ii) *Flavor and odor.*

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20
Defects	30
Character	30
Total score	100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.1791 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1792 Color.

(a) *General.* The factor of color refers to the color of the skin and any exposed flesh typical for the varietal group and to the intensity and brightness of such characteristic color. Characteristic mottling on the skin for the varietal group is considered as typical color and not as lacking in uniformity of color.

(b) *Definitions of color.*—(1) *Well colored.* The color is bright and well developed, typical of well-matured plums. Any exposed flesh is at least reasonably bright and with respect to purple plums the packing media is a practically clear and highly colored purple liquid.

(2) *Reasonably well colored.* The color is reasonably bright and reasonably well developed, typical of reasonably well-matured plums. Any exposed flesh is at least fairly bright and with respect to purple plums and packing media is a reasonably clear and reasonably highly colored purple liquid.

(3) *Fairly well colored.* The color is fairly bright and fairly well developed, typical of fairly well-matured plums. Any exposed flesh may be slightly dull.

(4) *Poorly colored.* The color may be dull, poorly developed, typical of immature plums, including the "dead brown" color of canned purple plums. Any exposed flesh may be excessively dull; or the plums may be off-color due to improper processing.

(c) (A) *classification.* Canned plums that possess a good color may be given a score of 18 to 20 points. "Good color" means that the plums are well colored and as a mass possess a practically uniform color, typical of a single varietal group; and the number of reasonably well colored plums does not exceed the number specified for the style in § 52.1796.

(d) (B) *classification.* Canned plums that possess a reasonably good color may be given a score of 16 or 17 points. Canned plums that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score (this is a limiting rule). "Reasonably good color" means that the plums are reasonably well colored and as a mass possess a reasonably uniform color, typical of a single varietal group; and the number of fairly well colored units does not exceed the number specified for the style in § 52.1796.

(e) (C) *classification.* Canned plums that possess a fairly good color may be given a score of 14 or 15 points. Canned plums that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the plums may be at least fairly well colored; possess a color typical of a single varietal group which have been properly processed; that such characteristic color may be markedly variable; and the number of poorly colored plums does not exceed the number specified for the style in § 52.1796.

(f) (SStd) *classification.* Canned plums that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1793 Uniformity of size.

(a) *General.* Compliance with uniformity of size is ascertained by determining the percent by which the weight of the largest full-sized unit exceeds the weight of the smallest full-sized unit in the sample unit. Plums of halved style that are not cleanly divided into halves shall be separated into two approximately equal halves before ascertaining uniformity of size.

(b) (A) *classification.* Canned plums that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that the number of units that are in excess of the maximum weight variation does not exceed the number specified for the style for U.S. Grade A in § 52.1796.

(c) (B) *classification.* Canned plums that are reasonably uniform in size may be given a score of 16 or 17 points. "Reasonable uniform in size" means that the number of units that are in excess of the

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maximum weight variation does not exceed the number specified for the style for U.S. Grade B in § 52-1796.

(d) (C) *classification.* Canned plums that are fairly uniform in size may be given a score of 14 or 15 points. Canned plums that fall into this classification shall not be classified above U.S. Grade B, regardless of the total score (this is a partial limiting rule). "Fairly uniform in size" means that the number of units that are in excess of the maximum weight variation does not exceed the number specified for the style for U.S. Grade C in § 52.1796.

(e) (SStd) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above substandard, regardless of the total score (this is a limiting rule).

§ 52.1794 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from stems, leaves, crushed or broken units, pits or loose pits for the applicable style—damaged and seriously damaged units—and from any other defects not specifically mentioned which detract from the appearance or edibility of the product.

(b) *Definitions.* (1) A "unit," in whole style, means a whole or substantially whole plum. In halved style, any whole or partially whole plum is separated into two approximately equal halves and each half therefrom is considered a "unit."

(2) "Small stem" means the small stem or portion thereof that attaches the plum to the branch of the tree.

(3) "Harmless extraneous material" means leaves or portions thereof or other harmless plant material.

(4) "Crushed or broken" means that a unit bears marks of crushing or is otherwise crushed or broken not due to ripeness. In whole style, plums that possess broken skins or that are split to the pit cavity are not considered crushed or broken unless the entire pit cavity is exposed or the unit is mutilated to the extent that it is not intact as a whole or substantially whole plum. In halved style, halves of plums that are slightly split are not considered crushed or broken unless the unit is seriously mutilated.

(5) A "pit" means a whole pit or any portion thereof. In whole style, only "loose pits" are considered as defects. In halved style, pits are considered as defects whether loose or attached to a unit.

(6) "Damaged" means any injury which, singly or in the aggregate on a unit or in a unit (except for internal gummosis), materially affects the appearance of the unit and includes, but is not limited to:

(i) Surface areas blemished by sunburn, scab, or other discoloration (ex-

clusive of characteristic mottling having an aggregate area exceeding that of a circle three-sixteenths of an inch in diameter not extending into the fruit tissue and materially affects the appearance or eating quality of the unit.

(ii) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area equivalent of, or less than, that of a circle three-sixteenths of an inch in diameter and extending into the fruit tissue so that the flesh is materially discolored or toughened;

(iii) Abnormalities, such as "doubles" and growth cracks, but not "shriveled" areas;

(iv) External gummosis.

(7) "Seriously damaged" means any damage that seriously affects the appearance or edibility of the unit, regardless of area.

(c) (A) *classification.* Canned plums that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the number of defects that may be present does not exceed the number specified for the style and respective type of defect in § 52.1796.

(d) (B) *classification.* Canned plums that are reasonably free from defects may be given a score of 24 to 26 points. Canned plums that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defects that may be present does not exceed the number specified for the style and respective type of defect in § 52.1796.

(e) (C) *classification.* Canned plums that are fairly free from defects may be given a score of 21 to 23 points. Canned plums that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the number of defects that may be present does not exceed the number specified for the style and respective type of defect in § 52.1796.

(f) (SStd) *classification.* Canned plums that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1795 Character.

(a) *General.* The factor of character refers to the texture and condition of the flesh, to the tenderness and firmness of the plums, and to shriveled areas of the skin.

(b) *Definitions—(1) Good character.* The units are thick-fleshed, tender, may be soft but hold their apparent original

conformation, and otherwise possess a good texture of both skin and flesh characteristic of canned plums that have been properly processed from well-ripened or well-matured plums.

(2) *Reasonably good character.* The units may be reasonably fleshy, may be variable in texture from soft to slightly firm, and otherwise possess a reasonably good texture of both skin and flesh characteristic of canned plums that have been properly processed from reasonably well-ripened or reasonably well-matured plums.

(3) *Fairly good character.* The units may be thin fleshed, possess a fairly good texture of both skin and flesh, may be variable in texture from very soft to slightly tough but are not so soft as to show material disintegration, and may possess shriveled areas that materially affect, but do not seriously affect, the appearance of the product.

(4) *Poor character.* The units may be very thin fleshed, possess a poor texture of both skin and flesh, may be variable in texture from mushy to more than slightly tough, and may possess shriveled areas that seriously affect the appearance of the product.

(c) (A) *classification.* Canned plums that possess a good character may be given a score of 27 to 30 points. To score in this classification the number of units that are of reasonably good character shall not exceed the number specified for the style in § 52.1796.

(d) (B) *classification.* Canned plums that possess a reasonable good character may be given a score of 24 to 26 points. Canned plums that fall into this classification shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule). To score in this classification the number of units that are of fairly good character shall not exceed the number specified for the style in § 52.1796.

(e) (C) *classification.* Canned plums that possess a fairly good character may be given a score of 21 to 23 points. Canned plums that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). To score in this classification the number of units that are of poor character shall not exceed the number specified for the style in § 52.1796.

(f) (SStd) *classification.* Canned plums that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS
§ 52.1796 Allowances for quality factors.

TABLE IV
STYLE—WHOLE SAMPLE UNIT SIZE—25 UNITS

Factors	Maximum number of units permissible for respective grade					
	A	B	C			
Color:						
Reasonably good	2	No limit	No limit			
Fairly good	0	4	No limit			
Poor	0	0	4			
Uniformity of size:						
Variation in weight						
Exceeds 50%	1	No limit	No limit			
Exceeds 75%	0	1	No limit			
Exceeds 100%	0	0	1			
	Ind ²	Avg ³	Ind.	Avg.	Ind.	Avg.
Absence of defects:						
Harmless extraneous material	0	0	1	0.2	1	0.4
Small stem	1	0.6	1	N/A ¹	2	N/A
Crushed or broken	0	0	1	N/A	3	N/A
Loose pits	1	N/A	2	N/A	3	N/A
Damaged and seriously damaged	2	N/A	4	N/A	5	N/A
	including					
Seriously damaged	1	N/A	1	N/A	2	N/A
Character:						
Reasonably good	2	No limit	No limit			
Fairly good	0	5	No limit			
Poor	0	0	5			

¹ N/A—Means not applicable.² Ind—Means individual sample unit.³ Avg—Means average of all the sample units in the sample.

TABLE V—STYLE—HALVES SAMPLE UNIT SIZE—50 UNITS

Factors	Maximum number of units permissible for respective grade					
	A	B	C			
Color:						
Reasonably good color	5	No limit	No limit			
Fairly good	0	7	No limit			
Poor color	0	0	4			
Uniformity of size:						
Variation in weight						
Exceeds 50%	3	No limit	No limit			
Exceeds 75%	0	3	No limit			
Exceeds 100%	0	0	3			
	Ind ²	Avg ³	Ind.	Avg.	Ind.	Avg.
Absence of defects:						
Harmless extraneous material	0	0	1	0.2	1	0.4
Small stem	1	0.6	1	N/A	2	N/A ¹
Crushed or broken	0	0	2	N/A	5	N/A
Pits	1	0.5	1	N/A	2	N/A
Damaged and seriously damaged	5	0	7	N/A	10	N/A
	including					
Seriously damaged	1	N/A	2	N/A	5	N/A
Character:						
Reasonably good	5	No limit	No limit			
Fairly good	0	10	No limit			
Poor	0	0	10			

¹ N/A—Means not applicable.² Ind—Means individual sample unit.³ Avg—Means average of all the sample units in the sample.

LOT COMPLIANCE

§ 52.1797 Ascertaining the grade of a lot.

The grade of a lot of canned plums covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 51.1798 Score sheet for canned plums.

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Count	
Drained weight (ounces)	
Brix measurement	
Sirup designation (extra heavy, heavy, etc.)	
Varietal type	
Style (whole) (halves)	

Factors	Score points					
	(A)	(B)	(C)	(SStd)	(A)	(B)
Color	20	18-20			1 16-17	
					1 14-15	
					1 0-13	
Uniformity of size	20	18-20			1 16-17	
					2 14-15	
					1 0-20	
Defects	30	27-30			1 24-26	
					1 21-23	
					1 0-20	
Character	30	27-30			1 24-26	
					1 21-23	
					1 0-20	
Total score		100				

Normal flavor and odor	
Grade	

¹ Indicates limiting rule.² Indicates partial limiting rule.

Dated: April 13, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc. 72-5864 Filed 4-19-72; 8:45 am]

Agricultural Stabilization and
Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determination To Be Made
With Respect to Allotment and
Marketing Quota Regulations,
1970-71 and Subsequent Market-
ing Years.

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to lease and transfer of allotments and marketing quotas, the identification of marketings of tobacco and the records and reports incident thereto for Flue-cured tobacco.

The proposed amendment to the regulations results primarily from an extensive audit by the Office of the Inspector General of the operation of the Flue-cured tobacco marketing quota program. Results of the audit pointed up several areas where administration of the program needed to be strengthened to prevent potential violations and to facilitate the examination of records and reports to determine compliance with marketing quota regulations.

The purpose of this document is to give notice of the proposed changes in the regulations which are as follows:

1. Sections 725.51(o) and 725.94(c) would be amended to reduce the allowable rate of floor sweepings from 0.005 to 0.001 times total first sales. Purchases by the warehouseman on his own warehouse floor would also be eliminated in computing total first sales.

2. Section 725.72(p)(1) would be amended to clarify that the cancellation of a lease and transfer agreement shall not preclude application of erroneous notice provisions where such provisions are applicable.

3. Section 725.85 would be amended to make it clear that in the identification of kinds of tobacco the term "tobacco" with respect to any farm located in an area in which Flue-cured tobacco is normally produced shall include all tobacco produced on the farm, excluding other kinds of tobacco subject to marketing quotas, except where the operator of the farm furnishes satisfactory proof that the production on the acreage has been certified by Agricultural Marketing Service of this Department as a kind of tobacco not subject to marketing quotas.

4. In § 725.99, a new general statement would be added to the beginning of the section, and a new paragraph (m) would be added to provide that a warehouseman shall maintain copies of bill-out invoices to the buyer.

PROPOSED RULE MAKING

5. In § 725.99(a), subparagraph (3) and the sixth sentence of subparagraph (4) would be amended to require a warehouse to include negative adjustment invoices from dealers as a part of records to be maintained and to provide orderly filing of basket tickets by sale dates.

6. In paragraph (a) of § 725.99, subparagraph (7) would be amended to require sale bills for warehouse resales to be identified as floor sweepings or leaf account tobacco and a new subparagraph (8) would be added to provide for determination by the Agricultural Marketing Service of this Department of tobacco presented for sale that is represented to be nonquota tobacco or there is question as to what kind of quota tobacco is being offered for sale.

7. Paragraphs (g)(14) of § 725.99 and (c)(4) of § 725.100 would be amended to clarify that dealers and warehousemen are responsible for the actual weighing of carryover tobacco reported on hand on final MQ-79's and MQ-80's for the season.

8. In § 725.100 the general statement at the beginning would be amended to clarify that dealer's reports and records required in this section shall be kept separately for each kind of tobacco and that adjustment invoices required to be furnished to the auction warehouse shall be identified by the appropriate warehouse and dealer number.

9. Section 725.100(d) would be amended to require a negative report from any dealer purchasing tobacco on a warehouse floor for any sale day in which there is no adjustment to the bill-out for that sale day as furnished by the warehouseman.

10. Section 725.101(a) would be amended to provide that dealers exempt from regular records and reports on MQ-79 are required to furnish adjustment invoices or buyers settlement sheets and negative reports where no adjustment is necessary for a particular sale day, as provided in § 725.100(d).

11. Section 725.102(b) would be amended to require persons engaged in the business of redrying, prizing, or stemming tobacco and storage firms handling tobacco to expand recordkeeping to include data on dealers, warehousemen or other persons for whom tobacco was received for processing or storage and to report such data, with certain exceptions, to the State ASCS office within 15 days of the end of the marketing year.

12. Section 725.107 would be amended to add warehouse bill-out invoices and the tissue copy of Form MQ-72-1 Report of Tobacco Auction Sale, to the list of records to be made available for examination upon written request by the State executive director.

It is proposed that the Flue-cured tobacco regulations for 1970-71 and subsequent marketing years be amended as follows:

1. Section 725.51(o) is revised to read as follows:

§ 725.51 Definitions.

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That floor sweepings above the pounds determined by multiplying 0.001 times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchases for the warehouse leaf account shall not be included in determining total first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

2. Section 725.72(p)(1) is amended by adding a sentence at the end to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quota.

(p) *Cancellation, dissolution or revision of transfer—(1) Cancellation.* * * * The provisions of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 725.70 where such provisions are applicable.

3. Section 725.85 is revised to read as follows:

§ 725.85 Identification of kinds of tobacco.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of a kind and type shall be considered such kind and type without regard to any factor of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco, excluding other kinds subject to marketing quotas, on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

4. The last sentence of paragraph (c) of § 725.94 is amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

(c) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which

the State executive director determines have been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 725.51(o) by producer's first sales, excluding warehouse leaf account purchases.

5. In § 725.99, a general statement is added at the beginning of the section, a new paragraph (m) and a new subparagraph (8) to paragraph (a) would be added, and subparagraphs (3) and (7) of paragraph (a) and subparagraph (14) of paragraph (g) and the sixth sentence of subparagraph (4) of paragraph (a) would be revised, to read as follows:

§ 725.99 Warehouseman's records and reports.

Each warehouse shall keep the records and make the reports separately for each kind of tobacco as provided in this section.

(a) *Record of marketing.* * * *

(3) *Buyers corrections account.* Each warehouseman shall keep such records including negative adjustment invoices as will enable him to furnish a weekly report on Form MQ-71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and the credits (for long baskets, and long weights of tobacco) to the buyers corrections account. Where the warehouseman returns to the seller tobacco debited to the buyers corrections account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the buyers corrections account and a corresponding purchase (debit entry) in the case of a dealer on his MQ-79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the buyers corrections account.

(4) *Tobacco sale bill and daily warehouse sales summary.* * * * At the end of each sale day, the tobacco sale bills shall be sorted and filed in numerical order by sale dates, and basket tickets shall be filed in an orderly manner by sale dates.

(7) *Labeling tobacco sale bill for resale tobacco.* In the case of resales, each sale bill shall show resale and: (i) For dealers, the name of the dealer making each resale; and (ii) for the warehouse, the name of the warehouse and either "floor sweepings" or "leaf account" tobacco.

(8) *Nonquota tobacco or quota tobacco of a different kind.* Should tobacco be presented for sale that is represented to be nonquota tobacco or there is question as to what kind of quota tobacco is being offered, an inspection shall be obtained from the Agricultural Marketing Service

of this Department (AMS) before the tobacco is weighed in and offered for sale. If an AMS inspection shows that a basket or lot of tobacco is of a different kind than that identified by the basket ticket after it is weighed in and a sale bill prepared, such tobacco shall be deleted from the original sale bill and a revised sale bill prepared.

* * * * *
(g) *Daily warehouse sale summary.* * * *

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ-80 for the season the quantity of leaf account tobacco and floor sweepings, if any, on hand and its location, (ii) permit its inspection by a representative of ASCS, and (iii) provide for the weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been obtained as provided in subdivision (iii) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *
(m) *Invoice to purchaser.* Each warehouseman shall keep copies of bill-out invoices to the purchaser by grades showing the pounds purchased.

6. The general statement at the beginning of § 725.100 and paragraphs (c) (4) and (d) thereof are amended to read as follows:

§ 725.100 Dealer's records and reports.

Each dealer, except as provided in § 725.101, shall keep the records and make the reports separately for each kind of tobacco as provided by this section. Adjustment invoices, including the adjustment invoices for any sale day for which there is no adjustment to be made, required to be furnished to an auction warehouse shall be identified by the warehouse identification number and the reporting dealer's identification number as well as the names of the warehouse and dealers involved in the transaction.

* * * * *
(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operation, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ-79, for the season, (ii) report on such final MQ-79 for the season the quantity of tobacco on hand and its location, (iii) permit its inspection by a representative of ASCS, and (iv) provide for weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been determined as provided in subdivision (iv) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

(d) *Daily report to warehouseman for buyers corrections account.* Notwithstanding the provisions of § 725.101, reports shall be made as follows:

(1) Any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish to the warehouseman an adjustment invoice or buyers settlement sheet.

(2) Each dealer who purchases tobacco on a warehouse floor for any sale day in which there is no adjustment required in the account as shown on the warehouse bill-out invoice for that sale day, shall file a negative report with the warehouseman for that sale day.

(3) Such reports as required under subparagraphs (1) and (2) of this paragraph shall be furnished daily, if practicable (otherwise, they shall be furnished at the end of each week), and shall show the identification number of the purchasing dealer and the identification number of the warehouse where the purchase was made.

7. The first sentence in § 725.101(a) is amended to read as follows:

§ 725.101 Dealers exempt from regular records and reports on MQ-79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sale and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100, except as provided in paragraph (d) of § 725.100. * * *

* * * * *
8. Section 725.102(b) is amended to read as follows:

§ 725.102 Records and reports of truckers, persons redrying, prizing or stemming tobacco, and storage firms.

* * * * *
(b) Each person engaged in the business of redrying, prizing, and stemming tobacco and storage firms handling tobacco shall keep records with respect to each lot of tobacco received by him showing:

(1) The name and address of producer, dealer, warehouseman, or other person for whom the tobacco was received.

(2) The date of receipt of tobacco.

(3) The number of pounds received.

(4) The purpose for which tobacco was received.

(5) The amount of any advance or loan made by him on the tobacco.

(6) The disposition of the tobacco.

(7) Person to whom delivered and pounds involved.

Any such person shall report this information to the State ASCS office within 15 days of the end of the marketing year, except for tobacco handled for an association operating the price support program and tobacco purchased by him at auction or for which he had previously reported in Form MQ-79.

§ 725.107 [Amended]

9. Section 725.107 is amended by adding the language "warehouse bill-out invoices, and the tissue copy of Form MQ-72-1, Report of Tobacco Auction Sale", immediately following the language "documents".

Prior to issuance of the proposed changes in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 11, 1972.

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

[FR Doc.72-6041 Filed 4-19-72; 8:51 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Status of Drugs Previously Reviewed Under Drug Efficacy Study (DESI); Need for Updating; Implications of "Grandfather" Provisions

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States to determine whether they are safe and effective for their labeled indications and not misbranded. In this review, the safety and effectiveness of all OTC drugs will be evaluated on a class-by-class approach in lieu of bringing regulatory action against individual products. A notice of this review, an explanation of its purpose, and proposed procedural regulations were published in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 85). This review complements the Drug Efficacy Study (DESI) which was a review of drugs introduced to the market through the new drug procedures between 1938 and 1962 and which dealt primarily with prescription drugs. Implementation of the Drug Efficacy Study conclusions is nearing completion. It is estimated that 2 to 5 years will be required to complete the new review on various classes of OTC drugs.

There were 420 OTC drugs reviewed in the Drug Efficacy Study. The review of these drugs, which are broadly representative of the estimated 100,000 to

PROPOSED RULE MAKING

500,000 OTC drugs on the market, showed the need for a study of the whole OTC market by means of a liberal class-by-class approach. The impracticality of a product-by-product approach has been set forth by prior publication (37 F.R. 85).

A careful review has been made of all OTC drugs which were reviewed in the Drug Efficacy Study to determine whether implementation steps relating to these products could be deferred, without significant risk to the public health, pending review of OTC drugs by appropriate OTC panels as provided for in the January 5, 1972 procedural regulations proposal.

The 420 drugs are, for the most part, representative of all OTC products. Deferral of further action under the published DESI notices pending review of the drugs in their appropriate categories (other than those listed in the section proposed below) would not represent any significant health hazard to the public for most of the products involved. Immediate action would be likely only to divert the public to competitive products, with the unfair result that NDA products would be penalized and identical, related and similar drug products would be given an advantage. To isolate many of these drugs for action prior to a review of an entire class would defeat the purpose of the planned approach to the whole OTC drug review. It would tie up the limited resources available and would not resolve the major issues presented by the OTC market.

To aid manufacturers and distributors in reviewing the status of OTC products the Commissioner of Food and Drugs proposes clarifying regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 507, 701, 52 Stat. 1040-42 as amended, 1050-53 as amended, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321, 352, 355, 357, 371) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120), it is proposed that the Subpart D of Part 130 proposal published on January 5, 1972 (37 F.R. 85) be amended to add the following new section:

§ 130. Status of over-the-counter drugs previously reviewed under the Drug Efficacy Study (DESI).

(a) There were 420 OTC drugs reviewed in the Drug Efficacy Study. A careful review has been made of the reports on these drugs to determine those drugs for which implementation may be deferred, without significant risk to the public health, pending review by appropriate OTC panels. Deferral of action will not be granted for any of the following:

(1) Products which are not typical OTC products and therefore will not be reviewed by OTC panels.

(2) Products which are unique and are easily separated from other marketed products for final action.

(3) Products which represent a significant health hazard.

(b) For products for which Drug Efficacy Study conclusions have been established prior to March 1, 1972 (except for the products listed in subdivisions (i) through (vii) of subparagraph (1) of this paragraph and the products listed in subdivisions (i) through (ix) of subparagraph (2) of this paragraph) all actions, requests for data, revised labeling, requests for new drug applications, abbreviated new drug applications, updated supplements, data to support less than effective claims, if any, etc. are deferred and the OTC products will be subject to review in their appropriate class.

(1) The requirements of the following DESI announcements are not deferred:

(i) Certain Surgical Sutures (DESI 4725), *FEDERAL REGISTER* of November 11, 1971 (36 F.R. 21612).

(ii) Absorbable Dusting Powder (DESI 6264), *FEDERAL REGISTER* of May 25, 1971 (36 F.R. 9475).

(iii) Certain Insulin Preparations (DESI 4286), *FEDERAL REGISTER* of April 9, 1971 (36 F.R. 6842).

(iv) Candette Cough Jel (DESI 11562), *FEDERAL REGISTER* of July 17, 1971 (36 F.R. 13281).

(v) Sulfo-Van Ointment (DESI 2230), *FEDERAL REGISTER* of October 8, 1970 (35 F.R. 15860).

(vi) Certain Sulfonamide-Containing Preparations for Topical, Ophthalmic, or Otic Use (DESI 3684), *FEDERAL REGISTER* of September 25, 1970 (35 F.R. 14954) and notice of opportunity for hearing in the *FEDERAL REGISTER* of February 12, 1972 (37 F.R. 3198).

(vii) Curad Medicated Adhesive Bandage containing tyrothricin-nitrofuranone (DESI 6898), *FEDERAL REGISTER* of February 27, 1971 (36 F.R. 3833).

(2) Deferral of requirements is not appropriate when an announcement has been published and has been followed by a final order classifying a drug either as lacking substantial evidence of effectiveness or as not shown to be safe. These products will be removed from the market, if they have not already been removed. Immediate regulatory action will also be undertaken against related products. Deferral of requirements is not appropriate for the following (the referenced document may also pertain to prescription drugs):

(i) Certain Sulfonamide-Decongestant Nasal Preparations (DESI 4850), for which notice of withdrawal of approval of new drug applications was published in the *FEDERAL REGISTER* of October 24, 1970 (35 F.R. 16605, 16606).

(ii) Eskay's Theranates, containing strychnine, sodium, and calcium glycerophosphates, thiamine hydrochloride, alcohol, and phosphoric acid (DESI 2220), for which notice of withdrawal of approval of the new drug application was published in the *FEDERAL REGISTER* of February 18, 1971 (36 F.R. 3152).

(iii) The following topical drugs (DESI 1726), for which notice of withdrawal of approval of new drug applications was published in the *FEDERAL REGISTER* of August 28, 1971 (36 F.R. 17368):

(a) Rhulitol Solution, containing tannic acid, chorobutanol, phenol, camphor, alum, and isopropyl alcohol.

(b) Zirnox Topical Lotion, containing phenyltoloxamine citrate and zirconium oxide.

(iv) Menacyl Tablets, containing aspirin, menadione, and ascorbic acid (DESI 6363), for which notice of withdrawal of approval of the new drug application was published in the *FEDERAL REGISTER* of July 23, 1970 (35 F.R. 11827).

(v) Curad Medicated Adhesive Bandage containing sulfathiazole (DESI 4964), for which notice of withdrawal of approval of the new drug application was published in the *FEDERAL REGISTER* of December 31, 1969 (34 F.R. 20441).

(vi) Drugs Containing Rutin, Quercetin, Hesperidin, or any Bioflavonoids (DESI 5960), for which notice of withdrawal of approval of new drug applications was published in the *FEDERAL REGISTER* of July 3, 1970 (35 F.R. 10872, 10873) and October 17, 1970 (35 F.R. 16332).

(vii) Antibiotics in Combination with Other Drugs for Nasal Use (DESI 7561), for which an order revoking provision for certification was published in the *FEDERAL REGISTER* of August 6, 1971 (36 F.R. 14469).

(viii) Antibiotic Troches (DESI 8328), for which an order revoking provision for certification was published in the *FEDERAL REGISTER* of July 14, 1971 (36 F.R. 13089).

(ix) Certain Drugs Containing Oxyphenisatin Acetate (DESI 10732), for which notice of withdrawal of approval of new drug applications was published in the *FEDERAL REGISTER* of February 1, 1972 (37 F.R. 2460).

(c) For those products reviewed in the Drug Efficacy Study for which conclusions have not been published, the NAS/NRC reports will be published in the near future to give interested persons the benefit of the opinions of the review panels. FDA conclusions will not be included. Hence, appropriate action will be deferred, except for those products not granted deferral of action (subparagraphs (1), (2), and (3) of paragraph (a) of this section).

(d) Manufacturers and distributors should take notice that the information on OTC drugs provided by the Drug Efficacy Study review is valuable information as to the deficiencies in the data available to support indications for use. They are encouraged to perform additional studies to obtain adequate evidence of effectiveness for the forthcoming review of OTC drugs. In the interim, it is in the public interest that all OTC drug manufacturers and distributors effect changes in their formulations and/or labeling to bring the products into conformity with current medical knowledge and experience.

(e) Manufacturers and distributors of OTC drugs may be reluctant to make appropriate formulation and/or labeling changes for fear of losing the protection of the so-called "grandfather" provisions of the 1938 Federal Food, Drug, and Cosmetic Act (sec. 201(p)(1))

and the 1962 amendments to the act (sec. 107(c) of those amendments). To encourage and facilitate prompt changes, the Food and Drug Administration will not take legal action based on a charge that the product is a new drug and not "grandfathered" under the act as a result of the changes if the changes in formulation and/or labeling are of the following kind:

(1) The addition to the labeling of warning, contraindications, side effects, and/or precaution information.

(2) The deletion from the labeling of false, misleading, or unsupported indications for use or claims of effectiveness.

(3) Changes in the components or composition of the drug that will give increased assurance that the drug will have its intended effect, yet not raise or contribute any added safety questions.

(4) Changes in the components or composition of the drug which may reasonably be concluded to improve the safety of the drug, without diminishing its effectiveness.

(f) The forbearance from legal action for lack of "grandfather" protection is an interim procedure designed to encourage appropriate change in formulation and/or labeling during the time period required to review the various classes of OTC drugs. At such time as an applicable OTC drug monograph becomes effective, the interim procedure will automatically be terminated and any appropriate regulatory action will be initiated.

Interested persons may, within 60 days after publication hereof in the **FEDERAL REGISTER**, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday. (Secs. 201, 502, 505, 507, 701, 52 Stat. 1040-42 as amended, 1050-53 as amended, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321, 352, 355, 357, 371)

Dated: April 10, 1972.

CHARLES C. EDWARDS,
Commissioner of
Food and Drugs.

[FR Doc. 72-5977 Filed 4-19-72; 8:47 am]

[21 CFR Part 295]

**HOUSEHOLD PRODUCTS CONTAINING
10 PERCENT OR MORE OF SULFURIC
ACID**

**Proposed Child Protection Packaging
Standards**

Through investigations by the Food and Drug Administration and from other available information, the Commissioner

of Food and Drugs has determined that accidental contact with household substances containing 10 percent or more of sulfuric acid has been a cause of serious injury to children under 5 years of age.

Sulfuric acid is a strong mineral acid that produces severe burns on contact with body tissues due to its corrosive, oxidizing, and sulfonating properties. Ingestion of this strong acid may result in severe internal corrosive burns causing esophageal strictures or perforation of the esophagus or stomach walls.

Sulfuric acid is used in household products such as certain liquid drain cleaners. Some liquid drain cleaners contain as much as 93 percent of concentrated sulfuric acid as the primary ingredient. Reports indicate that since 1967 contact with such liquid drain cleaners has resulted in 10 severe external burn injuries, one of which resulted in the death of a 17-month-old child. The capacity of household products containing 10 percent or more of sulfuric acid to cause serious personal injury and even death to children under 5 years of age is unequivocal.

The Federal Caustic Poisons Act of 1927 classified sulfuric acid, and any preparation containing free or chemically unneutralized sulfuric acid in a concentration of 10 percent or more, as a dangerous caustic or corrosive substance.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner finds that the nature of the hazard to children posed by household products containing 10 percent or more of sulfuric acid, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from ingestion or handling of such products.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to the standards proposed herein. At least 15 different special packages have been tested in accordance with *§ 295.10 Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since the special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

In the order published June 10, 1971 (36 F.R. 11190), which promulgated 21

CFR 191.9(a)(4) that bans certain liquid drain cleaners containing sodium and/or potassium hydroxide, notice was given that two manufacturers had suggested that acid-type liquid drain cleaners should be similarly banned. The Commissioner acknowledge the potential hazard of such household substances and indicated that they would be dealt with separately. Although the information presently available to the Food and Drug Administration is inadequate to support the suggested similar banning of acid-type liquid drain cleaners, the Food and Drug Administration solicits and will give careful consideration to any data or other information that interested persons may file with the Hearing Clerk (address given below) regarding such suggested banning. On the basis of the information presently available the Commissioner concludes that banning sulfuric acid-containing household products is not warranted at this time and that the child protection packaging standards proposed below offer the most appropriate means of dealing with the hazards of such household products. The Commissioner will take further action as appropriate if experience with the special packaging standards proposed below indicates a need for change to provide sufficient protection to children.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2 (a) as follows (§§ 295.2 and 295.3 were promulgated in the **FEDERAL REGISTER** of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(9) *Sulfuric acid.* Household substances containing 10 percent or more of sulfuric acid shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

Interested persons may, within 60 days after publication hereof in the **FEDERAL REGISTER**, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may

PROPOSED RULE MAKING

be seen in the above office during working hours, Monday through Friday.

Dated: April 17, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-6057 Filed 4-19-72; 8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kearney, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

The development of an instrument approach procedure and its associated airspace to serve Brewster Field, Holdrege, Nebr., has resulted in conflicting, adjacent procedure turn areas at Brewster Field and the Kearney, Nebr., Municipal Airport, which will not permit simultaneous approaches to the two airports. This conflict can be resolved by changing the procedure turn from the west to the east side of the final approach course to Runway 26 at the Kearney Municipal Airport. Accordingly, it is necessary to alter the Kearney, Nebr., transition area to provide controlled airspace protection for aircraft executing the changed approach procedure.

In consideration of the foregoing, the Federal Aviation Administration pro-

poses to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

KEARNEY, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport; within 4 miles each side of the Kearney VOR 194° radial, extending from the airport to 13 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 8, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc. 72-5988 Filed 4-19-72; 8:47 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Information Requested by Attorney General for Antitrust Review of Facility License Applications

The Atomic Energy Commission has under consideration amendments of 10 CFR Part 50, Licensing of Production and Utilization Facilities, which would describe and provide appropriate references to information requested by the Attorney General for the conduct of his antitrust review and rendering of advice to the Commission with respect to facility license applications.

Following the enactment of Public Law 91-560 (84 Stat. 1472), which, among other things, amended section 105c of the Atomic Energy Act of 1954, as amended, pertaining to antitrust review of facility license applications, the Commission adopted certain amendments (35 F.R. 19655, December 29, 1970) to its rules of practice, 10 CFR Part 2, and its regulation, Licensing of Production and Utilization Facilities, 10 CFR Part 50, in implementation of that legislation. Section 50.33 of 10 CFR Part 50 relating to contents of license applications was amended to require the inclusion in the application of " * * * such information as the Attorney General determines to be appropriate in regard to the finding to be made by the Commission as to whether the activities to be licensed would create or maintain a situation inconsistent with the antitrust laws specified in section 105a of the Act." A new § 50.55b was added authorizing

the Commission to incorporate a condition in certain construction permits and licenses which would among other things, require the licensee to furnish to the Commission " * * * such information as the Attorney General determines to be appropriate for the conduct of the review and the rendering of his advice with respect to the license * * *." Section 50.80 was amended by § 50.80(b) to provide that an application for transfer of a license involving the issuance of a class 103 license shall include " * * * such information as the Attorney General deems appropriate in regard to the finding to be made by the Commission as to whether the transfer of the license would create or maintain a situation inconsistent with the antitrust laws."

The proposed amendments set forth below describe and provide appropriate references to information requested by the Attorney General for the conduct of his antitrust review and rendering of advice to the Commission with respect to facility license applications.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the *FEDERAL REGISTER*. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C.

§ 50.33 [Amended]

1. Paragraph (k) of § 50.33 is revoked.
2. A new § 50.33a is added to read as follows:

§ 50.33a Information requested by the Attorney General for antitrust review.

If the application is for a class 103 permit or license, or for a class 104 operating license as to which a person who intervened or sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination has requested an antitrust review under section 105 of the Act within 25 days after the date of publication in the *FEDERAL REGISTER* of notice of filing of the application for an operating license or December 19, 1970, whichever is later, the information described in Appendix L, which the Attorney General has determined to be appropriate in regard to the finding to be made by the Commission as to whether the activities to be licensed would create or maintain a situation inconsistent with the antitrust

laws specified in section 105a of the Act shall be submitted as a separate document accompanying the license application.

3. Section 50.55b is amended to read as follows:

§ 50.55b Conditions of construction permits and operating licenses pertaining to antitrust matters.

The Commission may incorporate, in construction permits for production or utilization facilities of the type described in § 50.22 for which applications were on file on December 19, 1970, and in operating licenses for production or utilization facilities of a type described in §§ 50.22 and 50.21(b)(1), as to which a person who intervened or sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination within 25 days after the date of publication in the *FEDERAL REGISTER* of notice of filing of the application for an operating license on December 19, 1970, whichever is later, a condition to the effect that the license shall be subject to an antitrust review by the Attorney General pursuant to section 105c of the Atomic Energy Act of 1954, as amended; that the licensee shall furnish to the Commission the information described in Appendix L, which the Attorney General has determined to be appropriate for the conduct of the review and the rendering of his advice with respect to the license; that the Commission may hold a hearing on antitrust matters on the recommendation of the Attorney General or at the request of any person whose interest may be affected by the proceeding; that on the basis of its findings made after such hearing, the Commission will continue, rescind, or amend the license to include such conditions as the Commission deems appropriate; and that the licensee shall comply with any order or license condition made by the Commission pursuant to section 105c of the Atomic Energy Act of 1954, as amended, with respect to the licensed activities.

4. The first sentence of § 50.80(b) is amended to read as follows:

§ 50.80 Transfer of licenses.

*(b) An application for transfer of a license shall include as much of the information described in §§ 50.33 and 50.34 with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license, and, if the license to be issued is a class 103 license, the information described in Appendix L, which the Attorney General has determined to be appropriate in regard to the finding to be made by the Commission as to whether the transfer of the license would create or maintain a situation inconsistent with the antitrust laws. *

5. A new Appendix L is added to read as follows:

APPENDIX L—INFORMATION REQUESTED BY THE ATTORNEY GENERAL FOR ANTITRUST REVIEW OF FACILITY LICENSE APPLICATIONS

Introduction. The information in this appendix is that requested by the Attorney General in connection with his review, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, of certain facility license applications. The applicant shall submit the information as a separate document titled, "Information Requested by the Attorney General for Antitrust Review." Twenty (20) copies shall be submitted with the facility license application and not less than twenty-five (25) additional copies shall be retained by the applicant to be available as needed during the antitrust review.

I. Definitions

1. "Applicant" means the entity applying for authority to construct or operate subject unit and each corporate parent, subsidiary, and affiliate. Where application is made by two or more electric utilities not under common ownership or control, each utility should set forth separate responses to each item herein.

2. "Subject unit" means the nuclear generating unit or units for which application for construction or operation is being made.

3. "Electric utility" or "system" means any entity owning, controlling, or operating facilities for the generation or transmission or distribution of electric power.

4. "Coordination" means any arrangement between two or more systems for generation and transmission planning, or operation of two or more interconnected electric utilities not under common ownership or control, including but not limited to arrangements for sharing operating and installed reserves, arrangements for joint or staggered construction of generating facilities, economy energy transactions, capacity transactions based on load diversities, thermal-hydro generation pooling, common maintenance arrangements, and joint use of transmission facilities or wheeling.

5. "Coordinating power and energy" means energy transmitted in accordance with an arrangement for coordination including but not limited to emergency power, economy energy, deficiency power and associated energy, and maintenance power and energy.

6. Except where specifically mentioned otherwise, the term "reserve generating capacity" or "reserves" shall refer to installed reserves in contrast to spinning or operating reserves.

II. Required Information

1. State separately for hydroelectric and thermal generating resources applicant's most recent peak load and dependable capacity for the same time period. State applicant's dependable capacity at time of system peak for each of the next 10 years for which information is available. Identify each new unit or resource. For hydroelectric generating capacity, indicate the number of kilowatt-hours of use associated with each kilowatt of capacity during the "adverse water year" upon which dependable capacity is based. Indicate average annual kilowatt-hour loads per kilowatt, associated with each system peak shown (exclusive of interchange arrangements).

2. State applicant's estimated annual load growth for each of the next 20 years or for the period applicant utilizes in system planning. Indicate growth both in kilowatt requirements and kilowatt-hour requirements.

3. State estimated annual load growth in kilowatts and kilowatt-hours of companies or pools upon which the economic justification of the subject unit is based for each of the

next 20 years or for the period applicant utilizes in system planning. Identify each company or pool member.

4. For the year the subject unit would first come on line, state estimated annual load growth in kilowatts and kilowatt hours of any coordinating group or pool of which the applicant is a member (other than the coordinating group or pool referred to in the applicant's response to Item 3) which has generating and/or transmission planning functions. Identify each company or pool member whose loads are indicated in the response thereto.

5. State applicant's minimum installed reserve criterion (as a percentage of load)¹ for the period when the subject unit will first come on line. If the applicant shares reserves with other systems, identify the other systems and provide minimum installed reserve criterion (as a percentage of load)¹ by contracting parties or pool for the period when the proposed unit will first come on line.

6. Describe methods used as a basis to establish, or as a guide in establishing the criteria for applicant's and/or applicant's pool's minimum amount of installed reserves. [E.g., (a) single largest unit down, (b) probability methods such as loss of load 1 day in 20 years, loss of capacity once in 5 years, (c) other methods and/or (d) judgment. List contingencies other than risk of forced outage that enter into the determination.]

7. Indicate whether applicant's system interconnections are credited explicitly or implicitly in establishing applicant's installed reserves.

8. List rights to receive emergency power and obligations to deliver emergency power, rights or obligations to receive or deliver deficiency power or unit power, or other coordinating arrangements, by reference to applicant's Federal Power Commission (FPC) rate schedules (i.e., ABC Power & Light Co., FPC Rate Schedule No. 15 including supplement 1-5),² and also by reference to applicant's state commission filings. Where documents are not on file with the FPC, supply copies, or where not reduced to writing describe arrangements. Identify for each such arrangement the participating parties other than applicant. Provide one line electrical and geographic diagrams of coordinating groups or power pools (with generation or transmission planning functions) of which applicant's generation and transmission facilities constitute a part.

9. List non-affiliated³ electric utility systems with peak loads smaller than applicant's which serve either at wholesale or at retail adjacent to areas served by applicant. Provide a geographic one line diagram of applicant's generating and transmission facilities (including subtransmission), indicating the location of adjacent systems and as to such systems indicate (if available) their load, their annual load growth, their generating capacity, their largest thermal generating unit size, and their minimum reserve criteria.

10. List separately those systems in item 9 which purchase from applicant (a) all bulk power supply and (b) systems which purchase partial bulk power supply requirements. Where information is available to applicant, identify those item 9 systems purchasing part or all of their bulk power supply requirements from suppliers other than applicant.

¹ Indicate whether loads other than peak loads are considered.

² List separately and identify certificates of concurrence.

³ Systems not in the same holding company system.

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11. State as to all power generated and sold by applicant and most recent average cost of bulk power supply experienced by applicant (a) at site of generating facilities, (b) at the delivery points from the primary transmission (backbone) system, (c) at delivery points from the secondary transmission system, and (d) at delivery points from the distribution system, in terms of dollars per kilowatt per year, in mills per kilowatt hour, and in both the kilowatt costs and kilowatt hour costs divided by the kilowatt hours. If wholesale sales are made at varying voltages, indicate average costs at each voltage.

12. State (a) for generating facilities and (b) for transmission subdivided by voltage classes the most recent estimated cost of applicant's bulk power supply expansion program of which the subject unit is a part, in terms of dollars per kilowatt per year, in mills per kilowatt hour and in both the kilowatt costs and kilowatt hour costs divided by the kilowatt hours.

13. List and describe all requests for, or indications of interest in, interconnection and/or coordination and purchases or sales of coordinating power and energy from adjacent utilities listed in item 9 since 1960 and state applicant's response thereto. List and describe all requests for, or indications of interest in, supply of full or partial requirements or bulk power for the same period and state applicant's response thereto.

14. List (a) agreements to which applicant is a party (reproducing relevant paragraphs) and (b) State laws (supply citations only), which restrict or preclude coordination by, with, between, or among any electric utilities or systems identified in applicant's response to items 8 and 9. List (a) agreements to which the applicant is a party (reproducing relevant paragraphs) and (b) State laws (supply citations only) which restrict or preclude substitution of service or establishment of service of full or partial bulk power supply requirements by an electric utility other than applicant to systems identified in items 8 and 9. Where the contract provision appears in contracts or rate schedules on file with a Federal agency, identify each in the same form as in previous responses. Where the contract has not been filed with a Federal agency, a copy should be supplied unless it has been supplied pursuant to another item hereto. Where it is not in writing, it should be described.

15. State, at point of delivery, average future costs of power purchased from applicant to adjacent systems identified in applicant's response to item 9 in terms of dollars/month/kw for capacity, mill/kwh for energy and mills/kwh for both power and energy at purchaser's present load factor (a) at present load, (b) at 50 percent increase over present load, (c) at 100 percent increase over present load, and (d) at 200 percent increase over present load. [All costs should be determined under present rate schedules.] Where sales are made under contracts or rate schedules on file with a Federal agency and not included in the response to item 9, identify each in the same form as in previous responses. Where the contract has not been filed with a Federal agency, a copy should be supplied.

16. State whether applicant has prepared, caused to be prepared, or received engineering studies for generation and transmission expansion programs which include loads of each system in item 9.

17. List adjacent systems to which applicant has offered to sponsor or to conduct system surveys in contemplation of an offer by applicant to purchase, merge or consolidate with said adjacent system, subsequent to January 1, 1960.

18. List applicant's offers or proposals to purchase, merge or consolidate with electric utilities, subsequent to January 1, 1960.

19. List all acquisitions of or mergers or consolidations with electric utilities by applicant, subsequent to January 1, 1960, including:

(a) The name and principal place of business of the system prior to the acquisition, merger or consolidation;

(b) The date the acquisition merger or consolidation was consummated;

(c) Gross annual revenue and most recent peak load, dependable capacity and the largest thermal generating unit of the system, prior to the dates of consummation.

20. State applicant's six (or fewer if there are not six) lowest industrial or large commercial rates for firm electric power supply in terms of cost for power and energy in mills per kilowatt hour (and separately, the demand and energy components) and indicate the portion of the charge attributed to bulk power supply. State the rates or rate blocks applicant utilizes for its six (or fewer if there are not six) promotional services such as electric space heating, electric hot water heating, and the like, in terms of mills per kilowatt hour for power and energy and indicate the portion of the rate or rate blocks attributed to bulk power supply.

(Secs. 105, 161, 68 Stat. 938, 948; 42 U.S.C. 2135, 2201)

Dated at Germantown, Md., this 7th day of April 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc. 72-6003 Filed 4-19-72; 8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

PIPERONYL BUTOXIDE AND PYRETHRINS

Proposed Tolerances

Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of Delaware, Massachusetts, New Jersey, New York, and Utah and the U.S. Department of Agriculture submitted a petition (PP 0E0977) proposing establishment of tolerances for residues of two insecticides from use on poultry and their premises as follows:

1. Piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) in meat, fat, and meat byproducts of poultry at 3 parts per million and eggs at 1 part per million.

2. Pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) in meat, fat, and meat byproducts of poultry at 0.2 part per million and eggs at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture advised that these pesticide chemicals are useful for the

purpose for which the tolerances are being proposed.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 180 be amended as follows:

1. In § 180.127, by adding two new paragraphs "3 parts per million * * *" and "1 part per million * * *" after the paragraph "8 parts per million * * *", as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

3 parts per million in meat, fat, and meat byproducts of poultry.

1 part per million in eggs.

2. In § 180.128, by inserting the new paragraph "0.2 part per million * * *" after the paragraph "0.5 part per million * * *" and by revising the paragraph "0.1 part per million * * *", as follows:

§ 180.128 Pyrethrins; tolerances for residues.

0.2 part per million in meat, fat, and meat byproducts of poultry.

0.1 part per million (negligible residue) in eggs and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the *FEDERAL REGISTER*, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the *FEDERAL REGISTER*, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 14, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc. 72-5991 Filed 4-19-72; 8:47 am]

Notices

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PP 639]

SOIL SAMPLES

List of Approved Laboratories Authorized to Receive Interstate Shipments for Processing, Testing, or Analysis

Pursuant to the Japanese Beetle, Whitefringed Beetle, European Chafer, Soybean Cyst Nematode, Witchweed, Imported Fire Ant, and Golden Nematode Quarantines (Notices of Quarantine Nos. 48, 72, 77, 79, 80, 81, and 85; 7 CFR 301.48, 301.72, 301.77, 301.79, 301.80, 301.81, and 301.85), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of laboratories (36 F.R. 3272) operating under a compliance agreement and approved under said quarantines to receive interstate shipments of soil samples for processing, testing, or analysis is hereby revised as follows:

LABORATORY AND ADDRESS

A

A & H Corp., Consulting Engineers, Carbondale, Ill.

A & H Corp., Consulting Engineers, Champaign, Ill.

A & H Corp., Consulting Engineers, Chicago, Ill.

A & H Corp., Consulting Engineers, Peoria, Ill.

Abbott Laboratories, North Chicago, Ill.² (6-30-76)*

Ackenheil, A. C., and Associates, Inc., Pittsburgh, Pa.

Advanced Tests and Inspections, Inc., National City, Calif.

Agrico Chemical Co., Washington Court House, Ohio.

Agricultural Service Laboratories, Pharr, Tex.³ (6-30-72)*

Alabama (South), University of, Department of Geology, Mobile, Ala.² (6-30-72)*

Allied Chemical Corp., Morristown, N.J.

Alpha Research and Development, Inc., Blue Island, Ill.

American Cyanamid Co., Princeton, N.J.

American Cyanamid Co., Agriculture Division, Princeton, N.J.² (6-30-73)*

American Oil Co., Soil Laboratories, Rochelle, Ga.

American Oil Co., Soil Laboratories, Holland, Tex.

American Oil Co., Soil Testing Laboratory, Yoder, Ind.

Ameron, South Gate, Calif.

Analysis Laboratories, Inc., Metairie, La.

Analytical Development Corp., Monument, Colo.

Anco Testing Laboratory, Inc., St. Louis, Mo.

Ansul Company, Marinette, Wis.

Arco Chemical Co., Fort Madison, Iowa.

Arizona, University of, Tucson, Ariz.

*Date that import permit expires.

See footnotes at end of document.

Arizona, University of, Department of Agricultural Chemistry and Soils, Tucson, Ariz.² (6-30-75)*

Arizona, University of, Department of Plant Pathology, Tucson, Ariz.² (6-30-77)*

Arizona State University, Tempe, Ariz.

Arizona State University, Department of Anthropology, Tempe, Ariz.² (6-30-74)*

Arizona Testing Laboratory, Phoenix, Ariz.

Arkansas, University of, Experiment Station, Fayetteville, Ark.

Arkansas, University of, Experiment Station, Marianna, Ark.

Arkansas Highway Department, Materials and Testing Laboratory, Little Rock, Ark.

Asphalt Institute, College Park, Md.

Asphalt Technology, Bellmawr, N.J.

Associated Laboratories, Orange, Calif.

AstroTech, Inc., Harrisburg, Pa.

Atkins Farmlab, Sacramento, Calif.

Atlanta Testing and Engineering Co., Atlanta, Ga.

ATS, Post Office Box 2141, Bakersfield, CA.² (6-30-76)*

Auburn University, Soil Testing Laboratory, Auburn, Ala.

B

Babcock, Edward S., and Sons, Riverside, Calif.

Baker, Michael, Inc., Rochester, Pa.

Barbot, D. C., and Associates, Inc., Florence, S.C.

Barrow-Agee Laboratories, Inc., Memphis, Tenn.²

Beckman, Inc., Microbics Operations, La Habra, Calif.

Biological Testing and Research Laboratory, Lindsay, Calif.

Boring Soils and Testing Co., Inc., Harrisburg, Pa.

Boswell, J. G., Co., Corcoran, Calif.² (6-30-76)*

Bowes and Associates, Strawberry Park Road, Steamboat Springs, Colo.² (6-30-76)*

Bowser-Morner Testing Laboratories, Inc., Dayton, Ohio.

Brandley, Reinard W., Sacramento, Calif.² (6-30-74)*

Braun, Skaggs, and Kevorkian Engineering, Inc., Fresno, Calif.

Bristol Laboratories, Syracuse, N.Y.² (6-30-74)*

Broeman, F. C., and Co., Cincinnati, Ohio.

Brookside Laboratory, Division of Chemical Service Laboratory, Inc., New Knoxville, Ohio.

Brown and Root-Northrop IRL, Houston, Tex.

Brucker and Thracker, St. Louis, Mo.

C

California, University of, Agricultural Extension Laboratory, Agricultural Extension Service, Riverside, Calif.

California, University of, Department of Civil Engineering, Davis, Calif.² (6-30-77)*

California, University of, Department of Food Science and Technology, Davis, Calif.² (6-30-72)*

California, University of, Soils and Plant Nutrition, Riverside, Calif.² (6-30-74)*

California, University of (Los Angeles), Laboratory of Nuclear Medicine and Radiation Biology, Los Angeles, Calif.

California Department of Public Works, Division of Highways Materials and Research, Sacramento, Calif.

California Institute of Technology, Jet Propulsion Laboratory, Pasadena, Calif.² (6-30-74)*

California State Polytechnic College, Department of Biological Sciences, Pomona, Calif.² (5-20-73)*

California Testing Laboratories, Los Angeles, Calif.

Campbell Institute for Agricultural Research, Riverton, N.J.² (6-30-74)*

Capozzoli, Louis J., and Associates, Inc., Baton Rouge, La.

Carpenter Construction Co., Inc., Virginia Beach, Va.

Cascade Agricultural Service Co., Mt. Vernon, Wash.

Central Michigan University, Department of Biology, Mount Pleasant, Mich.² (6-30-75)*

Central Valley Laboratory, Fresno, Calif.

Chemagro Corp., Kansas City, Mo.² (6-30-77)*

Chembac Laboratories, Charlotte, N.C.

Chemical Service Laboratory, Inc., Jeffersonville, Ind.

Chemical Service Laboratory, Inc., New Knoxville, Ohio.² (6-30-76)*

Chevron Chemical Co., Fresno, Calif.

Chevron Chemical Co., Richmond, Calif.

Chevron Oil Field Research Co., La Habra, Calif.

Clarkson Laboratory and Supply, Inc., San Diego, Calif.² (6-30-75)*

Clemson University, Clemson, S.C.

Clinton Corn Processing Co., Clinton, Iowa.² (6-30-74)*

Coenen and Associates—Engineers, Newport News, Va.

Colorado, University of, Boulder, Colo.

Colorado, University of, Department of Geological Sciences, Boulder, Colo.² (6-30-74)*

Colorado School of Mines, Golden, Colo.² (6-30-72)*

Colorado State University, Fort Collins, Colo.

Colorado State University, Department of Agronomy, Fort Collins, Colo.² (6-30-75)*

Commercial Laboratory, Inc., Richmond, Va.

Commercial Testing and Engineering Co., Chicago, Ill.¹

Connecticut, University of, Soil Testing Laboratory, Plant Science Department, College of Agriculture and Natural Resources, Storrs, Conn.

Consolidated Cigar Corp., Glastonbury, Conn.² (6-30-74)*

Construction Aggregates Corp., Ferrysburg, Mich.

Contractors and Engineers Service, Inc., Fayetteville, N.C.

Contractors and Engineers Service, Inc., Goldsboro, N.C.

Cook Research Laboratories, Inc., Menlo Park, Calif.

Cookwell Strainer, Cincinnati, Ohio.

Cooper-Clark and Associates, Palo Alto, Calif.

Core Laboratories, Inc., Aurora, Colo.

Core Laboratories, Inc., Houma, La.

Core Laboratories, Inc., Lafayette, La.

Core Laboratories, Inc., New Orleans, La.

Core Laboratories, Inc., Shreveport, La.

Core Laboratories, Inc., Farmington, N. Mex.

Core Laboratories, Inc., Hobbs, N. Mex.

Core Laboratories, Inc., Dallas, Tex.

Core Laboratories, Inc., Casper, Wyo.

Cornell Aeronautical Laboratory, Inc., Buffalo, N.Y.

Cornell University, Department of Agronomy, Ithaca, N.Y.² (6-30-74)*

Cornell University, Department of Floriculture and Ornamental Horticulture, Ithaca, N.Y.² (6-30-76)*

NOTICES

Craig Testing Laboratories, Mays Landing, N.J.

Crandall, Leroy, and Associates, Los Angeles, Calif.² (6-30-72)*

Crobaugh Laboratories, Cleveland, Ohio.

Custom Farm Services, Inc., East Point, Ga.¹³ (6-30-75)*

D

Dade County Soils Laboratory, Homestead, Fla.

Dames & Moore, Los Angeles, Calif.² (6-30-76)*

Dames & Moore, Redwood City, Calif.

Dames & Moore, San Francisco, Calif.³ (6-30-72)*

Dames & Moore, Atlanta, Ga.² (6-30-76)*

Dames & Moore, Cranford, N.J.² (6-30-75)*

Dames & Moore, Houston, Tex.² (6-30-75)*

D'Appolonia, E., Consulting Engineers, Inc., Pittsburgh, Pa.³ (6-30-77)*

Davey Tree Expert Co., Kent, Ohio.

Daylin Laboratories, Inc., Los Angeles, Calif.

Del Monte Corp., San Leandro, Calif.

Del Monte Corp., Walnut Creek, Calif.

Delta Testing and Inspection, Inc., Baton Rouge, La.

Delta Testing and Inspection, Inc., Lafayette, La.

Delta Testing and Inspection, Inc., New Orleans, La.

Denver, University of, Denver, Colo.

Diamond Shamrock Corp., Painesville, Ohio.

Dickinson College, Department of Biology, Carlisle, Pa.² (6-30-73)*

Dickinson Laboratories, Inc., Mobile, Ala.

Dixie Laboratories, Inc., Mobile, Ala.

Dow Chemical Co., Walnut Creek, Calif.³ (6-30-77)*

Dow Chemical Co., Midland, Mich.³ (6-30-76)*

du Pont de Nemours, E. I., and Company, Inc., Wilmington, Del.² (6-30-72)*

du Pont de Nemours, E. I., and Co., Industrial and Biochemicals Department, Foreign Sales, Wilmington, Del.² (6-30-76)*

Duke University, Durham, N.C.

Duke University, Department of Botany, Durham, N.C.² (6-30-75)*

Duke University, Department of Zoology, Durham, N.C.² (6-30-76)*

E

Eagle Iron Works, Des Moines, Iowa.² (6-30-77)*

Earlham College, Richmond, Ind.

Earlham College, Department of Biology, Richmond, Ind.² (6-30-75)*

Ecto Engineers and Associates, Baton Rouge, La.

EFCO Laboratories, Tucson, Ariz.² (6-30-73)*

Eico Engineers and Associates, Houston, Tex.

Eisenhauer Laboratories, Los Angeles, Calif.

Ellerbe Architect, St. Paul, Minn.

Elmira College, Department of Botany, Elmira, N.Y.² (6-30-75)*

El Paso Testing Laboratories, El Paso, Tex.² (6-30-72)*

Empire Soils Investigations, Groton, N.Y.

Engineers Laboratories, Inc., Jackson, Miss.

Engineers Testing Laboratories, Phoenix, Ariz.

England, C. W., Laboratories, Inc., Beltsville, Md.² (6-30-73)*

Esso Research and Engineering Co., Esso Agricultural Products Laboratory, Linden, N.J.² (6-30-74)*

Esso Research and Engineering Co., Product Research Division, Linden, N.J.² (6-30-72)*

Eustis Engineering Co., Metairie, La.

Evans, Jay, Testing Laboratory, Albany, Ga.

Evans, L. T., Inc., Los Angeles, Calif.

See footnotes at end of document.

F

Farm Clinic, West Lafayette, Ind.² (6-30-76)*

Farr Co., El Segundo, Calif.² (6-30-72)*

FEC Fertilizer Co., Homestead, Fla.

Federal Chemical Co., Columbus, Ohio.

Federal Chemical Co., Nashville, Tenn.

Florida, University of, Gulf Coast Experiment Station, Bradenton, Fla.² (6-30-76)*

Florida, University of, Gainesville, Fla.

Florida, University of, Soils Department, McCarthy Hall, Gainesville, Fla.³ (6-30-74)*

Florida, University of, Soils Department, Newell Hall, Gainesville, Fla.³ (6-30-74)*

Florida, University of, Lake Alfred, Fla.

Florida Department of Agriculture and Consumer Services, Division of Plant Industry Laboratory, Gainesville, Fla.² (6-30-75)*

Florida Department of Agriculture and Consumer Services, Pesticide Residue Program, Tallahassee, Fla.

Florida State University, Tallahassee, Fla.

Florida State University, Department of Geology, Tallahassee, Fla.³ (6-30-75)*

Florida State University, Department of Oceanography, Tallahassee, Fla.³ (6-30-75)*

Florida Testing Laboratories, Inc., St. Petersburg, Fla.

Foley, Hubert L., Jr., New Albany, Miss.

Ford County Farm Bureau, Melvin, Ill.

Foundation Test Services, Inc., Bethesda, Md.

Fresno Field Station, Fresno, Calif.

Froehling and Robertson, Inc., Richmond, Va.¹

Fraco and Associates, St. Louis, Mo.

Fuller Co., Allentown, Pa.² (6-30-74)*

Fuller Co., Catasauqua, Pa.² (6-30-74)*

Gardner-Webb College, Boiling Springs, N.C.² (6-30-72)*

Geigy Agricultural Chemicals, Geigy Corp., Ardsley, N.Y.³ (6-30-77)*

General Foods Corp., Birds Eye Division, Woodburn, Oreg.² (6-30-74)*

General Testing Laboratory, Kansas City, Mo.

Geo-Survey, Inc., Camp Hill, Pa.

Geo-Testing, Inc., San Rafael, Calif.

Geochemical Surveys, Dallas, Tex.² (6-30-74)*

Geolabs, Inc., Van Nuys, Calif.² (6-30-72)*

Geologic Associates, Franklin, Tenn.

Geologic Associates, Knoxville, Tenn.

Georgia, University of, Athens, Ga.

Georgia, University of, Department of Agronomy, Athens, Ga.³ (6-30-72)*

Georgia, University of, Institute of Ecology, Athens, Ga.² (6-30-72)*

Georgia, University of, Experiment, Ga.

Georgia, University of, Tifton, Ga.

Georgia Department of State Highways, Forest Park, Ga.¹

Georgia Testing Laboratory, Atlanta, Ga.

Geotechnical Consultants, Inc., Glendale, Calif.

GHT Laboratories of Imperial Valley, Inc., Brawley, Calif.

Gillen Engineering Co., Inc., Metairie, La.² (6-30-72)*

Girdler Foundation & Exploration Co., Lenexa, Va.

Glassmire, S. H., and Associates, Metairie, La.² (6-30-75)*

Gooch, George W., Laboratory, Ltd., Los Angeles, Calif.

Gore Engineering, Inc., Metairie, La.

Grace, W. R., and Co., Fort Pierce, Fla.² (6-30-76)*

Grace, W. R., and Co., Nashville, Tenn.

Green Engineering Co., Sewickley, Pa.

Gribaldo, Jones, and Associates, Mountain View, Calif.² (6-30-73)*

Grimes, Walter B., and Associates, Chico, Calif.

Growers Chemical Corp., Milan, Ohio.

Gulf Coast Testing Laboratory, Inc., Corpus

Christi, Tex.

Gulf Oil Corp., Forest City, Iowa.

Gulf South Research Institute, Baton Rouge, La.

Gulf South Research Institute, New Orleans, La.

Gulic-Henderson Laboratories, Inc., Flushing, N.Y.² (6-30-72)*

GX Laboratories, Inc., Golden, Colo.

H

Hampton Roads Testing Laboratories, Newport News, Va.

Hanks, Abbot A., Testing Laboratory, San Francisco, Calif.

Harding, Miller, Lawson, and Associate, San Rafael, Calif.² (6-30-75)*

Harris, Inc., Frederick R., Woodbridge, N.J.² (6-30-76)*

Harris Laboratories, Inc., Phoenix, Ariz.¹³ (6-30-77)*

Harvard University, Cambridge, Mass.

Harvard University, Peabody Museum, Cambridge, Mass.³ (6-30-72)

Harvard University, Soil Mechanics Laboratory, Cambridge, Mass.

Harza Engineering Co., Chicago, Ill.² (6-30-77)*

Hawley and Hawley, Assayers and Chemists, Inc., Tucson, Ariz.² (6-30-75)*

Haynes, John H., Consulting Engineer, Dallas, Tex.

Hayssen Manufacturing Co., Sheboygan, Wis.² (6-30-73)*

Hazleton Laboratories, Inc., Falls Church, Va.

Hector Supply Co., Miami, Fla.² (6-30-74)*

Heinrichs Geexploration Co., Tucson, Ariz.² (6-30-76)*

Heinz, H. J., Bowling Green, Ohio.

Hemphill Corp., Tulsa, Okla.

Herbert and Associates, Virginia Beach, Va.

Hercules, Inc., Wilmington, Del.

Hess, John D., Testing Corp., El Centro, Calif.

Hill-Harned and Associates, Redding, Calif.

Hoffmann-Laroche, Inc., Nutley, N.J.

Hollywood Testing Laboratories, Hollywood, Calif.

Horvitz Research Laboratories, Houston, Tex.

Hunt, Robert W., Company, Chicago, Ill.

Hunter College, Department of Anthropology, New York, N.Y.

Hurst-Rosche Engineers, Inc., Hillsboro, Ill.

I

IIT Research Institute, Chicago, Ill.

Illinois, University of, Urbana, Ill.

Illinois, University of, Department of Agriculture, Urbana, Ill.² (6-30-74)*

Illinois Division of Highways, Bureau of Materials, Chicago, Ill.

Illinois Division of Highways, Bureau of Materials, Dixon, Ill.

Illinois Division of Highways, Bureau of Materials, Effingham, Ill.

Illinois Division of Highways, Bureau of Materials, Elgin, Ill.

Illinois Division of Highways, Bureau of Materials, Paris, Ill.

Illinois Division of Highways, Bureau of Materials, Springfield, Ill.

Indiana Farm Bureau Co-op, Indianapolis, Ind.

Industrial Bio-Test Laboratories, Inc., Northbrook, Ill.

Institute for Research, Inc., Houston, Tex.

International Mineral and Chemical Corp., Mulberry, Fla.

International Mineral and Chemical Corp., Libertyville, Ill.

International Mineral and Chemical Corp., Union, Ill.

International Mineral Engineers, Inc., Golden, Colo.² (6-30-74)*

International Research Corporation, Mat-tawan, Mich.
Interpace Corporation, Los Angeles, Calif.² (6-30-75)*
Iowa State Highway Commission Soil Laboratory, Ames, Iowa.
Iowa State University, Department of Agronomy, Ames, Iowa.² (6-30-74)*
Iowa State University, Engineering Research Institute, Ames, Iowa.² (6-30-75)
IRI Research Institute, Inc., New York, N.Y.² (6-30-74)*
Iroquois FS, Inc., Watseka, Ill.

J

Jennings Laboratories, Virginia Beach, Va.
Jersey Testing Laboratories, Atco, N.J.
Jersey Testing Laboratories, Newark, N.J.
Jewell, G. K., and Associates, Columbus, Ohio.
Johnson Soil Engineering Laboratory, Palisades Park, N.J.

K

Kaiser Agricultural Chemicals Corp., Savannah, Ga.
Kaiser Agricultural Chemicals Corp., Liberty, Ind.
Kaiser Aluminum and Chemical Corp., Pleasanton, Calif.² (6-30-74)*
Kansas, University of, Department of Geography, Lawrence, Kans.² (6-30-75)*
Kansas City Testing Laboratory, Inc., Kansas City, Mo.
Kalo Innoculant Co., Quincy, Ill.
Kentucky, University of, Lexington, Ky.
Kentucky, University of, Agronomy Department, Lexington, Ky.² (6-30-76)*
Kleinfelder, J. H., and Associates, Fresno, Calif.
Kleinfelder, J. H., and Associates, Oakland, Calif.
Kleinfelder, J. H., and Associates, Sacramento, Calif.

L

La Salle County Farm Bureau, Soil Testing Laboratory, Ottawa, Ill.
Lake Ontario Environmental Laboratory, Oswego, N.Y.
Langford and Meredith Laboratories, New Orleans, La.
Larsen, Herluf T., Enola, Pa.
Larsen, Herluf T., Harrisburg, Pa.
Larutan Corporation, Anaheim, Calif.² (6-30-77)*
Larutan of the South, Hiram, Ga.
Law Engineering Testing Co., Atlanta, Ga.² (6-30-72)*
Law Engineering Testing Co., Jacksonville, Fla.² (6-30-72)*
Layne-Western Co., Kansas City, Mo.
Layne-Western Co., Kirkwood, Mo.
Lederle Laboratories, Pearl River, N.Y.² (6-30-75)*
Lerch Brothers, Inc., Hibbing, Minn.² (6-30-73)*
Libby, McNeill, and Libby, Janesville, Wis.² (6-30-76)*
Lilly, Eli, and Co., Greenfield, Ind.² (6-30-74)*
Lilly, Eli, and Co., Lilly Research Laboratories, Indianapolis, Ind.² (6-30-75)*
Louisiana Department of Highways, Baton Rouge, La.
Louisiana State University, Department of Agronomy Laboratory, Baton Rouge, La.
Louisiana State University, Coastal Studies Institute, Baton Rouge, La.
Louisiana State University, New Orleans, La.
Lowry Testing Laboratory, Sacramento, Calif.

M

M & T Chemicals, Inc., Rahway, N.J.
Maine, University of, Orono, Maine.
Maine State Highway Commission, Bangor, Maine.² (6-30-73)*

See footnotes at end of document.

Manchester College, Biology Department, North Manchester, Ind.² (6-30-72)*
Mapco, Inc., Indiana Point Division, Athens, Ill.
Mason-Johnston, and Associates, Inc., Dallas, Tex.
Massachusetts, University of, Amherst, Mass.
Massachusetts Department of Public Works Wellesley Hills, Mass.
Massachusetts Institute of Technology Soil Mechanics Division Cambridge Mass.² (6-30-75)*
Maurseth Howe Lockwood and Associates, Los Angeles, Calif.² (6-30-75)*
Mecom, John W., Houston, Tex.² (6-30-73)*
Memphis State University, Memphis, Tenn.
Merck and Company, Inc., Rahway, N.J.
Merck Institute for Therapeutic Research, Rahway, N.J.² (6-30-72)*
Miami, University of, Department of Civil Engineering, Coral Gables, Fla.² (6-30-72)*
Michigan, University of, Botany Department, Ann Arbor, Mich.² (6-30-72)*
Michigan Department of Public Health, Bureau of Laboratories, Division of Antibiotics and Fermentation, Lansing, Mich.² (6-30-73)*
Michigan State University, Department of Botany and Plant Pathology, East Lansing, Mich.² (6-30-77)*
Michigan State University, Soil Science Department, East Lansing, Mich.² (6-30-78)*
Michigan State University, Soil Testing Laboratory, East Lansing, Mich.
Midwest Soil Testing Service, Danforth, Ill.
Mier, Ezra, Raleigh, N.C.
Miles Laboratories, Inc., West Haven, Conn.² (6-30-72)*
Miles Laboratories, Inc., Elkhart, Ind.² (6-30-72)*
Milwaukee, City of, Sewage Commission, Milwaukee, Wis.
Minnesota, University of, St. Paul, Minn.
Minnesota, University of, Department of Soil Science, St. Paul, Minn.² (6-30-75)*
Minnesota Department of Transportation, St. Paul, Minn.
Mississippi, University of, University, Miss.
Mississippi State University, State College, Miss.
Missouri, University of, Columbia, Mo.
Missouri, University of, Division of Biology, Columbia, Mo.² (6-30-76)*
Missouri, University of, Department of Food Sciences and Nutrition, Columbia, Mo.² (6-30-78)*
Missouri Highway Department, Jefferson City, Mo.
Mobile Chemical Co., Research Laboratory, Ashland, Va.² (6-30-76)*
Mobile Testing Co., Corpus Christi, Tex.
Monsanto Co., St. Louis, Mo.
Morse Laboratories, Sacramento, Calif.
Mueser, Rutledge, Wentworth, and Johnston, New York, N.Y.² (6-30-74)*

MC

McCallum Inspection Co., Chesapeake, Va.²
McClelland Engineers, Inc., Houston, Tex.² (6-30-74)*

McGauthy, Marshall, and McMillian, Norfolk, Va.

N

Na-Churs Plant Food Co., Marion, Ohio.² (6-30-75)*

National Bulk Carriers, Inc., New York, N.Y.

National Laboratories, Evansville, Ind.

National Resources Laboratory, Golden, Colo.

National Soil Services, Inc., Dallas, Tex.

National Soil Services, Inc., Houston, Tex.² (6-30-75)*

Nebraska, University of, Department of Agronomy, Keim Hall, Lincoln, Nebr.² (6-30-72)*

Nebraska, University of, Department of Agronomy, East Campus, Lincoln, Nebr.² (6-30-72)*

Nebraska, University of, Department of Geology, Lincoln, Nebr.² (6-30-72)*

Nebraska Department of Roads, Soil Testing Laboratory, Lincoln, Nebr.

Nelson Laboratories, Stockton, Calif.² (6-30-75)*

Nevada, University of, Desert Research Institute, Reno, Nev.² (6-30-73)*

Nevada State Highway Department Laboratory, Carson City, Nev.

New Jersey Department of Transportation, Trenton, N.J.

New Mexico State Highway Department, Santa Fe, N. Mex.

New Mexico State University, Soil Testing Laboratory, Las Cruces, N. Mex.² (6-30-76)*

New York, State University of, College of Forestry, Syracuse, N.Y.

New York State University College, Biology Department, Geneseo, N.Y.

Niagara Chemical Division of FMC Corp., Middeport, N.Y.² (6-30-72)*

North American Rockwell Corp., Space Division, Earth Resources Operation, Downey, Calif.² (6-30-72)*

North Carolina, University of, Chapel Hill, N.C.

North Carolina, University of, Department of Botany, Chapel Hill, N.C.² (6-30-72)* (Dr. N. G. Miller)

North Carolina, University of, Department of Botany, Chapel Hill, N.C.² (6-30-72)* (Dr. J. N. Couch)

North Carolina, University of, Department of Botany, Chapel Hill, N.C.² (6-30-73)* (Dr. R. Malcolm Brown)

North Carolina Department of Agriculture, Raleigh, N.C.

North Carolina Department of Geology, Raleigh, N.C.

North Carolina Highway and Public Works Commission, Fayetteville, N.C.

North Carolina State University, Raleigh, N.C.

North Carolina State University, Department of Soil Science, International Soil Testing Project, Raleigh, N.C.² (6-30-75)*

North Dakota State Highway Department, State Highway Department Laboratory, Bismarck, N.D.

Nu-ag, Inc., Rochelle, Ill.

Nutting, H. C., Co., Cincinnati, Ohio.

o

Ohio Florist Association, Columbus, Ohio.

Ohio State University, Columbus, Ohio.

Ohio State University, Department of Agronomy, Columbus, Ohio.² (6-30-74)*

Ohio State University, Botany Department, Columbus, Ohio.² (6-30-76)*

Ohio State University, Institute of Polar Studies, Columbus, Ohio.² (6-30-76)*

Ohio State University, Zoology Department, Columbus, Ohio.² (6-30-76)*

Oklahoma, University of, School of Civil Engineering and Environmental Science, Norman, Okla.² (6-30-74)*

Oklahoma State Highway Department, Materials Division, Oklahoma City, Okla.

Oklahoma State University, Stillwater, Okla.

Oklahoma State University, Department of Agronomy, Stillwater, Okla.² (6-30-74)*

Oklahoma State University, School of Civil Engineering, Stillwater, Okla.² (6-30-74)*

Oklahoma Soil Testing Laboratories, Oklahoma City, Okla.

Old Dominion University, Norfolk, Va.

Oison Management Service, Freeport, Ill.

O'Neal, Carl, and Associates, Dallas, Tex.

Onondaga Soil Testing, Inc., East Syracuse, N.Y.

Oregon State University, Soils Department, Corvallis, Oreg.² (6-30-76)*

Osborne Laboratories, Inc., Los Angeles, Calif.

NOTICES

P

Pacific Spectro Chemical Laboratory, Los Angeles, Calif.

Pan American Laboratories, Brownsville, Tex.² (6-30-73)*

Parke, Davis, and Co., Detroit, Mich.³ (6-30-73)*

Parke, Davis, and Co., Medical and Science Affairs Division, Detroit, Mich.² (6-30-75)*

Pattison's Laboratories, Inc., Harlingen, Tex.² (6-30-75)*

Penniman and Browne, Inc., Richmond, Va.

Pennsylvania State University, Department, or Agronomy, University Park, Pa.² (6-30-76)*

Perry Laboratory, Los Gatos, Calif.³ (6-30-75)*

Peters, Robert B., Co., Allentown, Pa.

Pfizer, Charles, and Co., Inc., Groton, Conn.³ (6-30-75)*

Phifer, Allen, Thorofare, N.J.

Pittsburgh Testing Laboratory, Pittsburgh, Pa.¹

Plains Laboratory, Lubbock, Tex.

Plant Science Associates, Inc., Winter Haven, Fla.

Plantation Field Laboratory, Fort Lauderdale, Fla.

Pope, W. I., Mobile, Ala.

Portland State College, Portland, Oreg.

Princeton University, Department of Geology, Princeton, N.J.² (6-30-76)*

Purdue University, Lafayette, Ind.

Purdue University, Department of Agronomy, Lafayette, Ind.³ (6-30-73)*

Q

Queens College, Flushing, N.Y.

R

Rabe, Fred N., Engineering, Inc., Fresno, Calif.

Reitz and Jens, Clayton, Mo.

Rice University, Department of Chemistry, Houston, Tex.² (6-30-72)*

Richfield Oil Corp., Long Beach, Calif.

Ringel and Associates, Chico, Calif.

Rocky Mountain Geochemical, Prescott, Ariz.

Rocky Mountain Geochemical, Tucson, Ariz.² (6-30-72)*

Rocky Mountain Technology, Inc., Golden, Colo.

Royster Company, Norfolk, Va.¹

Rutgers, the State University, Department of Soils and Crops, New Brunswick, N.J.² (6-30-76)*

Rutgers, the State University, International Agricultural Programs, New Brunswick, N.J.² (6-30-76)*

Rutgers, the State University, Soils Extension Specialist, New Brunswick, N.J.

S

San Fernando Valley State College, Department of Biology, Northridge, Calif.² (6-30-72)*

Sayre, Robert D., Richmond, Va.

Schering Corp., Bloomfield, N.J.³ (6-30-74)*

Scientific Associates, Inc., St. Louis, Mo.³ (6-30-72)*

Scott, O. M., and Sons Seed Co., Marysville, Ohio.

Scotland Soil Laboratory, Chrisman, Ill.

Scripps Institute of Oceanography, Geological Research Division, La Jolla, Calif.² (6-30-72)*

Seabrook Farms, Seabrook, N.J.

Shankman Laboratories, Los Angeles, Calif.

Shannon and Wilson Co., Burlingame, Calif.

Shannon and Wilson Co., Seattle, Wash.² (6-30-75)*

Shell Development Co., Biological Sciences Research Center, Modesto, Calif.

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Shilstone Testing Laboratory, Inc., Baton Rouge, La.

Shilstone Testing Laboratory, Inc., Lafayette, La.

Shilstone Testing Laboratory, Inc., Monroe, La.

Shilstone Testing Laboratory, Inc., New Orleans, La.

Shilstone Testing Laboratory, Inc., Houston, Tex.

Signal Oil and Gas Co., Los Angeles, Calif.² (6-30-74)*

Skyline Laboratories, Inc., Wheat Ridge, Colo.² (6-30-77)*

Smith, Charles M., Circle "S" Ranch, Red Oak, Iowa.

Smith-Douglas, Chesapeake, Va.

Smithsonian Institute, Radiation Biology Laboratory, Rockville, Md.² (6-30-73)*

Snohomish Farm Veterinary Service, Snohomish, Wash.

Soil and Plant Laboratory, Inc., Santa Ana, Calif.² (6-30-77)*

Soil and Plant Laboratory, Inc., Santa Clara, Calif.³ (6-30-75)*

Soil Consultants, Inc., Charleston, S.C.

Soil Control Laboratory, Watsonville, Calif.

Soil Engineering Services, Decatur, Ill.

Soil Engineering Services, Inc., Minneapolis, Minn.

Soil Exploration Co., St. Paul, Minn.

Soil Mechanics Services, Mount Vernon, N.Y.² (6-30-75)*

Soil Test, Moorestown, N.J.

Soil Testing, Burlington, Wash.

Soil Testing Services, Inc., Northbrook, Ill.² (6-30-75)*

South Carolina, University of, Columbia, S.C.

South Dakota, University of, Department of Zoology, Vermillion, S. Dak.² (6-30-75)*

South Dakota State Highway Department, Materials and Testing Department, Pierre, S. Dak.

Southern California College, Department of Natural Sciences, Costa Mesa, Calif.² (6-30-72)*

Southern Illinois Farm Foundation, Vina, Ill.

Southern Laboratories, Mobile, Ala.

Southern Technical Services, Inc., Jackson, Miss.

Southern Testing and Research Laboratories, Wilson, N.C.

Southern Turf Nurseries, Tifton, Ga.² (6-30-73)*

Southwestern Agricultural Testing Co., Fabens, Tex.² (6-30-75)*

Southwestern Irrigation Field Station, Brawley, Calif.

Southwestern Laboratories, Inc., Houston, Tex.¹

Southwestern Laboratories of Louisiana, Inc., Alexandria, La.

Southwestern Laboratories of Louisiana, Inc., Baton Rouge, La.

Southwestern Laboratories of Louisiana, Inc., Monroe, La.

Southwestern Laboratories of Louisiana, Inc., Shreveport, La.

Southwestern Materials Laboratory, Phoenix, Ariz.

Spencer Soil Solidification, Inc., Long Beach, Calif.

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St. Louis Testing Laboratories, Inc., St. Louis, Mo.

Standard Brands, Inc., Fleischmann Laboratories, Stamford, Conn.² (6-30-73)*

Standard Fruit Co., New Orleans, La.² (6-30-74)*

Standard Laboratories, Goodfield, Ill.

Standard Testing and Engineering Co., Oklahoma City, Okla.² (6-30-76)*

Stanford Research Institute, Irvine, Calif.

Stanford Research Institute, Menlo Park, Calif.³ (6-30-77)*

Stauffer Chemical Co., Mt. View, Calif.

Stauffer Chemical Co., Richmond, Calif.

Stillwell and Gladding, Inc., New York, N.Y.

Stone and Webster Engineering Corp., Boston, Mass.² (6-30-75)*

Stover Laboratories, Campbell, Calif.

Strawinsky Laboratory, Long Beach, Calif.

Suerdrup and Parcel and Associates, Inc., St. Louis, Mo.

Syracuse University Research Corp., Syracuse, N.Y.² (6-30-72)*

T

Techlab, Inc., Cincinnati, Ohio.

Teledyne Isotopes, Palo Alto, Calif.

Tennessee, University of, Nashville, Tenn.

Test, Inc., Memphis, Tenn.

Testing Engineers, Inc., San Jose, Calif.

Testing Service Corp., Wheaton, Ill.

Tetco Engineering Testing, Corpus Christi, Tex.

Texas, University of (at El Paso), Civil Engineering Department, El Paso, Tex.² (6-30-72)*

Texas A&M University, Soil and Crop Sciences Department, College Station, Tex.² (6-30-75)*

Texas A&M University, Soil Testing Laboratory, Agricultural Extension Service, College Station, Tex.³ (6-30-75)*

Texas Soil Laboratory, McAllen, Tex.

Texas Technological University, Department of Agronomy, Lubbock, Tex.² (6-30-76)*

Texas Testing Laboratories, Dallas, Tex.

Thompson, Vester J., Jr., Inc., Mobile, Ala.

Thornton Laboratories, Inc., Tampa, Fla.² (6-30-76)*

Three Gee Dee, Pembroke, Fla.

Tippett-Abbott-McCarthy-Stratton, New York, N.Y.² (6-30-76)*

T-M-T Chemical Co., Inc., Five Points, Calif.

Trapelo-West, Division of LFE Corp., Richmond, Calif.

Tri-State Soil Laboratory, Toledo, Ohio.

Trinity University, San Antonio, Tex.² (6-30-72)*

Trinity Testing Laboratories, Inc., Corpus Christi, Tex.

Triple S Laboratory, Inc., Loveland, Colo.² (6-30-74)*

Truesdale Laboratories, Inc., Los Angeles, Calif.

Twin City Testing and Engineering Laboratory, Inc., St. Paul, Minn.

Twin County Services Co., Murphysboro, Ill.

Twining Laboratories, Inc., Fresno, Calif.² (6-30-76)*

Twining Laboratory of Southern California, Long Beach, Calif.

U

U.S. Agricultural Consultants Laboratories, San Gabriel, Calif.

U.S. Borax Research Corp., Anaheim, Calif.

U.S. Laboratories, Inc., Oakland, Calif.

U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, N.Y.

U.S. Terrestrial Plants Laboratory, Hanover, N.H.

U.S. Testing Co., Inc., Los Angeles, Calif.

U.S. Testing Co., Inc., Hoboken, N.J.

U.S. Testing Co., Memphis, Tenn.² (6-30-74)*

U.S. Testing Laboratory, Richland, Wash.

USS Agri-Chemicals, Decatur, Ga.

USS Agri-Chemicals, Belmond, Iowa.

Union Carbide Corp., Grand Junction, Colo.

Union Carbide Corp., Niagara Falls, N.Y.² (6-30-75)*

Union Carbide Corp., South Charleston, W. Va.

Union Oil Company of California, Brea, Calif.

United Agricultural Laboratories, Memphis, Tenn.² (6-30-73)*

Upjohn Co., Agricultural Product Development and Research, Biochemistry and Residue Analysis, Kalamazoo, Mich.³ (6-30-73)*

Upjohn Co., Pharmaceutical Division, Kalamazoo, Mich.³ (6-30-74)*

Utah State University, Logan, Utah.

Utah State University, College of Engineering, Agricultural and Irrigation Engineering, Logan, Utah.³ (6-30-73)*

U.S. GOVERNMENT

Environmental Protection Agency, Western Environmental Research Laboratory, Las Vegas, Nev.³ (6-30-73)*

U.S. Department of Agriculture, APHS, Plant Protection Gypsy Moth Laboratory, Otis AFB, Mass.

U.S. Department of Agriculture, APHS, Plant Protection Pesticide Monitoring Laboratory, Gulfport, Miss.

U.S. Department of Agriculture, APHS, Plant Protection Pesticide Monitoring Laboratory, Omaha, Nebr.

U.S. Department of Agriculture, APHS, Plant Protection Golden Nematode Laboratory, Hicksville, N.Y.

U.S. Department of Agriculture, APHS, Plant Protection Cyst Nematode Laboratory, Franklin, Va.

U.S. Department of Agriculture, ARS, Entomology Research Division, Beltsville, Md.¹

U.S. Department of Agriculture, ARS, Plant Science Research Division, Beltsville, Md.¹

U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Beltsville, Md.¹

U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Southern Piedmont Conservation Research Center, Watkinsville, Ga.³ (6-30-72)*

U.S. Department of Agriculture, Forest Service (FS), Washington, D.C.¹

U.S. Department of Agriculture, FS, Southern Forest Experiment Station, Pineville, La.² (6-30-72)*

U.S. Department of Agriculture, FS, Wood Products Insect Laboratory, Gulfport, Miss.³ (6-30-74)*

U.S. Department of Agriculture, SCS, Engineering Division, Washington, D.C.¹

U.S. Department of Agriculture, SCS, Engineering and Watershed Planning Unit, Materials Testing Section, Portland, Oreg.³ (6-30-74)*

U.S. Department of Agriculture, SCS, Soil Survey, Washington, D.C.¹

U.S. Department of Agriculture, SCS, Soil Survey Laboratory, Lincoln, Nebr.³ (6-30-73)*

U.S. Department of Commerce, National Bureau of Standards, Health Physics Section, Gaithersburg, Md.³ (6-30-75)*

U.S. Department of Defense, U.S. Army, Construction Engineering Research Laboratory, Champaign, Ill.³ (6-30-75)*

U.S. Department of Defense, U.S. Army, Corps of Engineers, Washington, D.C.¹

U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Sausalito, Calif.³ (6-30-73)*

U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Marietta, Ga.³ (6-30-72)*

U.S. Department of Defense, U.S. Army, Corps of Engineers, Vicksburg, Miss.³ (6-30-74)*

U.S. Department of Defense, U.S. Army, Electronics Command, Institute for Exploratory Research, Fort Monmouth, N.J.³ (6-30-75)*

U.S. Department of Defense, U.S. Air Force, Air Force Cambridge Research Laboratories (AFSC), Laurence G. Hanscom Field, Bedford, Mass.

U.S. Department of Defense, U.S. Air Force, Air Force Weapons Laboratory, Kirkland AFB, Albuquerque, N. Mex.³ (6-30-76)*

See footnotes at end of document.

U.S. Department of Defense, U.S. Air Force, PRECES, Civil Engineering Center, Wright Patterson AFB, Dayton, Ohio.² (6-30-73)*

U.S. Department of Defense, U.S. Navy, Naval Weapons Center, China Lake, Calif.² (6-30-74)*

U.S. Department of Defense, U.S. Navy, Naval Facilities Engineering Command, Soil Mechanics and Paving Branch, Norfolk, Va.

U.S. Department of Health, Education, and Welfare, National Communicable Disease Center, Atlanta, Ga.³ (6-30-73)*

U.S. Department of the Interior, Geological Survey, Washington, D.C.¹

U.S. Department of the Interior, Geological Survey, Albuquerque, N. Mex.³ (6-30-73)*

U.S. Department of the Interior, Bureau of Indian Affairs, Soil Testing Laboratory, Gallup, N. Mex.

U.S. Department of Transportation, Federal Highway Administration, Washington, D.C.¹

U.S. Department of Transportation, Federal Highway Administration, Fairbanks Highway Research Station, McLean, Va.³ (6-30-72)*

U.S. Department of Transportation, Federal Highway Administration, Materials Testing Laboratory, Vancouver, Wash.³ (6-30-72)*

V

Velsicol Chemical Corp., Chicago, Ill.² (6-30-75)*

Vermont, University of, Burlington, Vt.

Virginia Department of Highways, Richmond, Va.

Virginia Polytechnic Institute, Blacksburg, Va.

Virginia Truck Experiment Station, Painter, Va.

Virginia Truck Experiment Station, Virginia Beach, Va.

Vistron Company, Lima, Ohio.

W

Wahler, W. A., and Associates, Palo Alto, Calif.

Walker Laboratories, Columbia, S.C.

Walker Laboratories, Florence, S.C.

Ward, J. S., and Associates, Caldwell, N.J.³ (6-30-76)*

Ward Lind Engineers, Inc., Jackson, Miss.

Ward Institute, Inc., Madison, Wis.

Washington, University of, College of Forest Resources, Seattle, Wash.³ (6-30-76)*

Washington, University of, Laboratory of Radiation Ecology, Seattle, Wash.³ (6-30-74)*

Washington State University, Department of Botany, Pullman, Wash.² (6-30-76)*

Washington State University, Soils Department, Pullman, Wash.² (6-30-72)*

Weber State College, Ogden, Utah.

West-Ag, Phoenix, Ariz.² (6-30-72)*

West Virginia Department of Highways, Charleston, W. Va.

Westenhoff and Novick, Inc., Chicago, Ill.² (6-30-72)*

Western Ag Laboratory, Redlands, Calif.³ (6-30-72)*

Western Research Laboratories, Niagara Chemical Division, FMC, Richmond, Calif.

Wharton County Junior College, Wharton, Tex.

Wharton County Junior College, Soil Testing Laboratory, Wharton, Tex.³ (6-30-73)*

William and Mary, College of, Williamsburg, Va.

Williams, E. V., Co., Inc., Virginia Beach, Va.

Winthrop College, Department of Biology, Rock Hill, S.C.² (6-30-74)*

Wisconsin, University of, Madison, Wis.

Wisconsin, University of, Department of Soil Science, Madison, Wis.³ (6-30-72)*

Wisconsin, University of, Soils Department, Madison, Wis.³ (6-30-74)*

Wisconsin Department of Transportation, Madison, Wis.

Wolf's, Dr., Agricultural Laboratories, Fort Lauderdale, Fla.³ (6-30-75)*

Woodard Research Corp., Herndon, Va.

Woodson-Tenent Laboratories, Memphis, Tenn.

Woodville Lime Products, Woodville, Ohio.

Woodward, Clyde, and Associates, Orange, Calif.

Woodward, Clyde, and Associates, San Diego, Calif.

Woodward, Clyde, and Associates, Kansas City, Mo.

Woodward, Clyde, and Associates, Clifton, N.J.

Woodward, Clyde, Sherard, and Associates, Denver, Colo.³ (6-30-75)*

Woodward, Clyde, Sherard, and Associates, St. Louis, Mo.

Woodward-Lundgren, and Associates, San Jose, Calif.

Woodward-Moorehouse, and Associates, Inc., Clifton, N.J.² (6-30-76)*

Wyoming, University of, Laramie, Wyo.

Wyoming, University of, Department of Botany, Laramie, Wyo.³ (6-30-76)*

Y

Yakima Testing Laboratory, Yakima, Wash.

Yale University, New Haven, Conn.

Yeshiva University, New York, N.Y.³ (6-30-73)*

Yule, Jordan, and Associates, Camp Hill, Pa.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This document shall become effective upon publication in the *FEDERAL REGISTER* (4-20-72) when it shall supersede PPD 639 dated February 20, 1971.

Under the provisions of the regulations supplemental to the notices of quarantine cited herein, soil samples for processing, testing, or analysis may be moved interstate from any regulated area specified in the regulations to laboratories approved by the Deputy Administrator and so listed by him. A laboratory may be approved if a compliance agreement is signed; samples are packaged to prevent spilling of soil; and soil residues, hazardous water residues, and shipping containers are treated in accordance with specified procedures.

The Deputy Administrator of Plant Protection and Quarantine Programs has approved the above-listed laboratories as establishments which meet the qualifications required under the regulations. The listed establishments are, therefore, authorized to receive soil samples from the regulated areas specified in the regulations without certificates or permits attached.

This action relieves certain restrictions presently imposed. Therefore, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions that are being relieved. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making this revision effective less than 30 days after publication in the *FEDERAL REGISTER*.

NOTICES

Done at Washington, D.C., this 13th day of April 1972.

LEO G. IVERSON,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc.72-5955 Filed 4-19-72; 8:45 am]

Commodity Credit Corporation
GRAINS AND SIMILARLY HANDLED COMMODITIES

Final Date for Redemption of Warehouse-Storage Loans

Unless demand is made earlier by CCC, warehouse-storage loans under 1971 loan programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amounts specified in the Warehouse Note and Security Agreement and in the loan program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

¹ National Compliance Agreement—applies to all branch laboratories in conterminous United States.

² Authorized to receive unsterilized foreign samples only.

³ Authorized to receive unsterilized foreign samples also.

	Maturity date	Final date of repayment
Barley:		1972 1972
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1
Dry edible beans:		
In all States	Apr. 30	May 1
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31	May 31
In all other States	Apr. 30	May 1
Grain sorghum: ¹		
In the following counties in Texas and all counties south thereof:		
Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller	Apr. 30	May 1
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above	June 30	June 30
In all States except Texas and Oklahoma	July 31	July 31
Honey:		
In all States	June 30	June 30
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 11
In all other States	Apr. 30	May 1
Rice:		
In all States	Apr. 30	May 1
Rye:		
In all States	Apr. 30	May 1
Soybeans:		
In all States	June 30	June 30
Tung Oil:		
In all States	Oct. 31	Oct. 31
Wheat: ²		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1

¹ This notice does not apply to loans on grain sorghum and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective upon publication in the FEDERAL REGISTER (4-20-72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-6042 Filed 4-19-72; 8:51 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23(71)-11]

OPORTO TRADING (PTY.) LTD. AND MAURICE J. FLUXMAN

Order Denying Export Privileges for an Indefinite Period

In the matter of Oporto Trading (Pty.) Ltd., care of Maurice J. Fluxman, North State Building, corner Kruis and Market Streets, Johannesburg, South Africa, respondent; file No. 23(71)-11.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all U.S. export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who, after consideration of the evidence, has recommended that the application be granted. The report of the Compliance Commissioner and evidence in support of the application have been considered.

The evidence presented shows the following: The respondent is a trading firm whose address in Johannesburg, South Africa, is that of its attorney and sole director, Maurice J. Fluxman; in December 1970 the respondent ordered from a U.S. manufacturer certain plastic working machinery, concerning which a firm in Southern Rhodesia had previously requested price quotations from the U.S. manufacturer and which price quotations were given to said Southern Rhodesian firm; in February 1971 the U.S. manufacturer exported the machinery valued at \$10,600 and on instructions from respondent the port to which the machinery was shipped was Lourenco Marques, Mozambique; the commercial invoice to respondent, the bill of lading, and the shipper's export declaration each contained a destination control notice showing the ultimate destination of the machinery as South Africa.

The Compliance Division is conducting an investigation into the above transaction to ascertain the details of the respondent's role in the transaction, what disposition was made of the machinery in question, and whether there were violations of the Export Control Regulations.

It is impracticable to subpoena the respondent, and relevant and material interrogatories relating to its participation in the above transaction and regarding disposition of the commodities in question were served on it pursuant to § 388.15 of the Export Control Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said transaction. The respondent has failed to furnish responsive answers to said interrogatories or to furnish the documents requested, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and

to achieve effective enforcement of the Export Administration Act of 1969.

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license, or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents, employees, representatives, and partners, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. This order is applicable to Maurice J. Flexman as agent or representative of the respondent.

IV. This order shall remain in effect until the respondent provides responsive answers, written information, and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Ex-

port Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Compliance Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 20, 1972.

Dated: April 14, 1972.

RAUER H. MEYER,

Director,

Office of Export Control.

[FR Doc. 72-5990 Filed 4-19-72; 8:46 am]

Office of Import Programs

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00711-01-77040. Applicant: North Carolina State University, Department of Chemistry—NCSU, Raleigh, N.C. 27607. Article: Mass spectrometer, Model MS-1201. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for research studying the mechanism of the transmission of electronic effects in the adamantine skeleton; for a study of the solvolytic behavior of the isomeric 2-substituted compounds to attempt an elucidation of the mass spectral behavior of these compounds; and for quantitative analysis of complex gaseous mixtures.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 68-00646-01-77040 which was denied without prejudice to resubmission on December 5, 1968, due to informational deficiencies contained therein. In this application the applicant alleged that the metastable performance and analytical (quantitative) accuracy of the foreign article were not matched by the instruments which were offered by domestic manufacturers, including the Model 12-90-G manufactured by Nuclide Corporation (Nuclide). A comparison of the foreign article and the Nuclide 12-90-G discloses as to the pertinent characteristics:

Metastable performance. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 14, 1970, that the Nuclide 12-90-G is similar to the foreign article and should have comparable metastable characteristics. The applicant, in material attached to the application, acknowledges the physical similarity of the 12-90-G to the article but points out that a representative sample of 1-bromoadamantane was sent to the companies concerned and an adequate spectrum was received from the manufacturer of the article while Nuclide replied that a 12-90-G was not available at State College (the location of Nuclide) to evaluate the sample. In this connection HEW advises: "The test run on 1-bromoadamantane [sic] with regard to metastable performance is not very conclusive. The intensity of metastables is largely a function of the length of the drift free region in front of the magnet. Intense metastables can be the result of collision induced reactions and may thus be intense with an overloaded source."

The National Bureau of Standards (NBS) advises in its memorandum dated November 17, 1970, that this application does not justify a finding different from that of its previous evaluation relating to the applicant's initial submission. NBS advised as to metastable performance in its previous evaluation:

"For mass spectrometric study of metastable species, the instrument should possess, (a) extremely good resolution, (b) wide range of accelerating voltage, and (c) a suitable long path length from the point it receives its accelerating voltage to the magnetic analyzer. Assuming its other characteristics to be equal, the mass spectrometer that provides the best 'metastable' performance will be a double focusing instrument."

"The subject foreign article is a single focusing instrument. Among single focusing mass spectrometers, the instrument with the highest resolution, assuming each is comparable in the features (b) and (c) should give superior metastable

NOTICES

performance. The Nuclide 12-90-G is considered comparable to the AEI-MS-1201 (the foreign article) for general purposes and should give equivalent metastable species detection."

NBS also advised that, with respect to type, geometry, and resolution, the foreign article and the 12-90-G are similar in that both feature a magnetic sector having a 12-inch radius and 90° deflection and both provide a resolution of 7,500 while, in the case of accelerating voltage, the article provides 8,000 volts regulated step wise and the 12-90-G provides 10,000 volts continuously adjustable.

Quantitative accuracy. Although rigid formal specifications were not sent to the manufacturers contacted, the applicant alleges that all contacted, including Nuclide, were requested to provide a maximum deviation of analytical results from the value of the component being analyzed of 1 percent, 1 percent, 5 percent, and 10 percent when the component represents 100 percent, 10 percent, 1 percent, and 0.1 percent of the sample respectively. The applicant did not indicate to the manufacturers concerned the conditions under which such accuracy was to be attained. The foreign article provides the maximum deviations requested by the applicant but the manufacturer specifies, "These values may be obtained when the MS-1201 (the foreign article) is equipped with appropriate inlet systems, precision recorder, and source temperature is allowed to equilibrate for 2 hours." According to the applicant, Nuclide's reply to the request for an instrument providing the required maximum deviations was that it did not have information available pertaining to this specification. The applicant did indicate, however, that the intended uses of the required mass spectrometer were communicated to each manufacturer concerned and that Nuclide offered to furnish an instrument for these uses, i.e., the Model 12-90-G. In this connection HEW advises that: "The quantitative analysis requirements are * * * vague and depends on the quality and size of the reservoir and leak. This figure can be increased even above that stated by proper attention to enough variables (use of balanced electrometers, etc.), not a really good test of mass spectrometer quality."

Finally, NBS and HEW advise in a joint memorandum dated December 16, 1970, that the Nuclide 12-90-G could be used to accomplish the intended purposes of the applicant and that therefore a scientifically equivalent domestic instrument is available for the applicant's intended purposes.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc. 72-6004 Filed 4-19-72; 8:49 am]

VETERANS ADMINISTRATION HOSPITAL, IOWA CITY, IOWA, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 72-5644 appearing at page 7354 in the issue for Thursday, April 13, 1972, in the fourth line of the first complete paragraph on page 7355 the word "spin" should be inserted after the word "Electron".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Desi 6499]

OTC ANALGESIC AND ANTIPIRETIC PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the "Proposal Establishing Status of Over-the-Counter Drugs Previously Reviewed Under the Drug Efficacy Study (DESI)" published elsewhere in this issue of the *FEDERAL REGISTER*.

The following analgesic and/or antipyretic drugs are included in this announcement:

1. Surfacaine Suppositories containing cyclomethycaine; Eli Lilly and Co., Indianapolis, Ind. 46206 (NDA 6-139).
2. Bufferin Tablets containing aspirin, aluminum glycinate and magnesium carbonate; Bristol-Myers Co., 225 Long Avenue, Hillside, N.J. 07207 (NDA 6-499).
3. Trigesic Tablets containing acetaminophen, aspirin and caffeine; E. R. Squibb & Sons, Division Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022 (NDA 7-289).

4. Nebs Tablets containing acetaminophen; the Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 7-654).

5. Apamide Tablets containing acetaminophen; Dome Laboratories, Division Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023 (NDA 8-188).

6. Metalid Tablets containing acetaminophen; Philips Roxane Laboratories, Division of Philips Roxane, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 8-717).

7. Duplexin Tablets containing dihydroxyaluminum sodium carbonate, magnesium carbonate, aspirin, phenacetin, and caffeine; Whitehall Laboratories, Inc., Division American Home Products

Corp., 685 Third Avenue, New York, N.Y. 10017 (NDA 9-329).

8. Nysacetol Tablets containing acetaminophen; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 9-870).

9. Tylenol Elixir containing acetaminophen; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 9-927).

10. Tempra Drops and Tempra Syrup containing acetaminophen; Mead Johnson Laboratories, Division of Mead Johnson & Co., 2404 Pennsylvania Street, Evansville, Ind. 47721 (NDA 10-382).

11. Tralgon Elixir containing acetaminophen; E. R. Squibb & Sons (NDA 10-800).

12. Tylenol Tablets containing acetaminophen; McNeil Laboratories, Inc. (NDA 11-630).

13. Arthropan Liquid and Actasal Pediatric Drops containing chlorine salicylate; the Purdue-Frederick Co., 99-101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 11-844).

14. Defencin Tablets, containing glyceryl guaiacolate, aspirin, and phenyltoloxamine dihydrogen citrate; Grove Division, Bristol-Myers Products, Post Office Box 7300, St. Louis, Mo. 63177 (NDA 12-622).

The NAS/NRC, Drug Efficacy Study Group, Panel on Drugs for Relief of Pain, made the following General Statements on Analgesic Preparations, which are applicable to these OTC analgesic products that are intended for oral use.

GENERAL STATEMENTS ON ANALGESIC PREPARATIONS

EVIDENCE FOR GENERAL ANALGESIC EFFECT

It is the recommendation of the Panel that, when a drug has been shown to be an effective analgesic in several different kinds of clinical pain, by suitable controlled trials using modern criteria, such a drug be entitled to consideration as an "all-purpose analgesic" unless special considerations indicate that this is not appropriate. In such cases, it would seem desirable to allow the drug to be marketed for the relief of most kinds of pain, thus avoiding the necessity for listing specific conditions.

ANALGESIC MIXTURES

There is increasing evidence, which has accumulated particularly within the past few years, that it is not always easy to predict the effects of adding one drug to another. Thus, drugs may merely summate in their activities, antagonize each other, or produce true potentiation. Since adequate trials on the relative efficacy of single drugs and mixtures are usually unavailable, it is hard for the Panel to be both fair and scientific in the evaluation of many of the mixtures which it has been asked to review.

Furthermore, some ingredients appear to have been added to these mixtures on the basis of a rationale that is not evident to the Panel. On other occasions, the rationale seems evident, but the reason for the particular doses chosen (especially those which seem homeopathic) is not clear.

In addition to the well-known objections that fixed-ratio mixtures do not allow flexibility in the doses of individual ingredients, one can object to many analgesic mixtures because they contribute little additional therapeutic benefit while increasing the risks of side effects, allergic sensitization, etc. One can perhaps justify the use of some of these mixtures when pain is present with some other symptom, such as a stuffy nose, and both symptoms can be handled reasonably well by the mixture. However, to promote such a mixture as an all-purpose remedy for all kinds of pain, including those which cannot possibly be aided by one or more of the ingredients, is, in the view of the Panel, to encourage bad therapeutics.

SEMANTIC CONFUSION

The words "synergism" and "potentiation" are subject to multiple interpretations, even among professional pharmacologists. It would seem desirable to avoid their use, focusing instead on a description of what actually was achieved in the clinical setting. The word "potency" also has different meanings to different persons. If one is talking simply about milligram potency, this is actually a trivial matter in the clinical setting and, therefore, the term "potency" should probably be avoided.

IRRELEVANT INFORMATION

Many package inserts contain material of no relevance to most practitioners. For example, the animal data are often not helpful, and are not always clearly identifiable as such. This material often seems to be used as a substitute for clinical data. Also irrelevant and not particularly helpful to the reader is a long list of clinical testimonials, only some of which bear on the points at issue, and most of which are uninterpretable because of defects in clinical design.

DRUG DEPENDENCE AND ABUSE

The following statement is proposed to bring uniformity to the claims made concerning the dependence-producing properties of narcotic analgesics and preparations containing narcotic analgesics. It is recognized that many of the claims concerning a lesser dependence-producing liability of specific narcotic analgesics reflect the fact that the particular agents are not commonly abused. However, it must also be recognized that the actual abuse rates do not accurately reflect dependence-producing potential. It is known that agents and preparations that have not been commonly abused in some social settings at some times, have been extensively abused in other settings at other times.

One of the major purposes of the existing laws and regulations concerning narcotic analgesics is to prevent abuse. Therefore, all agents that have been shown to produce morphine-like physiologic and subjective changes when administered chronically, that will produce morphine-like dependence, or that will substitute for morphine in morphine-dependent subjects, shall carry

the following recommended warning: "(Name of agent) can produce dependence of the morphine type and therefore has the potential for being abused."

The only exceptions to this recommendation are substances specifically exempted from bearing the label "Warning—may be habit forming" required by Federal law or regulation.

RIGID DOSE RECOMMENDATIONS

The Panel believes that doctors should not be bound legally by dose recommendations in package inserts. These recommendations represent advice as to the dose at which most patients can be started, and the range at which the needs of most patients can be met. However, it is good practice to manipulate the dose in the event of a therapeutic failure, or in the event of untoward effects. Furthermore, tolerance to a drug may develop, and may require an increase in dose. It is the Panel's observation that some of the recommended doses are too low.

DEFICIENCIES OF METHODOLOGY

There is a need for additional methodology for the study of pain. Thus, for example, there is a paucity of information available on the comparative effects of analgesics given repeatedly to patients with chronic pain. The result with single doses may or may not be transferable to such situations. Another area of deficiency is the evaluation of topical ointments that produce obvious sensations of cooling or warmth. Such limitations in methodology should be kept in mind by the Food and Drug Administration when evaluating data on drugs, both old and new.

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Surfacaine Suppositories containing cyclomethycaine.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "For local anesthetic or analgesic effect, as directed by the physician."

Evaluation: Effective, but ***.

Comments: The warning concerning sensitivity should be clarified directing the patient to consult a physician if use of the medication aggravates his symptoms.

2. Bufferin Tablets containing aspirin, aluminum glycinate and magnesium carbonate.

This drug has been evaluated by the following Panels:

a. Panel on Drugs for Relief of Pain

b. Panel on Drugs Used in Rheumatic Diseases

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: *** for fast, effective relief of simple headache, painful discomforts of colds, minor arthritic pain, menstrual pain, muscular aches, *** and pain of tooth extraction."

Evaluation: Effective.

Comments: This mixture contains the known analgesic, aspirin, which at recommended dose would provide relief of pain.

Indication: For "mild temporary tension."

Evaluation: Possibly effective.

Comments: There is very little evidence that aspirin has any tranquilizing or sedative effect.

General comments. The claim is made that Bufferin is "twice as fast as aspirin." This statement is ambiguous and misleading.

While the preponderance of studies comparing blood levels of salicylate after ingestion of Bufferin and various types of unbuffered aspirin indicate that the buffered product is somewhat more rapidly absorbed from the gastrointestinal tract than plain aspirin, there is no evidence to indicate that the speed of onset of analgesic action is significantly increased.

The claim is made that Bufferin "helps prevent the stomach upset often caused by aspirin." Most of the published studies with which the panel is familiar indicate there is little difference in the incidence or intensity of subjective gastrointestinal side effects after ingestion of Bufferin or plain aspirin.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

3. Trigesic Tablets containing acetaminophen, aspirin, and caffeine.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

Indication: "For the temporary relief of pain from muscular aches, simple headache and discomforts due to colds."

Evaluation: Effective, but ***.

Comments: This combination contains the known analgesics, aspirin, and acetaminophen, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredient, caffeine, would detract from this effect. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

4. Nebs Tablets containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain.

b. Panel on Drugs Used in Rheumatic Diseases

c. Panel on Neurological Drugs.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief for a variety of pains (headache, sinus headache, tension headache, menstrual distress, colds, flu, neuritis, neuralgia, rheumatism).

Evaluation: Effective, but ***.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

Indication: Relieves fever of colds and flu.

Evaluation: Effective.

NOTICES

Comments: Acetaminophen is antipyretic.

Indication: "Pain-free in minutes."

Evaluation: Ineffective.

Comments: There is no evidence for lighting speed of this type.

General comments. How can a drug that has been around since 1889 be called "the most modern of pain relievers" and a product of "modern laboratory research"? This statement is "puffery" and should be removed from the insert.

The statement is made: "Unlike aspirin the active ingredient in NEBS has been shown not to irritate stomach lining. Increasingly it is being acknowledged in scientific and medical reports as safer than aspirin for many people." This claim is justifiable.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteoarthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis should be deleted from brochures and package inserts.

5. Apamide Tablets containing acetaminophen.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

Indication: "For temporary relief of pain, such as simple headache, minor muscular aches, ordinary discomfort of the menstrual period, minor pain following dental work, and discomforts of the common cold."

Evaluation: Effective, but * * *.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

6. Metalid Tablets containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain
b. Panel on Drugs Used in Rheumatic Diseases.

c. Panel on Neurological Drugs.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief of minor aches and pains of simple headache, neuralgia, arthritis, and rheumatism.

Evaluation: Effective, but * * *.

Comments: The drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteoarthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the Panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

7. Duplexin Tablets containing dihydroxyaluminum sodium carbonate, magnesium carbonate, aspirin, phenacetin, and caffeine.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain
b. Panel of Drugs Used in Rheumatic Diseases
c. Panel on Neurological Drugs

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Pain of headache, neuritis, neuralgia, cold distress, arthritis, rheumatism, cold discomforts, and muscle aches.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesics, phenacetin and aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

Indication: Pain of mild migraine.

Evaluation: Ineffective.

Comments: Since this is an OTC or non-prescription drug, the Panel objects to its use by the lay public for such a serious condition, which requires medical advice and diagnosis.

General comments. The claim is made: "An advance over either plain or ordinary buffered aspirin." This is an unjustifiable statement. No evidence exists that "APC" as compared to aspirin has better analgesic effect.

Claims such as "reduces muscular tensions," "calm jumpy nerves that exaggerate pain," and "soothe swollen tissues that aggravate pain" are too vague and should be

deleted. It would be proper for the company to mention the antiinflammatory properties of aspirin.

There should be justification and supportive data for the inclusion of antacids in this combination.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteoarthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the Panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

8. Nysacetol Tablets containing acetaminophen.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

Indication: For the relief of minor aches and pains due to colds.

Evaluation: Effective, but * * *.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

9. Tylenol Elixir containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain
b. Panel on Neurological Drugs

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: "Useful in mild upper respiratory infections (tonsillitis, common cold, 'grippe'), headache, myalgia, postimmunization reactions, posttonsillectomy discomfort, and gastroenteritis."

Analgesic in bronchitis, pharyngitis, tracheobronchitis, sinusitis, pneumonia, otitis media, cervical adenitis, and viral infections.

Evaluation: Effective, but * * *.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

Indication: Antipyretic in bronchitis, pharyngitis, tracheobronchitis, sinusitis, pneumonia, otitis media, cervical adenitis, and viral infections.

Evaluation: Effective, but ***.

Comments: Acetaminophen is antipyretic. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

10. Tempra Drops and Tempra Syrup containing acetaminophen.

These drugs have been evaluated by the panel on Drugs for Relief of Pain.

Indication: Relieves "discomfort due to colds, simple headaches, minor aches and pains."

Evaluation: Effective, but ***.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

11. Tralgon Elixir containing acetaminophen.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

General comments. No insert was available. See comments on Trigesic Tablets.

12. Tylenol Tablets containing acetaminophen.

This drug has been evaluated by the following panels:

- a. Panel on Drugs for Relief of Pain
- b. Panel on Drugs Used in Rheumatic Diseases

c. Panel on Neurological Drugs

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: "Tylenol provides effective analgesia in a wide variety of arthritic and rheumatic conditions involving musculoskeletal pain, as well as in other painful disorders such as headache, dysmenorrhea, myalgias, and neuralgias."

Analgesic in diseases accompanied by discomfort and fever, such as the common cold and other viral infections."

Evaluation: Effective, but ***.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

Indication: Antipyretic in diseases accompanied by discomfort and fever, such as the common cold and other viral infections.

Evaluation: Effective, but ***.

Comments: Acetaminophen is antipyretic. However, there are no specific, well-controlled and conclusive clinical studies on the above-mentioned conditions.

General comments. Under "Advantages," the claims are made that Tylenol is "unusually free from side effects" and "safe for long-term use." These claims are justifiable only for short-term use, but no evidence exists for "long-term use."

Under "Advantages," the claim is made: "Nonirritating. Tylenol is not likely to cause gastric irritation often encountered with

aspirin or other salicylates." This statement is justifiable.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

- 1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.
- 2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unspecific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

13. Arthropan Liquid and Actasal Pediatric Drops containing choline salicylate.

This drug has been evaluated by the following panels:

- a. Panel on Drugs for Relief of Pain.
- b. Panel on Drugs Used in Rheumatic Diseases.
- c. Panel on Neurological Drugs.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief of minor pains of arthritis, rheumatism, simple headache, and discomfort of menstrual cramps.

Evaluation: Effective, but ***.

Comments: Choline salicylate is an effective analgesic. There is bibliographic support of the claims for arthritis and rheumatism but no acceptable and controlled studies for simple headache or menstrual cramps.

Indication: Reduce inflammation.

Evaluation: Probably effective.

Comments: Salicylates have been shown to reduce inflammation, however, there is no documentation for this formulation.

General comments. The claims are made:

- a. "Faster-Acting, Long-Lasting Pain Reliever."
- b. "Taken on an Empty Stomach, Starts Acting 5 Times Faster Than Aspirin."
- c. "Reaches Peak of Action 12 Times Faster Than Aspirin."

d. "For Quicker, Gentler, More Convenient Temporary Relief of Minor Pains of Arthritis, Rheumatism, Simple Headache, Menstruation."

These claims assert that choline salicylate acts sooner, last longer, and reach a peak of action faster than aspirin. Adequate studies show that blood salicylate levels after choline salicylate administration are five times as high in 12 minutes and twice as high in 30 minutes as a comparable dose of aspirin. However, there are no clinical studies available to show that the onset of analgesic action is sooner, greater, or more prolonged than with aspirin. Various studies suggest

that choline salicylate has analgesic activity equivalent to corresponding doses of aspirin, but these studies were not truly double-blind, in that the liquid form of choline salicylate was compared with the tablet form of aspirin. No studies were done to compare choline salicylate with sodium salicylate. Therefore, the panel finds the above claims unjustified.

The statement is made: "Arthropan Liquid does not irritate the stomach, as does aspirin in many people. As a result, Arthropan Liquid may often be taken in required doses without stomach discomfort—even by people who have a history of stomach sensitivity to aspirin." There are some clinical studies to show that choline salicylate is less irritating to the stomach.

The statement is made: "Arthropan Liquid represents an advance in temporary relief of minor pains of arthritis, rheumatism, simple headache, and menstrual cramps. It is preferable for relief of such pains because it is much less likely to irritate the stomach than aspirin." The panel dislikes the use of the word "advance" because there is doubt that the drug really offers quicker, more prolonged, or safer action than aspirin.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

- 1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.
- 2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the disease (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unspecific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

14. Defencin Tablets containing glyceryl guaiacol, aspirin, and phenyltoloxamine dihydrogen citrate.

This drug has been evaluated by the following panels:

- a. Panel on Drugs for Relief of Pain.
- b. Panel on Drugs Used in Rheumatic Diseases.
- c. Panel on Neurological Drugs.
- d. Panel on Drugs Used in Allergy.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief of pain.

Evaluation: Effective, but ***.

Comments: This combination contains the known analgesic, aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

Indication: Temporary symptomatic relief of minor pain of neuralgia, arthritis, rheumatism, and simple headache.

NOTICES

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic, aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific well controlled, and conclusive studies on the above-mentioned conditions.

Indication: For minor muscle aches and pains due to fatigue, overexertion, exposure.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic, aspirin, which as stated in the first two indications would provide relief of pain. The panel, however, objects to vague and ill-defined conditions such as "fatigue, overexertion, and exposure," which may not be associated with pain. It would be better to delete these conditions.

General comments. Whether the addition of phenyltoloxamine and glyceryl guaiacolate contributes anything to the management of the clinical entities "neuralgia, arthritis, rheumatism" is not known.

The drug is advertised as a "new and different analgesic for more effective pain relief" and contains in addition to aspirin an antihistamine and an expectorant. The panel considers this unjustifiable in that there is no valid evidence of "more pain relief" and the drug is not "new" or "different."

Under "What you can expect of Defencin," the statement is made: "Clinical studies have shown that most patients who use Defencin had no side effects. Among the remainder, the principal side effects were minor stomach and intestinal irritation similar to those from aspirin alone." This may be true, but also glyceryl guaiacolate may cause stomach irritation.

Two tablets every 3 or 4 hours are recommended. This means 25 mg. phenyltoloxamine every 3 hours, i.e., presumably enough to cause drowsiness. In the light of this side effect, the panel objects to the other statements made by the company: "Defencin has been found to be sufficiently free of undesirable side effects—so safe—that it is sold without prescription. In fact, because Defencin is safe, you can use it repeatedly."

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteoarthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the Panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of

any drug for the treatment of neuralgia, neuritis, and radiculitis should be deleted from brochures and package inserts.

PANEL ON DRUGS USED IN ALLERGY

Indication: Relief of common cold symptoms, such as runny nose and sneezing.

Evaluation: Possibly effective.

Comments: Phenyltoloxamine, in the experience of the panel, is only weakly active as an antihistamine. Several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

This indication was subsequently reevaluated as ineffective as a fixed combination with the following additional comments:

The evidence presented by the manufacturer that the addition of glyceryl guaiacolate improved the overall preparation was totally unconvincing. Its effectiveness in controlling runny nose, sneezing, and as a sedative was not documented.

The studies purporting to demonstrate that phenyltoloxamine improved the action of aspirin through its sedative effect was not convincing; although by inference with other studies, theoretically possible.

It has not been proven that the antihistamine contributes to the relief of cold symptoms which is provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit, but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of cough.

Evaluation: Effective, but * * *. Subsequently reevaluated as ineffective as a fixed combination.

Comments: Glyceryl guaiacolate is an effective expectorant that is helpful in relieving nonproductive coughs. There is no evidence that the antihistamine or aspirin contributes significantly to this effect.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6499, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 13, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-5978 Filed 4-19-72; 8:47 am]

[DESI 1875]

CERTAIN OTC ANTACID PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the "Proposal Establishing Status of Over-the-Counter Drugs Previously Reviewed Under the Drug Efficacy Study (DESI)" published elsewhere in this issue of the *FEDERAL REGISTER*.

The following OTC antacid drugs are included in this announcement.

1. Chooz Chewing Gum Tablets containing calcium carbonate and magnesium trisilicate; Pharmaco, Inc., Galloping Hill Rd., Kenilworth, N.J. 07033 (NDA 1-875).

2. Kamat Tablets containing atropine sulfate, aluminum hydroxide, magnesium trisilicate, and kaolin; Cole Pharmacal Co., Inc., 3715-31 Laclede Ave., St. Louis, Mo. 63101 (NDA 1-952).

3. Amphojel Tablets containing aluminum hydroxide; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 2-436).

4. Gelusil Liquid containing magnesium trisilicate and aluminum hydroxide; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 2-545).

5. Endo-Magsal Suspension containing magnesium trisilicate and aluminum hydroxide; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11533 (NDA 3-807).

6. Gelusil Tablets containing magnesium trisilicate and aluminum hydroxide; Warner-Chilcott Laboratories (NDA 4-380).

7. Alglyn Tablets and Alglyn Magma containing dihydroxyaluminum amino-acetate; Brayten Pharmaceuticals Co., 1715 West 38th Street, Chattanooga, Tenn. 37409 (NDA 5-668).

8. Alzinox Tablets and Alzinox Magma containing dihydroxyaluminum amino-acetate; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 6-547).

9. Carmethose Suspension containing sodium carboxymethylcellulose; and

10. Carmethose with Magnesium Oxide Tablets containing sodium carboxymethylcellulose and magnesium oxide; and

11. Carmethose-Trasentine Tablets containing sodium carboxymethylcellulose, adiphene hydrochloride, and magnesium oxide; Ciba Pharmaceutical Co., Division of Ciba Corp., 556 Morris Avenue, Summit, N.J. 07901 (NDA 6-738).

12. Resinat Capsules and Tablets containing polyaminemethylene resin; Merrell-National Drug Co., Division of

Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 7-706).

13. Kolantyl Tablets containing dicyclomine hydrochloride, aluminum hydroxide, magnesium oxide, and methylcellulose; Merrell-National Drug Co. (NDA 7-911).

14. Dimacid B Tablets containing magnesium carbonate, bismuth subcarbonate, calcium carbonate, and magnesium glycinate; Otis Clapp and Son, Inc., 143 Albany Street, Cambridge, Mass. 02139 (NDA 8-431).

15. Kolantyl Gel containing dicyclomine hydrochloride, aluminum hydroxide, magnesium hydroxide, and methylcellulose; Merrell-National Drug Co. (NDA 8-467).

16. Rolaids Antacid Mint Tablets containing dihydroxy-aluminum sodium carbonate; American Chicle Division, Warner-Lambert Pharmaceutical Co. (NDA 9-100).

17. Rolaids Antacid Mint with HMAS Tablets containing almadrate sulfate; American Chicle Division, Warner-Lambert Pharmaceutical Co. (NDA 12-165).

18. "A" Plus Tablets containing isomylamine hydrochloride, calcium carbonate, magnesium carbonate, and magnesium trisilicate; Vick Chemical Co., Division of Richardson-Merrell, Inc., 122 East 42d Street, New York, N.Y. 10017 (NDA 12-298).

19. Belglyn Tablets containing belladonna alkaloids and dihydroxyaluminum aminoacetate; Brayten Pharmaceutical Co. (NDA 5-668).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Chooz Chewing Gum Tablets containing calcium carbonate and magnesium trisilicate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Fast relief of heartburn.

Evaluation: Probably effective.

Comments: The ingredients in this preparation are useful in this regard when heartburn is associated with gastroesophageal reflux of acid gastric contents.

Indication: Gas.

Evaluation: Ineffective.

Comments: There is no evidence supporting the claim that aerophagic symptoms can be relieved by any of the ingredients in this preparation. Furthermore, gum chewing would increase the amount of air swallowed, belching, etc., creating a vicious cycle.

Indication: Upset stomach due to "acid indigestion."

Evaluation: Possibly effective.

Comments: The term used in this indication is vague. The symptoms attributed by the patient to "acid indigestion" may be due to a variety of conditions, some pertaining to the gastrointestinal tract (duodenal ulcer, hiatal hernia, etc.) and some originating in other organs (postprandial angina, etc.).

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as needed." The presence of calcium carbonate in this preparation makes it imperative to establish a dosage schedule, with

a warning about the possible danger of high doses for a long period, due to the inherent danger of milk-alkali syndrome, renal stones, etc., as well as the advisability of assessing the serum levels of calcium before and during the treatment periods, renal function, etc. The statement, "Hospital X-ray tests proves the superior action * * *," is not documented.

2. Kamat Tablets containing atropine sulfate, aluminum hydroxide, magnesium trisilicate and kaolin.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "For the temporary relief of gastric hyperacidity."

Evaluation: Possibly effective.

Comments: In the dosage advocated, the amount of atropine (0.260 mg.) does not have an appreciable effect on gastric acidity. The point is clearly made in some of the references provided by the manufacturer, and is common knowledge.

There is no reason to believe that this dosage potentiates the acid-neutralizing effect of the other ingredients.

No data are provided to support the claim that Kamat has any effect on gastric hyperacidity. Furthermore, the indication "for the temporary relief of gastric hyperacidity" is highly dubious, in that there is no consistent relationship between the level of gastric acidity and symptoms.

Any pharmacologic effect of this formulation can be ascribed to its content of aluminum hydroxide and magnesium trisilicate.

3. Amphojel Tablets containing aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: As an antacid.

Evaluation: Effective.

Comments: Amphojel is representative of a large group of aluminum hydroxide preparations in general use.

General comments. A warning is advisable concerning the use of aluminum hydroxide preparation by patients who have recently suffered massive upper gastrointestinal hemorrhage and therefore have a large amount of blood in the bowel; occasionally, intestinal obstruction has been induced as the result of formation of an inspissated mass of blood clot and the medication. This preparation may cause rather severe constipation and measures should be taken to guard against it.

4. Gelusil Liquid containing magnesium trisilicate and aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: For acid control in gastritis and hyperacidity.

Evaluation: Probably effective.

Comments: The ingredients contained in this drug, aluminum hydroxide and magnesium trisilicate have been found to elevate the pH of gastric contents when given in a sufficient dosage. While the label states this drug is indicated "for acid control, in gastritis and hyperacidity," there is the implication that hyperacidity per se requires treatment. As a rule in the clinical setting the presence of hyperacidity has not been established; neither has the presence of gastritis. The sodium concentration of the antacid should also be stated.

Indication: Adsorption.

Evaluation: Probably effective.

Comments: Both ingredients adsorb in vitro. Aluminum hydroxide gel has been shown to adsorb pepsin and in this way inhibits peptic activity. Whether the adsorption of gases, toxins, bacteria, etc., is significant is unproven.

5. Endo-Magsal Suspension containing magnesium trisilicate and aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Antacid.

Evaluation: Effective.

Comments: The ingredients in this drug (magnesium trisilicate and aluminum hydroxide) have been found to increase the pH of gastric contents when given in a sufficient dosage.

Indication: Adsorbent.

Evaluation: Possibly effective.

Comments: Both ingredients adsorb in vitro but whether adsorption of toxins, gases, bacteria, histamine, etc., in the gastrointestinal tract is clinically significant is unproven.

6. Gelusil Tablets containing magnesium trisilicate and aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: For acid control in gastritis and hyperacidity.

Evaluation: Probably effective.

Comments: The ingredients contained in this drug, aluminum hydroxide and magnesium trisilicate have been found to elevate the pH of gastric contents when given in a sufficient dosage. While the label states this drug is indicated "for acid control, in gastritis and hyperacidity," there is the implication that hyperacidity per se requires treatment. As a rule in the clinical setting the presence of hyperacidity has not been established; neither has the presence of gastritis. The sodium concentration of the antacid should also be stated.

Indication: Adsorption.

Evaluation: Probably effective.

Comments: Both ingredients adsorb in vitro. Aluminum hydroxide gel has been shown to adsorb pepsin and in this way inhibits peptic activity. Whether adsorption of gases, toxins, bacteria, etc., is significant is unproven.

7. Alglyn Tablets and Alglyn Magma containing dihydroxyaluminum aminoacetate.

These drugs have been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "As an antacid."

Evaluation: Effective.

Comments: There is no package insert. The package labels say nothing about what an antacid is used for. Therapeutic claims are not made or implied. Alglyn and Alglyn Magma are tablet and suspension respectively, of dihydroxyaluminum aminoacetate.

Although the labels do not reflect the full scope of the usage of antacids, they make clear that dosage other than the small amounts recommended should be prescribed by the physician.

8. Alzinox Tablets and Alzinox Magma containing dihydroxyaluminum aminoacetate.

These drugs have been evaluated by the Panel on Drugs Used in Gastroenterology.

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Indication: "As an antacid for the relief of gastric hyperacidity * * *".

Evaluation: Possibly effective.

Comments: Gastric hyperacidity is not a clinical entity and there is no known relationship between the gastric acid level and symptoms. The presence of a given level of gastric acidity does not call for therapy.

Indication: "For physicians' use in the management of peptic ulcer patients."

Evaluation: Effective.

Comments: The package labels make no claims. Alzinox and Alzinox Magma are tablet and suspension respectively, of dihydroxyaluminum aminoacetate. These compounds are antacids whose activity is comparable with that of aluminum hydroxide.

9. Carmethose Suspension containing sodium carboxymethylcellulose;

10. Carmethose with Magnesium Oxide Tablets containing sodium carboxymethylcellulose and magnesium oxide;

11. Carmethose-Trasentine Tablets containing sodium carboxymethylcellulose, adiphene hydrochloride, and magnesium oxide.

These drugs were evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "For the temporary relief of gastric discomfort due to hyperacidity."

Evaluation: Possibly effective.

Comments: Carboxymethylcellulose is a weak antacid, with a very low neutralizing capacity. The magnesium oxide combined with Carmethose probably provides the important neutralizing capacity of this combination. More evidence is needed to demonstrate that the carboxymethylcellulose makes a significant addition.

Furthermore, the indication of "gastric discomfort due to hyperacidity" is highly dubious, in that there is no consistent relationship between the level of gastric acidity and symptoms.

The addition of Trasentine to Carmethose in no way changes the evaluation of this preparation.

12. Resinat capsules and tablets containing polyaminemethylene resin.

These drugs were evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Effective for the temporary relief of gastric hyperacidity."

Evaluation: Probably effective.

Comments: Resinat has been shown to have antacid action, but its clinical efficacy in relieving symptoms induced by acid has not been compared with other standard products.

General comments. The ionic form of the resin should be stated. If the resin contains sodium, potassium, or ammonium the amount per tablet should be stated.

13. Kolantyl Tablets containing dicyclomine hydrochloride, aluminum hydroxide, magnesium oxide, and methylcellulose.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Fast temporary relief of acid indigestion or heartburn due to gastric hyperacidity."

Evaluation: Possibly effective.

Comments: This OTC preparation contains dicyclomine HCl (5 mg.), aluminum hydroxide (300 mg.), magnesium oxide (185

mg.), and methylcellulose (100 mg.). There is no package insert.

The Panel knows of no evidence that dicyclomine in the dose advised has any pharmacologic effect.

Methylcellulose is listed as an active ingredient, but there is no evidence that it makes a significant contribution.

The aluminum and magnesium compounds are effective antacids, but the additional ingredients have not been shown to contribute.

The term "indigestion" is a poorly defined colloquialism describing a variety of complaints related to many disorders. Its meaning is not clarified by adding the word "acid." The presence of digestive symptoms calls for adequate diagnostic studies and subsequent therapy should be based on the results of these studies. The sale of this type of preparation OTC may lead to dangerous self therapy.

14. Dimacid B Tablets containing magnesium carbonate, bismuth subcarbonate, calcium carbonate, and magnesium glycinate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Excess stomach acidity."

Evaluation: Probably effective.

Comments: The label implies that the preparation provides relief from "the effects of excess stomach acidity"; hyperacidity is a laboratory finding, not a clinical entity.

Indication: Heartburn.

Evaluation: Probably effective.

Comments: The different antacid components of this preparation have been shown to neutralize HCl. Similar preparations with the same ingredients as Dimacid B or combinations thereof have been shown to alleviate the symptom heartburn.

Indication: Gas.

Evaluation: Possibly effective.

Comments: There is no evidence supporting the claim that aerophagic symptoms can be relieved by any of the ingredients in this preparation.

Indication: "Upset or sour stomach."

Evaluation: Possibly effective.

Comments: The term used in this indication is very vague. The symptoms attributed by the patient to "upset or sour stomach" may be due to a variety of conditions, some pertaining to the gastrointestinal tract (duodenal ulcer, hiatal hernia, etc.), and some originating in other organs (postprandial angina, etc.).

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose recommended is two tablets when needed. The presence of calcium carbonate in this preparation makes it imperative to establish a dosage schedule, with a warning about the possible danger of high doses for a long period due to the inherent danger of milk-alkali syndrome, renal stones, etc., as well as the advisability of assessing the serum level of calcium before and during the treatment periods, renal function, etc. The statement that Dimacid B does not cause "acid rebound" or harmful overalkalinizing" have not been documented.

15. Kolantyl Gel containing dicyclomine hydrochloride, aluminum hydroxide, magnesium hydroxide, and methylcellulose.

This drug has been evaluated by the Panel on Drugs used in Gastroenterology.

Indication: "Fast temporary relief of acid indigestion or heartburn due to gastric hyperacidity."

Evaluation: Possibly effective.

Comments: This OTC preparation contains dicyclomine HCl, aluminum hydroxide, magnesium hydroxide, and methylcellulose. There is no package insert.

The Panel knows of no evidence that dicyclomine in the dose advised has any pharmacologic effect.

Methylcellulose is listed as an active ingredient, but there is no evidence that it makes a significant contribution.

The aluminum and magnesium compounds are effective antacids, but the additional ingredients have not been shown to contribute.

The term "indigestion" is a poorly defined colloquialism describing a variety of complaints related to many disorders. Its meaning is not clarified by adding the word "acid." The presence of digestive symptoms calls for adequate diagnostic studies and subsequent therapy should be based on the results of these studies. The sale of this type of preparation OTC may lead to dangerous self therapy.

16. Rolaids Antacid Mint Tablets containing dihydroxyaluminum sodium carbonate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Heartburn, gas, indigestion, and upset or sour stomach due to excessive gastric acidity.

Evaluation: Probably effective.

Comments: The warnings and dose schedule are inadequate.

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as required."

17. Rolaids Antacid Mint with HMAS Tablets containing almadrate sulfate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Heartburn, gas, indigestion, and upset or sour stomach due to excessive gastric acidity.

Evaluation: Probably effective.

Comments: No clinical data are available to the Panel, inasmuch as all the references but one are private reports. However, the relief of such symptoms by other alkaline medication has often been demonstrated and presumably will be obtained with adequate amounts of this compound. However, this compound has not been adequately tested.

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as required."

18. A-Plus Tablets containing isomylamine HCl, calcium carbonate, magnesium carbonate, and magnesium trisilicate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Neutralizes excess acid.

Evaluation: Probably effective.

Comments: This indication as stated is proper if a sufficient dose of the compound is taken and if the condition of "excess acidity" can be recognized by the consumer. The tablets should be chewed thoroughly for maximum benefit.

Indication: Relaxes nervous stomach.

Evaluation: Possibly effective.

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[DESI 5213]

CERTAIN COUGH PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Hydrocodone bitartrate and homatropine methylbromide, marketed as Hycodan Syrup, Tablets, and Powder, by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, NY 11533 (NDA 5-213).

2. Dimethoxanate hydrochloride, marketed as Cothera Syrup, by Ayerst Laboratories, 685 Third Avenue, New York, NY 10017 (NDA 11-174).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are probably effective for the temporary relief of cough.

B. *Marketing status.* 1. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as probably effective may be continued for 12 months as described in paragraphs (c), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the *FEDERAL REGISTER* July 14, 1970 (35 F.R. 11273).

2. Within 60 days from publication hereof in the *FEDERAL REGISTER*, the holder of any approved new drug applications for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug; is in accord with the guidelines for uniform labeling published in the *FEDERAL REGISTER* of February 6, 1970 (21 CFR 3.74); and recommends use of the drug for the probably effective indication as follows:

INDICATION

SYMPTOMATIC RELIEF OF COUGH

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

3. After 60 days following publication hereof in the *FEDERAL REGISTER*, any such drug on the market without an approved new drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

A copy of the Academy's report has been furnished to each firm referred to

above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5213, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-5979 Filed 4-19-72; 8:47 am]

[DESI 7337]

DRUGS CONTAINING OXYCODONE HYDROCHLORIDE, OXYCODONE TEREPHTHALATE, HOMATROPINE TEREPHTHALATE, ASPIRIN, PHENACETIN, AND CAFFEINE; OXYCODONE HYDROCHLORIDE, OXYCODONE TEREPHTHALATE, HOMATROPINE TEREPHTHALATE, AND PENTYLENETETRAZOL; OR MEPERIDINE HYDROCHLORIDE AND PROMETHAZINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Percodan Tablets containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, aspirin, phenacetin, and caffeine; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11530 (NDA 7-337).

2. Nucodan Tablets containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, and pentylenetetrazol; Endo Laboratories, Inc. (NDA 7-337).

3. Mepergan Capsules and Mepergan Fortis Capsules containing meperidine hydrochloride and promethazine hydrochloride; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 11-730; see below).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness

Comments: Evidence is submitted that the anticholinergic agent (Bentyl) has antimotility effects in animals, but none to support the claim that it will inhibit the motility of neurally stimulated ("nervous") stomach in man, in the dosage provided. No controlled clinical trials of this mixture are available.

Indication: "Relieves indigestion distress as no plain antacid can."

Evaluation: Possibly effective.

Comments: No clinical evidence is submitted in support of this claim. There is much experience with the relief of abdominal fullness after eating by the ingestion of antacids, this relief being due to eructation of gas and to the more rapid emptying of the stomach. Presumably, the antacid mixture offered here will provide these same benefits. However, the addition of an anticholinergic agent to the mixture may actually decrease this action by delaying the emptying of the stomach, and the claim of superiority over plain antacids should be supported by evidence.

19. Belglyn Tablets containing belladonna alkaloids and dihydroxyaluminum aminoacetate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Gastric hyperacidity.

Evaluation: Possibly effective.

Comments: Gastric hyperacidity is not a clinical entity and there is no known relationship between the gastric acid level and symptoms. The presence of a given level of gastric acidity does not call for therapy.

The label advises use of one tablet 1-2 hours after meals and at bedtime, not to exceed three or four tablets a day. The dose of dihydroxyaluminum aminoacetate (DAA), 0.5 g/tablet, may or may not be effective in a high percentage of instances. The content of 0.162 mg. of belladonna alkaloids is too small to have any pharmacologic effect, even if absorption from DAA were 100 percent.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 1875, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-5998 Filed 4-19-72; 8:48 am]

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classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These combination drugs are possibly effective for moderate to moderately severe pain.

2. In addition, the drug containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, aspirin, phenacetin, and caffeine lacks substantial evidence of effectiveness as a fixed dose combination for antipyresis.

No new drug applications have been approved or are deemed approved for oral preparations containing meperidine hydrochloride with promethazine hydrochloride for oral use.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the *FEDERAL REGISTER*, the holder of any approved new drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the *FEDERAL REGISTER* may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the *FEDERAL REGISTER* July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7337, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 5, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-5980 Filed 4-19-72; 8:47 am]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2B2783) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2597 *Polymer modifiers in semirigid and rigid vinyl chloride plastics* (21 CFR 121.2597) be amended in paragraph (b) (2) by revising the polymer content of the finished plastic food-contact article to include not more than 5 weight-percent of polymer units derived from polymers identified in paragraph (a) (1) of § 121.2597.

Dated: April 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 72-5999 Filed 4-19-72; 8:48 am]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2B2782) has been filed by Velsicol Chemical Corp., 1725 K Street NW, Washington, DC 20006, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of neopentyl glycol dibenzoate as a component of adhesives intended for use in food-contact articles.

Dated: April 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 72-5981 Filed 4-19-72; 8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

COMBINED STATION/TOWER AT POCATELLO, IDAHO

Notice of Relocation and Reduction in Hours of Operation

Notice is hereby given that on April 20, 1972, the Pocatello Combined Station/Tower will be decommissioned and the flight service station functions will be relocated to Burley, Idaho, Flight Service Station. On or about May 11, 1972, pending publication of amended instrument approach procedures, operation of the Pocatello Airport Traffic Control Tower will be reduced to 16 hours each day, 7 a.m. to 11 p.m. local time. This information will be reflected in the FAA organization statement the next time it is issued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Wash., on April 12, 1972.

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

[FR Doc. 72-5989 Filed 4-19-72; 8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report—Operating License Stage, August 6, 1970," and "Applicant's Supplemental Environmental Reports No. 1 and Appendices Volumes Nos. 1 and 2," and Supplement No. 2 on the Indian Point Nuclear Generating Unit No. 2, September 9 and October 15, 1971, respectively" (collectively "the report"), submitted by Consolidated Edison Company of New York, Inc., are available for public inspection in the Commission's Public Document Room at 1717 H Street NW, Washington, DC, and in the Hendrick Hudson High School Library, Albany Post Road, Montrose, N.Y. 10548. The report is also being made available at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207, and the Metropolitan District Review Coordinator, Office of Planning Coordination, 1841 Broadway, New York, NY 10023.

This report discusses environmental considerations related to the proposed

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issuance of an operating license for the Indian Point Nuclear Generating Unit No. 2, located in the town of Buchanan, Westchester County, N.Y.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of an operating license for the Indian Point Nuclear Generating Unit 2, dated April 13, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's April 13, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the November 20, 1970, detailed statement for which a notice of availability was published in the *FEDERAL REGISTER* on December 15, 1970 (35 F.R. 18989).

Pursuant to sections A.7 and D.1 of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the *FEDERAL REGISTER*, submit comments on the proposed action, the report and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 14th day of April 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-5968 Filed 4-19-72;8:45 am]

[Dockets Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Order of Board Scheduling Prehearing and Hearing on Environmental Issues

In the matter of Consumers Power Co., Midland Plant, Units 1 and 2.

In accordance with the Board's order dated March 27, 1972, please be advised that the prehearing conference and hearing noted therein are scheduled as follows:

The prehearing will be held on April 28, 1972, at 9:30 a.m., local time, in the Federal Office Building No. 7, Room 2008, 726

Jackson Place NW. (entrance on 17th Street), Washington, DC 20506.

The hearing will be held on May 17, 1972, at 10 a.m., local time, in the Midland Center for the Arts, Little Theatre, 1801 West St. Andrews Road, Midland, MI 48640.

By order of the Atomic Safety and Licensing Board.

ARTHUR W. MURPHY,
Chairman.

APRIL 14, 1972.

[FR Doc.72-5967 Filed 4-19-72;8:45 am]

[Docket No. 50-344]

PORLAND GENERAL ELECTRIC CO. ET AL.

Notice and Order for Evidentiary Hearing

The Atomic Energy Commission, by its Memorandum and Order, and Notice of Hearing on suspension of construction activities at the Trojan Nuclear Plant authorized pursuant to CPPR-79 pending completion of NEPA environmental review, both dated April 12, 1972, ordered the Atomic Safety and Licensing Board duly appointed in this case, to conduct a hearing on the question of whether construction activities under the construction permit for the Trojan Nuclear facility should be suspended pending completion of the ongoing NEPA review, and to render a *de novo* decision based on criteria set forth in the notice within 40 days of its publication. The parties to the proceeding as set forth in the order, shall be the licensees, the Regulatory Staff, and the joint petitioners.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the initial session of evidentiary hearing in this proceeding shall convene at 9:30 a.m., local time, on Monday, May 1, 1972, at the Cosmopolitan Airtel, 6221 Northeast 82d Street, Portland, OR.

Issued: April 18, 1972, in Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72-6172 Filed 4-19-72;11:30 am]

Director of Defense Research and Engineering.

UNITED STATES CIVIL SERV-

ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6029 Filed 4-19-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of April 6, 1971, F.R. Doc. 71-4750 the Civil Service Commission authorized the Department of Health, Education, and Welfare to make a change in title for the position of Deputy Commissioner for Development, Office of Education, Office of the Deputy Commissioner for Development, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Commissioner for Renewal, Office of Education, Office of the Deputy Commissioner for Renewal.

UNITED STATES CIVIL SERV-

ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6033 Filed 4-19-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Community Services, Bureau of Indian Affairs.

UNITED STATES CIVIL SERV-

ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6030 Filed 4-19-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner, Bureau of Indian Affairs, Office of the Commissioner.

UNITED STATES CIVIL SERV-

ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6027 Filed 4-19-72;8:50 am]

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DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Labor Standards, Wage and Labor Standards Administration, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6031 Filed 4-19-72;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Emergency Preparedness to fill by noncareer executive assignment in the excepted service the position of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6028 Filed 4-19-72;8:50 am]

DIRECTOR, ADULT ASSISTANCE PLANNING GROUP, SOCIAL SECURITY ADMINISTRATION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective March 16, 1972, that there is a manpower shortage for the single position of Director, Adult Assistance Planning Group, Social Security Administration, Department of Health, Education, and Welfare, Washington, D.C. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-6032 Filed 4-19-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 2F1254) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide methomyl (S-methyl N-[methylcarbamoyl]oxythiocetimidate) in or on the raw agricultural commodities grapefruit, lemons, oranges, and tangelos at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a modification of the method of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry," Vol. 16, pp. 554-7 (1968), using a flame photometric detector instead of a sulfur microcoulometric detector.

Dated: April 14, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-5992 Filed 4-19-72;8:47 am]

NUCLEAR POLYHEDROSIS VIRUS OF HELIOTHIS ZEA

Extension of Temporary Exemption From Requirement of Tolerance for Microbial Pesticide

Nutrilite Products, Inc., 5600 Beach Boulevard, Buena Park, CA 90620, was granted a temporary exemption from requirement of a tolerance for residues of the insecticide nuclear polyhedrosis virus of *Heliothis zea* in or on cottonseed on December 1, 1970 (notice was published in the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18690)). The firm has requested a 1-year extension of the temporary exemption to obtain additional experimental data.

It has been determined that such extension will protect the public health. The exemption is therefore extended as requested.

Conditions under which this exemption is extended are that:

1. The insecticide will be used in accordance with the temporary permit which is being issued concurrently for distribution under the Nutrilite Products, Inc. name.

2. Each lot of active viral insecticide shall have the following specifications:

a. The level of bacterial contamination as determined by an aerobic plate

count on trypticase soy agar will not exceed 10⁷ colonies per gram of active viral insecticide.

b. Absence of any pathogens, e.g. *Salmonella*, *Shigella*, or *Vibrio*.

c. Safety to mice as demonstrated by standardized intraperitoneal injections and a standardized 21-day feeding study.

d. Integrity of the viral product as determined by standardized serological tests.

This temporary exemption expires December 1, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(a)(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 14, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-5993 Filed 4-19-72;8:48 am]

3-[2-(3,5 - DIMETHYL-2-OXOCYCLOHEXYL)-2-HYDROXYETHYL] GLUTARIMIDE

Notice of Reextension of Temporary Tolerance

The Upjohn Co. Kalamazoo, Mich. 49001, was granted a temporary tolerance for residues of the plant abscission agent 3-[2-(3,5-dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide in or on the raw agricultural commodity oranges on January 23, 1970 (notice was published in the FEDERAL REGISTER of January 30, 1970 (35 F.R. 1169)). At the request of the firm, the temporary tolerance was extended to April 21, 1971. Subsequently, the firm requested and was granted an additional 1-year reextension to obtain additional experimental data (notice was published in the FEDERAL REGISTER of July 17, 1971 (36 F.R. 13290)).

The firm has requested an additional 1-year reextension to complete their experimental program. It is concluded that such reextension will protect the public health. A condition under which this temporary tolerance is reextended is that the plant abscission agent will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Upjohn Co. name.

This temporary tolerance expires April 21, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R.

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15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 12, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-5971 Filed 4-19-72;8:46 am]

S-ETHYL DIETHYLTHIOCARBAMATE

Notice of Establishment of Temporary Tolerance

Gulf Oil Corp., Pittsburgh, Pa. 15230, submitted a petition (PP 2G1214) requesting establishment of temporary tolerances for negligible residues of the herbicide *S*-ethyl diethylthiocarbamate in or on the raw agricultural commodities corn grain, corn fodder and forage and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million.

It has been determined that the temporary tolerances are safe and will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Gulf Oil Corp. name.

These temporary tolerances expire April 12, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 12, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-5970 Filed 4-19-72;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-85]

AIR-MAR SHIPPING, INC.

Order of Investigation and Hearing Regarding Independent Ocean Freight Forwarder Application; Notice of Enlargement

On February 23, 1972, a motion was filed in this proceeding by Hearing Counsel to amend the Federal Maritime Commission's order of investigation and hearing to include a determination of whether Air-Mar Shipping, Inc. is carrying on the business of ocean freight forwarding as defined in section 1, Shipping Act, 1916, pending resolution of civil case No. 124-72, "Air-Mar Shipping, Inc. v.

Federal Maritime Commission," in violation of section 44(a) of the Shipping Act, 1916; and whether, because of the violations as set forth above, the Commission should order respondent to cease and desist such action until it is licensed by the Commission.

In response to this motion and after review and consideration of respondent's reply thereto, the Commission has determined that the order of investigation and hearing should be so amended. Furthermore, the Commission has determined that no persuasive reasons exist for further postponement of this proceeding and that accordingly it should proceed.

Therefore, it is ordered, That the order of investigation and hearing be, and it is hereby, amended to include a determination whether Air-Mar Shipping, Inc. is carrying on the business of ocean freight forwarding as defined in section 1, Shipping Act, 1916, pending resolution of civil case No. 124-72, "Air-Mar Shipping, Inc. v. Federal Maritime Commission," in violation of section 44(a) of the Shipping Act, 1916, and whether the Commission should order respondent to cease and desist such action.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6035 Filed 4-19-72;8:51 am]

STATE OF HAWAII AND SEATRAIN LINES, CALIF.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the *FEDERAL REGISTER*. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fujio Matsuda, Director, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813.

Agreement No. T-2523-1, between the State of Hawaii (State) and Seatrain Lines, Calif. (Seatrain), modifies the basic agreement which provides for the 20-year lease of certain terminal facilities at Sand Island, Honolulu Harbor, Hawaii, for use as a container facility and purposes related thereto. The purpose of the modification is to provide for (1) the deletion of a 900-square-foot "Easement B" from the leased premises; (2) the addition of 11,131 square feet to "Parcel 1" of the leased premises; and (3) the addition of a 900-square-foot "Parcel II" to the leased premises. Parcel II is to be used for the construction of a yard operations building for use in conjunction with Seatrain's operations at the facility. The changes contemplated by the modification result in a net effective annual rental increase of \$8,114.50.

Dated: April 17, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6034 Filed 4-19-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. E-7712]

KENTUCKY UTILITIES CO.

Notice of Application

APRIL 11, 1972.

Take notice that on February 14, 1972, Kentucky Utilities Co. (applicant) filed an application pursuant to section 203 of the Federal Power Act, for authorization to acquire securities of a wholly owned subsidiary, Old Dominion Power Co. (Old Dominion). The securities will consist of the unsecured notes of Old Dominion which will be issued from time to time in an aggregate principal amount not to exceed \$1.5 million outstanding at any one time. The notes will be payable on or before 10 years from the date of their issuance.

Applicant is incorporated under the laws of the State of Kentucky with its principal business office at Lexington, Ky., and is engaged in the electric utility in 78 counties in Kentucky and one adjoining county in Tennessee. Old Dominion is incorporated under the laws of the State of Virginia and furnishes electric services in five counties in southwestern Virginia. It is wholly owned by the applicant.

The notes which Old Dominion proposes to issue shall bear interest from the date thereof at the rate of 7½ percent per annum, and will be subject to prepayment by Old Dominion at any

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time (in whole or in part) without premium or penalty.

The proceeds from the issuance of the notes will be used by Old Dominion to finance the construction, completion, extension, and improvement of its electric utility facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6007 Filed 4-19-72; 8:48 am]

[Docket No. CP72-220]

MOUNTAIN FUEL SUPPLY CO.

Further Notice of Application

APRIL 11, 1972.

Take notice that on April 3, 1972, Mountain Fuel Supply Co. (applicant), 180 East First South Street, Salt Lake City, UT 84111, filed in Docket No. CP72-220 a supplement to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity by correcting the description of the location of certain proposed facilities, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

Applicant states that the proposed 1,100 horsepower compressor station on its main gathering trunk line in the State Line Field will be located in Moffat County, Colo., and not Sweetwater County, Wyo., as is stated in the application.

Any person desiring to be heard or to make any protest with reference to said application, as supplemented, should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to

participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have already filed petitions to intervene or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6008 Filed 4-19-72; 8:48 am]

[Docket No. G-16026 etc.]

NATURAL GAS PIPELINE COMPANY
OF AMERICA

Notice of Motion for Adoption of Settlement Agreement Relative to Consolidated Effective Tax Rate Issue

APRIL 11, 1972.

Take notice that on April 3, 1972, Natural Gas Pipeline Company of America (Natural) filed a motion for commission approval of an attached settlement agreement relative to the consolidated effective tax rate issue reserved in the above dockets (Dockets Nos. G-16026, G-18148, G-18149, RP60-5, RP61-8). The agreement arises from a petition filed by Natural on May 19, 1970, with respect to the aforementioned dockets wherein the Commission was requested to issue an order finding and declaring that Natural had no liability under the "consolidated effective tax rate" conditions contained in settlement agreements previously approved by the Commission in these dockets. Natural's petition also requested Commission approval of use of that interpretation of the consolidated effective tax rate issue in future rate proceedings before the Commission.

The settlement agreement that is the subject of the above motion relies on the Commission ruling on the consolidated tax issue in Florida Gas Transmission Co., Opinion No. 611, issued February 16, 1972. The provisions of the settlement agreement are that Natural would have no refund obligation under the above dockets relative to the consolidated effective tax rate conditions set out therein and such conditions are terminated. Additionally, if Peoples Gas (parent of Natural), through its own operations or those of any company (other than Natural) in which Peoples Gas owns, directly or indirectly, 50 percent or more of stock of such company, shall suffer tax losses, even to the extent of creation of a "loss company" in the system, such result will not and may not be used to reduce the rates of Natural below the level at which they would otherwise be.

Comments or objections to the proposed agreement as to the disposition of the consolidated effective tax issue in the above dockets may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before April 21, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6009 Filed 4-19-72; 8:48 am]

[Docket No. CP72-236]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 11, 1972.

Take notice that on April 3, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate certain measuring facilities and to transport natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently constructing certain gas gathering system facilities to enable it to gather and transport natural gas purchased in the West Wellman Field, Terry County, Tex. Pioneer Natural Gas Co. (Pioneer), which purchases gas produced in the West Wellman Field from Caprock Pipeline Co. (Caprock), has requested applicant to transport this gas from the field for redelivery to Caprock for Pioneer's account. Applicant states that its West Wellman Gathering System is being installed to connect with its 30-inch Florey, Tex., to Plains, Tex., pipeline and will cross an existing 10-inch pipeline of Caprock en route. Applicant further states that, under the terms of a gas transportation agreement it has entered into with Pioneer, Caprock will deliver, for Pioneer's account, approximately 5,000 Mcf of gas per day to Northern at two points of intersection to be located in Terry County. Applicant will dehydrate, transport, and redeliver to Caprock at a point of interconnection in Gaines County, Tex., for the account of Pioneer, that quantity of gas which will result in Caprock's receiving the same number of B.t.u.'s as Caprock delivered to it for Pioneer's account.

Applicant indicates that it will have adequate capacity in the dehydration equipment being installed on its gathering system to dehydrate the gas received from Caprock for transportation. Pioneer will pay applicant 4 cents per Mcf of gas for all volumes Caprock delivers to applicant for dehydration, transportation, and redelivery to Caprock for Pioneer's account.

Applicant estimates that the cost of the proposed facilities is \$18,300, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6010 Filed 4-19-72; 8:48 am]

[Dockets Nos. CP72-100, CP72-101]

**TECON GASIFICATION CO. AND
TEXAS EASTERN TRANSMISSION
CORP.**

Notice of Availability of Environmental Statement for Inspection

APRIL 17, 1972.

Notice is hereby given, that on March 27, 1972, as required by § 2.82(b) of Commission Regulations under Order 415-B (36 F.R. 22738, Nov. 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, Apr. 23, 1971) was placed in the public files of the Federal Power Commission. Simultaneously with such placing in the public files, the statement was also circulated for comments, pursuant to the requirements of the National Environmental Policy Act, to all appropriate Federal, State, and local agencies. The environmental statement has been prepared by Tecon Gasification Co., and Texas Eastern Transmission Corp., to accompany applications for certificates of public convenience and necessity authorizing the construction and operation of a gasification plant and appurtenant facilities, pursuant to section 7(c) of the Natural Gas Act. A summary of environmental impact has been prepared by the Federal Power Commission Staff. The environmental statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW, Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The environmental statement contains information on each of the five statutory points listed in section 102(2)(c) of the National Environmental Policy Act of 1969. The gasification plant will be constructed near South Plainfield, N.J., with storage facilities to be constructed on Staten Island, and related pipeline facilities to connect the two sites and deliver the gas to Tecon's customers. The environmental statement states that the proposed sites are primarily unimproved, unproductive areas which are zoned for heavy industrial use. The construction of the facilities has been studied toward minimizing environmental impact, and applicants believe that they will be able to avoid any detrimental environmental effects.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any differences with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of order 415-B. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before May 12, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6017 Filed 4-19-72; 8:49 am]

[Dockets Nos. G-10670, etc.]

TENNECO OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 5, 1972.

Tenneco Oil Co. (Operator) et al., Docket No. G-10670, etc.; and Mobil Oil Corp. (Operator) et al., Dockets Nos. CI71-696 and CI71-697.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor correspondent, canceling FPC gas rate schedules, redesignating proceedings, accepting rate schedules for filing dismissing application in part, and canceling docket number, issued February 11, 1972, and published in the *FEDERAL REGISTER*, February 18, 1972 (37 F.R. 3712): paragraph (P): Change docket Nos. "CI71-695" and "CI71-697" to "CI67-937" and "CI67-1217".

Footnote 7: Add "canceled" after "or". Under docket Nos. CI71-696 and CI71-697 delete the filing code letter "D". Footnotes 21 and 23: Change "abandon" to "Terminate".

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6012 Filed 4-19-72; 8:49 am]

[Docket No. CP65-49]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

APRIL 11, 1972.

Take notice that on March 20, 1972, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP65-49 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 24, 1964 (32 F.P.C. 1366), by authorizing a reallocation of certain maximum daily quantities to be delivered by petitioner, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued in the subject docket petitioner is authorized to deliver to Longhorn Gas, Inc. (Longhorn), a maximum daily quantity of 155 Mcf of gas for its Crowville service area and to deliver to the village of Robeline, La. (Robeline), a maximum daily quantity of 190 Mcf of gas for its Robeline service area. On March 8, 1967, Robeline assigned its rights in its gas sales contract with petitioner dated November 1, 1964, to Longhorn. On April 17, 1967, the Commission accepted for filing the presently effective gas sales contract dated March 8, 1967, between petitioner and Longhorn providing a maximum daily quantity of 190 Mcf of gas for Longhorn's Robeline service area.

Petitioner proposes to reallocate maximum daily quantities by service areas to provide a maximum daily quantity of 205 Mcf of gas to the Crowville service area instead of 155 Mcf of gas and to provide 140 Mcf of gas to the Robeline service area instead of 190 Mcf of gas. Longhorn has advised petitioner that this reallocation is necessary because growth has been experienced in Crowville while the number of customers in Robeline has decreased.

Petitioner states that rendition of natural gas service to Longhorn after the proposed reallocation of Longhorn's maximum daily contract quantities will result in no additional cost to Tennessee and can be done with existing facilities without operating problems and without affecting petitioner's ability to render authorized natural gas service to any other customer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file

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a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6011 Filed 4-19-72; 8:49 am]

[Dockets Nos. CS66-57, etc.]

WISER OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 5, 1972.

The Wiser Oil Co. et al., Dockets Nos. CS66-57, etc.; Freeport Oil Co., a division of Freeport Minerals Co., Docket No. CS69-6; Cenard Oil & Gas Co. et al., Docket No. CS67-162.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings, making successor respondent, redesignating proceedings, amending certificates, and dismissing applications, issued January 17, 1972, and published in the *FEDERAL REGISTER*, January 27, 1972 (37 F.R. 1261): In paragraph (L), change docket No. "CS71-729" to "CS69-6".

Docket No. CS72-162, Cenard Oil & Gas Co. et al., Under column headed "Terminated Certificate Docket No." change "CI63-1429" to "CI67-100" opposite Cancelled FPC Gas Rate Schedule No. 8.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6013 Filed 4-19-72; 8:49 am]

FEDERAL RESERVE SYSTEM

JACOBUS CO. AND INLAND FINANCIAL CORP.

Application for Acquisition of Bank Correction

In F.R. Doc. 72-5550 appearing on page 7272 of the issue for Wednesday, April 12, 1972, the first sentence should read as follows: "The Jacobus Co., Milwaukee, Wis., and its subsidiary Inland Financial Corp., Milwaukee, Wis., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Inland Financial Corp. to acquire directly, and the Jacobus Co. to acquire indirectly, 56.3 percent or more of the voting shares of Heritage Bank of Milwaukee, Milwaukee, Wis."

FEDERAL TRADE COMMISSION
CIGARETTE TESTING RESULTS

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 130 varieties of cigarettes. The laboratory

utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 F.R. 11178).

TAR¹ AND NICOTINE² CONTENT OF 130 VARIETIES OF DOMESTIC CIGARETTES

Name	Type	TPM dry (tar) ¹ (mg./ cig)	Nico- time ² (mg./ cig)	TPM dry (tar) ¹ (mg./ cig)	Nico- time ² (mg./ cig)
Marlboro	King size, filter (hard pack)	18	1.3	Do	King size, filter
Do	King size, filter	19	1.3	Do	King size, filter, menthol
Do	100 mm., filter (hard pack)	19	1.5	Do	100 mm., filter (hard pack)
Marlboro Lights	King size, filter	13	1.1	Do	King size, nonfilter
Marvels	King size, nonfilter	26	1.0	Do	King size, filter
Do	King size, filter, menthol	4	0.2	Do	King size, filter, menthol
Maryland	100 mm., filter, menthol	20	1.4	Montclair	King size, filter, menthol
Montclair	King size, filter, menthol	19	1.4	Multifilter	King size, filter (plastic box)
Multifilter	King size, filter, menthol (plastic box)	14	1.1	Do	King size, filter, menthol
New Leaf	King size, filter, menthol	19	1.3	Newport	King size, filter, menthol (hard pack)
Newport	King size, filter, menthol (hard pack)	18	1.1	Do	King size, filter, menthol
Do	100 mm., filter, menthol	21	1.3	Do	King size, filter, menthol
Oasis	King size, filter, menthol	18	1.1	Old Gold	Regular size, nonfilter
Old Gold	King size, filter, menthol	21	1.2	Straights	King size, nonfilter
Do	King size, nonfilter	26	1.6	Do	King size, filter
Old Gold Filters	King size, filter	20	1.3	Do	100 mm., filter
Pall Mall	King size, filter (hard pack)	19	1.3	Do	100 mm., filter
Do	King size, filter	21	1.4	Do	King size, nonfilter
Do	100 mm., filter	29	1.8	Do	100 mm., filter (hard pack)
Parliament	King size, filter (hard pack)	18	1.4	Do	100 mm., filter, menthol (hard pack)
Do	King size, filter	16	1.1	Do	100 mm., filter, menthol
Do	100 mm., filter	16	1.1	Do	King size, filter
Do	100 mm., filter	19	1.4	Do	100 mm., filter
Parliament	King size, filter (hard pack)	17	1.1	Do	King size, filter
Charcoal filter	King size, filter (hard pack)	16	1.1	Do	King size, filter
Do	King size, filter	20	1.5	Peter Stuyvesant	King size, filter
Do	100 mm., filter	20	1.6	Do	100 mm., filter
Philip Morris	King size, nonfilter	30	2.0	Do	Regular size, nonfilter
Philip Morris Commander	King size, nonfilter	20	1.6	Piedmont	Regular size, nonfilter
Picayune	Regular size, nonfilter	20	1.6	Players	Regular size, nonfilter (hard pack)
Piedmont	King size, filter	24	1.4	Raleigh	King size, nonfilter
Players	King size, filter	35	2.4	Do	King size, filter
Raleigh	King size, filter	27	1.8	Do	100 mm., filter
Do	King size, filter	17	1.3	Salem	King size, filter, menthol
Do	100 mm., filter	19	1.4	Do	100 mm., filter, menthol
Sano	Regular size, nonfilter	15	0.5	Do	100 mm., filter, menthol
Do	Regular size, filter	3	0.2	Do	Regular size, filter
Silva Thins	100 mm., filter	16	1.1	Do	100 mm., filter, menthol
Do	100 mm., filter, menthol	16	1.1	Do	100 mm., filter, menthol
Spring	do	20	1.1	Do	100 mm., filter
Stratford	King size, nonfilter	31	1.2	Do	King size, filter
Tareyton	King size, filter	19	1.3	Do	100 mm., filter
Do	100 mm., filter	19	1.3	Do	King size, filter
Tempo	King size, filter	12	0.9	Do	100 mm., filter
True	do	12	0.7	Do	King size, filter, menthol
Lucky Strike	Regular size, nonfilter	12	0.7	Vantage	King size, filter, menthol
Do	King size, filter	21	1.6	Do	King size, filter, menthol
Do	100 mm., filter	22	1.6	Vantage	King size, filter, menthol
Mapleton	Regular size, nonfilter	29	1.3	Do	King size, filter, menthol
Do	King size, filter	23	1.2	Do	King size, filter, menthol

See footnotes at end of table.

TAR¹ AND NICOTINE² CONTENT OF 130 VARIETIES OF DOMESTIC CIGARETTES—Continued

TAR¹ AND NICOTINE² CONTENT OF 130 VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM (tar) ¹ (mg./ cig)	Nicot- ine ² (mg./ cig)
Viceroy	King size, filter	17	1.3
Do.	100 mm., filter	19	1.4
Virginia Slims	do	18	1.2
Do.	100 mm., filter, menthol.	18	1.3
Vogue (black)	King size, filter (hard pack)	27	1.0
Vogue (colors)	do	21	0.8
Winston	do	20	1.3
Do.	King size, filter	20	1.4
Do.	100 mm., filter	20	1.4
Do.	100 mm., filter, menthol.	20	1.4

¹Prior to Aug. 1971, Life cigarette was king size, filter (85 mm).

²TPM dry (tar)—milligrams total particulate matter less nicotine and water.

³Milligrams total alkaloids reported as nicotine.

⁴Limited availability based on reduced sampling from Washington, D.C. only.

⁵Cigarettes with and without perforations smoked together.

⁶Cigarettes marketed with filters of different lengths.

By direction of the Commission dated April 11, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5926 Filed 4-19-72;8:45 am]

GENERAL SERVICES ADMINISTRATION

ELECTRIC VACUUM CLEANERS

Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold a specification development conference in connection with the following Federal specifications:

W-C-421G—Cleaner, vacuum, electric (household/commercial).

W-C-1749—Cleaner, vacuum, electric (institutional/hospital).

W-C-1750—Cleaner, vacuum, electric (commercial/industrial).

The purpose of this conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications for electric vacuum cleaners to the end that (1) mutual understanding by both the Government and industry of the Government's technical requirements for the items and (2) the quality of the product to be shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on May 2 and 3, 1972, at 9 a.m., in Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, Va. Anyone who wants to attend or desires further information should contact Mr. L. W. Parsons, Federal Supply Service, Office of Standards and Quality Control, telephone number area code 703-557-7800; or should write to the General Services

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Administration (FMSK), Washington, DC 20406.

Issued in Washington, D.C., on April 12, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72-6015 Filed 4-19-72;8:49 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (72-4)]

APOLLO PROGRAM

Final Environmental Impact Statement; Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Apollo Program of the National Aeronautics and Space Administration.

Comments on the draft Environmental Statement for the Apollo Program were previously solicited from State and local agencies and members of the public through a notice in the *FEDERAL REGISTER* of March 18, 1971.

Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

Copies of the final statement may be purchased (price \$1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW, Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 13th day of April 1972.

By direction of the Administrator.

DAVID WILLIAMSON, Jr.,
Acting Associate Administrator,
National Aeronautics and
Space Administration.

[FR Doc.72-5997 Filed 4-19-72;8:48 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapters 604, 611, 612, 617, 621, 623, and 643 is considered to be of sufficient interest to warrant publication in the *FEDERAL REGISTER*. Therefore Chapters 604, 611, 612, 617, 621, 623, and 643 are set forth in full as follows:

CHAPTER 604—ORGANIZATION FOR REGISTRANT PROCESSING

THE LOCAL BOARD

1. *Jurisdiction.* The jurisdiction of each local board shall extend to all persons registered with, or subject to registration with that local board. It shall have full authority to do and perform all acts within its jurisdiction authorized by the selective service law.

2. *Disqualification.* a. No member of a local board shall act on his own case or on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employee or employer, or who is a fellow employee, or stands in the relation of a superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision a majority of a local board cannot act on the case of a registrant, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case.

b. The local board shall be disqualified to consider the classification of any registrant who is an advisor to registrants, or employee of such local board and in each such case it shall advise the State Director of Selective Service of its disqualification. The State Director of Selective Service shall then designate another local board to classify such registrant, and the registrant shall be transferred for classification to the local board thus designated.

3. *Organization and meeting.* Each local board shall elect a chairman and a secretary. A majority of the members of the local board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall

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postpone action on the question or classification until the next local board meeting or until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local board, the chairman of the local board shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

4. *Oath of witnesses.* A member of the local board shall administer the following oath to every person testifying before the local board:

You swear (or affirm) that the evidence you give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

5. *Minutes of meetings.* Each local board shall keep a record of each meeting of the board on Minutes of Local Board Meeting (SSS Form 112) which shall be filed by the local board as minutes of its meetings.

6. *Signing of official papers.* Official papers issued by a local board may be signed by any compensated employee of the local board if he is authorized to do so by resolution duly adopted by and entered in the minutes of the meetings of the local board: *Provided*, That the chairman or a member of the local board must sign a particular paper when specifically required to do so by the Director of Selective Service.

7. *Interpreters.* a. When necessary, the local board is authorized to use interpreters.

b. The following oath shall be administered to an interpreter each time he is used by a local board:

You swear (or affirm) that you will truly interpret in the matter now in hearing. So help you God.

THE APPEAL BOARD

1. *Jurisdiction.* The appeal board shall have jurisdiction to review and to affirm or change any decision appealed to it from any local board in its area or any decision appealed from any local board not in its area when such appeal is either transferred to it in the manner provided in this Manual or is appealed to it by or on behalf of any registrant whose principal place of employment is located in its area or submitted to it in the manner required by law.

2. *Disqualification.* No member of an appeal board shall act on his own case or on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employer, employee, or fellow employee, or stands in the relationship of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision, or for any other reason, an appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director of Selective Service for transfer to another appeal board.

3. *Organization and meeting.* Each appeal board or panel shall elect a chairman and a secretary. A majority of the

members of an appeal board or panel when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board or panel concerned shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

4. *Minutes of meetings.* Each appeal board or panel of an appeal board shall keep minutes of each of its meetings.

5. *Signing official papers.* Official papers issued by an appeal board or panel may be signed by the clerk "By direction of the Appeal Board", if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such appeal board or panel, provided that the chairman or a member of an appeal board or panel must sign a particular paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.

NATIONAL SELECTIVE SERVICE APPEAL BOARD
(PRESIDENTIAL APPEAL BOARD)

1. *Organization and Function.* a. Members of the National Selective Service Appeal Board (sometimes referred to as "Presidential Appeal Board" or "National Board") are appointed by the President and he designates one member as chairman. A majority of the members of the National Board shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. The National Board may sit en banc or, upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The chairman of the National Board shall designate the members of each panel and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board, at any other place.

b. The National Board or panel thereof, is authorized and directed to perform all the functions and duties vested in the President by that sentence of section 10(b) (3) of the Military Selective Service Act, which reads as follows:

"The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final." The National Board, when an appeal to the President has been taken, shall classify each registrant, giving consideration to the various classifications which a local board might consider, and shall give effect to the provisions of the Military Selective Service Act and the established policies of the Director of Selective Service.

2. *Consideration of appeals.* The Director of Selective Service shall establish the order, by category, in which appeals by registrants will be considered, but he shall not determine the sequence in which appeals within a given category shall be processed.

CHAPTER 611—PERSONS REQUIRED
TO REGISTER

1. Except as otherwise indicated below, it shall be the duty of every male citizen of the United States, and every other male person, except an alien male person who is in a medical, dental, or allied specialist category, residing in or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall not have attained the 26th anniversary of the day of his birth on the day or any of the days fixed for registration by Presidential proclamation to present himself for and submit to registration at such time or times and place or places, and in such manner as is required by proclamation of the President and the provisions of this chapter.

2. Every alien male person who is in a medical, dental, or allied specialist category residing in the United States or who thereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall have not attained the 35th anniversary of the day of his birth on the day or any days fixed for registration by Presidential proclamation is required to present himself for and submit to registration at such time or times and place or places, and in such manner as is required by proclamation of the President and the provisions of this chapter.

3. Every male person required to register shall present himself for and submit to registration before a duly designated registration official or the local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on the day or any of the days fixed for his registration. All persons waiting to register at any place of registration at the closing hour on the last day fixed for their registration by the Presidential proclamation shall be registered.

4. Any person, who upon attaining the age of 18 years is required to register, shall be registered on the day he attains the 18th anniversary of the day of his birth or within 30 days before or after such date.

5. *Persons not required to be registered.*—The following persons are not required to be registered:

(1) Commissioned officers, warrant officers, enlisted men, and aviation cadets of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration and the regular Public Health Service;

(2) Cadets, U.S. Military Academy;

(3) Midshipmen, U.S. Navy;

(4) Cadets, U.S. Air Force Academy;

(5) Cadets, U.S. Coast Guard Academy;

(6) Midshipmen, Merchant Marine Reserve, U.S. Naval Reserve;

(7) Students enrolled in an officer procurement program at the following military colleges, the curriculum of which has been approved by the Secretary of Defense:

(a) The Citadel, Charleston, S.C.

(b) Norwich University, Northfield, Vt.

(c) Virginia Military Institute, Lexington, Va.

(d) North Georgia College, Dahlonega, Ga.

(e) Pennsylvania Military College, Chester, Pa.

(8) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commenced after June 30, 1967, is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration;

(9) A male alien who is now in or who hereafter enters the United States and who has not been admitted for permanent residence in the United States shall not be required to be registered unless he is (a) a conditional entrant or refugee who has been admitted to the United States and who does not possess either an immigrant or nonimmigrant status, or (b) a person who illegally enters or is illegally in the United States. A male alien who is not required to register will have in his possession an Immigration Form I-94 (Entry—Departure Record).

6. *Change of status.*—Except as otherwise provided herein, every male person who would have been required to be registered on a day or one of the days fixed by Presidential proclamation except for the fact that he was in one of the categories described above as exempt from registration shall present himself for and submit to registration before a local board when a change in his status removes him from such category.

7. *Registration of male persons separated from Armed Forces.*—Every male person who (1) has been separated from active service in the Armed Forces, the National Oceanic and Atmospheric Administration or the Public Health Service, (2) has not been registered prior to

such separation, (3) would have been required to be registered except for the fact that he was in such active service on the day or days fixed for his registration by Presidential proclamation, and (4) who has not (a) served honorably on active duty (other than active duty for training, in the Armed Forces for at least 6 months, or (b) served honorably in the National Oceanic and Atmospheric Administration or the Public Health Service for at least 24 months, shall present himself for and submit to registration before a local board within the period of 30 days following the date on which he was so separated.

8. *Time period for registration of certain persons entering the United States.*—Every male person, other than a citizen of the United States or a person excepted from registration, who enters the United States subsequent to the day or days fixed by Presidential proclamation for his registration, must present himself for registration before a local board within 6 months following the date on which he enters the United States.

9. *Inmate of institution.*—Unless he has already been registered, every person subject to registration who is an inmate of an insane asylum, jail, penitentiary, reformatory, or similar institution shall be registered on the day he leaves the institution.

10. *Responsibility for performance of duty.* a. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

b. Every person who, on the day or one of the days fixed for registration, is required to be registered, is personally charged with the duty of presenting himself before the proper officials and submitting to registration.

c. The duty of every person subject to registration to present himself for and submit to registration shall continue at all times, and if for any reason any such person is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration before the local board in the area where he happens to be.

d. Persons required to present themselves for and submit to registration shall not be paid for performing such obligation nor shall they be paid travel allowances or expenses.

11. No alien male person who is in a medical, dental, or allied specialist category shall be registered after he has attained the 35th anniversary of his birth. No other person shall be registered after he has attained the 26th anniversary of his birth.

CHAPTER 612—DUTIES IN REGISTRATION

1. *Responsibility of Director of Selective Service.* Whenever the President by Proclamation or other public notice fixes a day or days for registration, the Director of Selective Service shall take the necessary steps to prepare for registration and, on the day or days fixed, shall supervise the registration of those persons required to present themselves for

and submit to registration. The Director of Selective Service shall also arrange for and supervise the registration of persons who present themselves for registration at times other than on the day or days fixed for any registration.

2. *Responsibility of State Director of Selective Service.* The State Director of Selective Service shall supervise the registration of persons who present themselves for registration in his State. Each State Director of Selective Service may, with the approval of the Director of Selective Service, make such modifications of the procedures contained in this chapter as may be necessary in order to properly effect a complete registration.

3. *Duties of Chairman of Local Board.* a. Whenever the President by Proclamation or other public notice fixes a day or days for registration, the chairman of the local board, under the general supervision and direction of the State Director of Selective Service, shall take necessary action to prepare for registration in his local board area. On the day or days fixed for registration, he shall supervise the registration of those persons who present themselves for registration.

b. No expense shall be incurred in connection with the registration except upon the prior approval of the State Director of Selective Service.

4. *Establishing and making ready places of registration.* a. The chairman of the local board shall procure, designate, and establish within the boundaries of the area of his local board as many suitable places of registration as are necessary for the efficient accomplishment of the registration.

b. The chairman of the local board shall make certain that all places of registration are made ready prior to the time fixed for registration and are open on the day or days during the hours fixed for registration in the Presidential proclamation or public notice.

5. *Registrars.* a. Any member or compensated employee of a local board may perform the duties of registrar without special appointment. The chairman of the local board may appoint as registrars qualified persons whose services can be secured without compensation. When the services of registrars cannot be secured without compensation, the chairman of the local board will recommend the appointment by the State Director of Selective Service of registrars on a compensated basis. Compensated employees of the local board shall serve as registrars whenever possible in lieu of appointing other persons as registrars to serve with compensation.

b. Each person who is appointed as registrar to serve without compensation shall execute an Oath of Office and Waiver of Pay (SSS Form 400) before undertaking any duties as registrar.

c. For each place of registration the chairman of the local board shall designate a chief registrar who shall be responsible to him for the proper conduct of the registration at each such place.

d. The chairman of the local board shall see that all registrars are instructed in their duties and are familiar with the

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regulations and procedures governing the registration.

6. *Interpreters.* Whenever the services of interpreters are necessary in conducting the registration, the chairman of the local board may appoint such interpreters as may be necessary.

7. *Care and Custody of Registration Cards and Registration Certificates.* The chairman of the local board is charged with the care and custody of the Registration Cards (SSS Form 1) and the Registration Certificates (SSS Form 2) received by him from the State Director of Selective Service. He shall guard against their loss or destruction and shall not permit anyone to tamper with them and shall warn all persons concerned against entrusting them to the custody of unauthorized persons.

CHAPTER 617—THE REGISTRATION CERTIFICATE

1. *Effect of failure to have unaltered Registration Certificate in personal possession.* Every person required to present himself for and submit to registration must, after he has registered, have in his personal possession until his liability for training and service has terminated his Registration Certificate (SSS Form 2) prepared by his local board which has not been altered and on which no notation duly and validly inscribed thereon has been changed in any manner after its preparation by the local board. The failure of any person to have his SSS Form 2 in his personal possession shall be *prima facie* evidence of his failure to register. When a registrant is inducted into the Armed Forces or enters upon active duty in the Armed Forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his SSS Form 2 to the commanding officer of the Armed Forces Examining and Entrance Station or to the responsible officer at the place to which he reports for active duty. The responsible officer shall return the certificate to the local board that issued the form.

2. *Effect of date of birth that appears on Registration Questionnaire (SSS Form 100).* The date of birth of the registrant that appears on his Registration Questionnaire (SSS Form 100) on the day before the lottery is conducted to establish his Random Sequence Number will be conclusive as to his date of birth in all matters pertaining to his relations with the Selective Service System.

3. *Duty of Registrant separated from active duty in Armed Forces.* Every registrant who is separated from active duty in the Armed Forces and who has been previously registered with Selective Service shall, within 10 days after the date of his separation, request his local board to return his Registration Certificate (SSS Form 2) if available or issue him a duplicate SSS Form 2. The registrant shall make this request by a letter mailed to his local board or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) which

he shall file with his own or any other local board.

4. *Issuing of Duplicate Registration Certificate.* a. A duplicate SSS Form 2 shall be issued to a registrant by the local board with which he is registered upon receipt of his request made by letter or SSS Form 6 and the presentation of satisfactory proof to the local board that the SSS Form 2 of the registrant has been lost, destroyed, mislaid, or stolen.

b. A registrant may complete and file a request for a duplicate Registrant Certificate (SSS Form 2) made on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) at his own or any other local board. When he makes such request by letter he may file it only at his own local board. If the registrant files a request made on Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) at any local board other than the local board with which he is registered and the registrant's own local board or the place of residence of the registrant at the time of registration is within its State, the local board with which the request is filed shall immediately mail the request to the local board having jurisdiction of the registrant. If the local board with which the request is filed has any doubt as to which other local board in its State has jurisdiction or if the registrant's own local board or his place of residence at the time of registration is not within its State, it shall mail the request to the State Director of Selective Service for transmission to the proper local board. Upon receipt of the request, the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form 2) to the registrant. If the registrant has appeared in person at his local board to file the request, the local board shall deliver the duplicate Registration Certificate (SSS Form 2) to him. If the registrant has filed the request through another local board or by letter, the duplicate Registration Certificate (SSS Form 2) shall be mailed to him at his mailing address.

5. *Changes to Registration Certificate when Selective Service number remains unchanged.* The local board shall record changes in registration information which do not affect the selective service number by issuing a corrected SSS Form 2. It shall mark the "Change" block of the form, and shall mail copy 1 to the Data Processing Center and copy 2 to the registrant. Such changes shall include name change, day or month of birth change, social security number change, date of registration change, or place of birth change. Changes in descriptive information, other than those resulting from registration errors, shall not be included. No cancellation action shall be taken when any of the above changes are made.

6. *Return of Registration Certificate to local board.* Whenever a registrant at the time he receives a duplicate Registration Certificate (SSS Form 2) from his local board has in his possession any such certificate previously issued to him

by the local board or he later finds or regains possession of any such certificate previously issued to him, it shall be the duty of the registrant to immediately return to the local board the certificate previously issued to him upon his receipt of the duplicate certificate or upon his finding or regaining possession of such certificate previously issued to him.

CHAPTER 621—PREPARATION FOR CLASSIFICATION BY LOCAL BOARD

SECTION 621.1. 1. *Introduction.* Preparation for classification by the local board includes all procedures necessary in order for the local board to identify and select registrants for classification and insure that the registrants' files are properly documented and complete, and ready for classification.

2. *Selection for classification.* a. Preparation for classification out of the administratively assigned 1-H classification will not be initiated for any registrant who has not been assigned a random sequence number unless review of his Registration Questionnaire (SSS Form 100), or other information in his file, indicates that he may qualify for a lower classification.

(1) A registrant whose Registration Questionnaire indicates that he may qualify for a lower classification will be requested to substantiate his status or claim by submitting the proper SSS form or other documentary evidence.

(2) Upon receipt of the necessary information, the local board will consider the registrant for a classification lower than 1-H.

b. Immediately following the lottery drawing for the appropriate year group, the Random Sequence Number (RSN) for each registrant in that year group will be entered on SSS Forms 101, 102, and as required on other forms. Any correspondence relating to the registrant will include his RSN.

c. A 1-H cutoff number will be designated by the Director as early as possible to apply against each year's First Priority Selection Group (FPSG). The designation of a 1-H cutoff number by the Director for a First Priority Selection Group is a basis for reopening the classification of those registrants in class 1-H in that selection group whose RSN's are equal to or below that cutoff number. These registrants will be classified into an available class unless they qualify for a deferred or exempt class.

3. *Preparation for classification.* a. When a registrant has been selected for classification, the local board shall review the file of each such registrant whose RSN is equal to or below the 1-H cutoff number, starting with the lowest Random Sequence Number.

(1) A Current Information Questionnaire (SSS Form 127) will be mailed to each registrant eligible for classification out of 1-H.

(2) The Registration Questionnaire (SSS Form 100) will be reviewed to determine whether any other forms or requests for documentation should be mailed to the registrant.

(3) All other information in the registrant's file folder will be reviewed and

evaluated as pertaining to the classification of the registrant.

(4) If the registrant fails to return any form or submit information having a bearing on his classification prior to the time the local board considers his classification, he shall be classified on the basis of the information contained in his file.

(5) Mailings of all forms and requests for information will be entered and dated on page 2 of SSS Form 101.

b. Upon receipt, the requested information will be reviewed by local board compensated personnel for completeness and clarity prior to presentation to the local board members for classification action. If necessary, additional information will be requested from the registrant. Receipt of all forms and information will be entered on page 2 of SSS Form 101.

4. *Claims for, or information relating to, deferment or exemption.* The registrant shall be entitled to present appropriate information which he believes necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the SSS Form 100 or SSS Form 127 and may include documentation, affidavits, or depositions. The affidavits and depositions shall be as brief as possible.

5. *Special form for conscientious objector.* A registrant who claims to be a conscientious objector may submit information in support of his claim as provided in the Special Form for Conscientious Objector (SSS Form 150). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of SSS Form 150. Issuance of SSS Form 150 and receipt of the information requested shall be noted on page 2 of SSS Form 101.

6. *Inadequate questionnaire.* When a registrant's SSS Form 100 as submitted to the local board of jurisdiction omits information, contains significant errors, or shows that the registrant failed to understand the questions, the local board shall send an SSS Form 127 or a written request for specific information to the registrant for completion. He shall be requested to reply on or before a specific date. Issuance and receipt shall be noted on page 2 of SSS Form 101.

7. *Securing information from welfare and governmental agencies.* a. The local board is authorized to request and receive information from local welfare and governmental agencies whenever such information will assist in determining the proper classification of a registrant.

b. The local board is authorized to request the State Director of Selective Service to secure information from State or national welfare and governmental agencies when such information will assist in determining the proper classification of a registrant.

8. *Subpoena power of the local board.* a. To the extent necessary for carrying out its functions, the local board shall have authority:

(1) To subpoena any person to appear before it;

(2) To direct such person to produce such papers and records as may be deemed necessary, and

(3) To require him to testify, under oath, in regard to any pertinent matter within his knowledge.

b. It shall be the duty of any person subpoenaed to appear, to produce the papers and records described in the subpoena, and to testify.

c. The local board shall use, for this purpose, a Subpoena to Witnesses to Appear Before Local Board (SSS Form 161). The original of such a subpoena shall be served upon the individual who is required to appear as a witness. Such service may be made by any person who is 21 years of age or over, and it shall be made in the manner provided by the law of the State in which the subpoena is served. Any person subpoenaed may be compelled to appear and testify before the local board in the same manner as persons subpoenaed by a court of the United States may be compelled to appear and testify in proceedings before such court. The local board may apply to a court of the United States for summary aid to compel a person within its jurisdiction who has failed or refused to testify, to appear before such local board, to produce such papers and records as may be deemed necessary, or to testify.

CHAPTER 623—CLASSIFICATION PROCEDURE

1. *Commencement of classification.* a. Each registrant shall be classified as soon as practicable after his registration.

b. The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and such other written information as may be placed in his file; provided that the board shall proceed with the registrant's classification if his RSN is below the established 1-H cut off number and he fails to provide the board in a timely manner with any information concerning his status which he is requested or required to furnish. Since it is imperative that appeal agencies have available to them all information on which the local board determined the registrant's classification, oral information shall not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances shall the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file. None of the provisions of this chapter shall impair the power of the local board to take notice of the vulnerability of any registrant for induction and of the fact that the Congress has made such registrants liable for induction for military service and in the absence of any other information, when the registrant has failed to furnish such information within the time prescribed, to classify the registrant as available for military service.

2. *Consideration of classes.* Every registrant who is being considered for induction shall be placed in Class 1-A except that when grounds are established to place a registrant in one or

more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with class 1-A-O considered the highest class and Class 1-C considered the lowest class according to the following table:

Class	Class
1-A-O	4-D
1-O	1-H
2-A	4-F
2-C	4-A
2-S	4-G
2-D	1-W
3-A	4-W
4-B	1-D
4-C	1-C

3. *Action to be taken when classification determined.* a. As soon as practicable after the local board has classified or reclassified a registrant (except a registrant who is classified in Class 1-C because of his entry into active service in the armed forces), it shall mail him a notice thereof. When a registrant is classified in Class 2-A, 2-C, 2-D, or 2-S, the date of the termination of the deferment shall be entered on the notice.

b. After each local board meeting, a notice listing the registrants who have been classified or whose classification has been changed shall be posted in a conspicuous place in the office of the local board. When a person is unable to ascertain the current classification of a registrant from this posted notice, an employee of the local board, upon request, shall consult the Classification Record (SSS Form 102) and shall furnish the person making the inquiry the current classification of such registrant.

c. In the event the local board classifies the registrant in a class other than that which he requested, it shall record its reasons for such classification in his file. The local board shall inform the registrant of such reasons in writing at the time it mails to him a notice of his classification. Every registrant will be notified on SSS Form 110 of his change or continuance in his classification.

4. *Issuing a duplicate of a lost, destroyed, mislaid or stolen Notice of Classification (SSS Form 110).* A duplicate SSS Form 110 may be issued to a registrant only by the local board which mailed the original SSS Form 110 to him, upon his written statement requesting a duplicate notice and the presentation of proof satisfactory to the local board that his Notice of Classification has been lost, destroyed, mislaid or stolen.

5. *Registrants transferred for classification.* a. After completing the Registration Questionnaire (SSS Form 100), and before the local board of origin has undertaken the classification of a registrant, he may be transferred to another local board by the State director for classification if he is so far from his local board as to make complying with notices a hardship.

b. After completing the Registration Questionnaire (SSS Form 100), a registrant may be transferred to another local board by the State director for classification at any time (1) when the

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local board cannot act on his case because of disqualification, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraw from consideration of the registrant's classification because of any conflicting interest, bias, or other reason.

c. The State director may transfer a registrant to another local board for classification at any time (1) when any member of the local board cannot act on the registrant's case because of disqualification, or (2) when the State director deems such transfer to be necessary in order to assure equitable administration of the selective service law.

6. *Procedure upon transfer for classification.* a. The local board from which the registrant is transferred shall prepare, in triplicate, an Order for Transfer for Classification (SSS Form 114), shall send one copy thereof to the registrant, and shall transmit the original to the local board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card (SSS Form 1) and the remaining copy of the SSS Form 114. The local board from which the registrant is transferred shall, with red ink, note the transfer in the "Remarks" column of the SSS Form 102.

b. The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for hearing, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its SSS Form 102 for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare a duplicate SSS Form 101. After the classification, after the hearing, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board of origin all papers pertaining to the registrant except the duplicate SSS Form 101 and the SSS Form 114. In the proper column of the SSS Form 102 the local board to which the registrant is transferred shall note the date of the returning of the papers.

c. The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board of origin shall accept and enter on its records, without any change, the classification reported by the board which classified the registrant. If the local board of origin receives new information that might affect the registrant's classification, the board shall send the information and the registrant's file to the board to which he was transferred for further consideration; provided, that if the disqualification of the local board or other reason for the original transfer for classification no longer exists, the local board of origin may consider the new information and

classify the registrant in the same manner as if he had never been transferred for classification.

CHAPTER 643—PAROLE FOR SELECTIVE SERVICE LAW VIOLATORS

SECTION 643.1. *Parole—general.* Any person required to register under the provisions of the Military Selective Service Act and any proclamation of the President arrived under its authority, who is convicted of a violation of any of the provisions of the Military Selective Service Act, or any rules or regulations prescribed under its authority, shall be eligible for release from custody on parole for service in the Armed Forces of the United States or for alternate service in lieu of induction in the manner and under the conditions provided below.

SEC. 643.2. *Authority to grant parole.* In accordance with the procedures specified below and upon the recommendation of the Director of Selective Service, the parole of a convicted person provided for above may be granted by the Attorney General if in his judgment it is compatible with the public interest and the enforcement of the Military Selective Service Act. In recommending the parole of any such person, the Director of Selective Service shall also recommend whether he should be paroled (1) for induction into the Armed Forces of the United States, (2) for induction into the Armed Forces of the United States for noncombatant service, but only in cases in which the person's claim for exemption from combatant service has been sustained in his latest classification on its merits by his local board or by an appeal board in the case of an appeal, or (3) subject to the provisions below, for assignment to alternate service contributing to the maintenance of the national health, safety, or interest in lieu of induction into the Armed Forces of the United States. If the parole is granted by the Attorney General, it shall conform to such recommendation.

SEC. 643.3. *Application for parole and recommendation of Director of Selective Service.* 1. Any person who has been convicted of a violation described above may apply to the Attorney General for parole. He shall submit with his application a consent in writing to induction, or if he claims to be a conscientious objector to both combatant and noncombatant service, shall execute a consent to assignment to alternate service contributing to the maintenance of the national health, safety, or interest.

2. If the Attorney General determines that the application for parole should receive consideration, he shall arrange for the applicant to be physically and mentally examined in the light of Armed Forces induction standards and to be given an intelligence test. A written report shall be prepared setting forth the level of mental ability attained in the test.

3. The papers executed under the above paragraph, including the chest X-ray film and report of serology, shall be transmitted to the Director of Selective Service by the Attorney General with a request that the Director of Selective

Service determine whether he will recommend the parole.

SEC. 643.4. *Action upon recommendation or advice of the Director.* The Director of Selective Service shall either recommend to the Attorney General that the registrant be paroled or shall advise the Attorney General that he does not recommend the parole of the registrant, and he shall forward the papers and chest X-ray film and report of serology, together with a copy of this recommendation or advice, to the appropriate State Director of Selective Service for transmittal to the proper local board.

SEC. 643.5 *Induction of paroled registrant.* 1. If the Attorney General grants parole to a registrant for induction into the Armed Forces, or for induction into the Armed Forces for noncombatant service only, he shall send the local board a certified copy of an order suspending parole supervision of the registrant during military service.

2. Upon receipt of the certified copy of the order suspending parole supervision, the local board shall proceed to order the registrant to report for induction. Whenever the institution in which the registrant is confined is not located within the area over which his local board has jurisdiction, the registrant shall be transferred for induction to the local board having jurisdiction of the area in which such institution is located. Arrangements shall be made by the Attorney General for the delivery of the registrant to the examining and entrance station of the Armed Forces so that he may comply with the order to report for induction.

3. In addition to other records required to be forwarded by a local board in delivering a registrant, for each paroled registrant there shall be forwarded to the examining and entrance station of the Armed Forces:

a. The written consent of the registrant to induction;

b. The certified copy of the order suspending parole supervision of the registrant during military service granted by the Attorney General;

c. A certified copy of a statement from the Director of Selective Service recommending such parole which will indicate whether the individual is paroled for induction into the Armed Forces for combatant or noncombatant service;

d. The report of the registrant's intelligence test;

e. The original and three copies of the Report of Medical Examination (SF 88) completely filled out by the examining physician of the institution of custody;

f. The Report of Medical History (SF 93);

g. Serology (SF 514c) original and duplicate copy; and

h. The chest X-ray films which were completed by the institution physician.

The Delivery List (SSS Form 261) should be separate from any other delivery list and should identify the registrants as paroled registrants.

SEC. 643.6. *Parole for assignment to alternate service in lieu of induction.* 1. No person shall be considered for parole

for the purpose of assignment to alternate service in lieu of induction unless his conviction and incarceration resulted from his failure or refusal to perform alternate service ordered by his local board.

2. If the Attorney General grants parole to a person for assignment to alternate service, the Attorney General shall send to the local board a certified copy of his order paroling the registrant for such assignment.

3. Upon receipt of a certified copy of an order paroling a registrant for alternate service, the State director shall determine what alternate service would be appropriate for the registrant to perform and shall direct the local board to order him for that alternate service.

4. Any person paroled for assignment to alternate service who fails or refuses to perform any such work satisfactorily, shall be reported by the Director of Selective Service to the Attorney General.

CURTIS W. TARR,
Director.

APRIL 17, 1972.

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DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Alleghany County Memorial Hospital, hospital; Sparta, N.C.; 1-31-73.

Arfsten's variety-department store; 314 West 63d Street, Kansas City, MO; 12-22-72. B & W Super Market, foodstore; Bethel, N.C.; 1-31-73.

Barbecue Inn, restaurant; 116 West Cross-timbers, Houston, TX; 1-8-73.

Bashas', foodstores, 12-31-72; No. 8, Phoenix, Ariz.; No. 14, Scottsdale, Ariz.; No. 6, Tucson, Ariz.

Bernhardt Hardware Co., Inc., hardware store; 113-115 North Main Street, Salisbury, NC; 1-31-73.

Best Super Market, foodstore; 5555 East Fifth Street, Tucson, AZ; 12-31-72.

Biltmore Farms, agriculture; Biltmore, NC; 1-31-73.

Blackburn Jobbing Co., foodstore; Mountain City, Tenn.; 1-4-73.

Burger Chef, restaurant; 61 Hendersonville Road, Asheville, NC; 1-31-73.

Burnette Thriftown, foodstore; West Gate Plaza, Barnesville, GA; 1-31-73.

Campbell's Clothes'n' Things, Inc., variety-department store; 51 South Brown Street, Rhinelander, WI; 12-30-72.

Carlton's Foodland, foodstore; Highway 64 East, Somerville, TN; 1-11-73.

Carmi Township Hospital, hospital; Webb and Plum Streets, Carmi, Ill.; 2-14-73.

Carr's Cash & Carry, foodstore; 316 West Main, Lumberton, MS; 1-18-73.

Cooper & Ratcliff, Inc., foodstore; Brookdale Road, Martinsville, Va.; 1-1-73.

Coplon-Smith, Co., apparel store; 232 Middle Street, New Bern, NC; 1-31-73.

Davis 5 & 10c Store, variety-department store; 4061 Barrancas Avenue, Warrington, FL; 1-31-73.

Deelene Corp., restaurant; 1423 Laurel Avenue, Bowling Green, KY; 1-8-73.

Dillon Companies, Inc., foodstores, 12-31-73; No. 106, Fayetteville, Ark.; No. 107, Rogers, Ark.

Dyche Jones Food Store, foodstore; No. 4, Manchester, Ky.; 1-11-73.

Eagle Stores Co., Inc., variety-department stores, 1-31-73, except as otherwise indicated; 337 Hay Street, Fayetteville, NC; No. 30, Hemingway, S.C.; No. 42, Pageland, S.C. (2-9-73).

Eigenrauch's Tom Boy, foodstore, 121 East St. Louis Street, Nashville, IL; 1-16-73.

Ernst Foods, foodstore; Nixon, Tex.; 1-12-73.

Flynn Super Market, foodstore; 116 North Main, Pocahontas, IA; 1-17-73.

Francis Department Store, variety-department store; 125 West Court Street, Prestonsburg, KY; 1-16-73.

Freeland Brown Pharmacy, drug store; 4508 South Peoria, Tulsa, OK; 1-16-73.

Goldblatt Bros., Inc., variety-department stores, 1-6-73; 9100 Commercial Avenue, Chicago, IL; Hillside Shopping Center, Hillside, Ill.

Golden Arches, Inc., restaurant; 2010 Highway 41 North, Evansville, IN; 1-31-73.

Good Samaritan Home, nursing home; 322 South Seventh Street, Wymore, NE; 12-28-72.

The Good Samaritan Village, nursing home; Hastings, Nebr.; 12-22-72.

W. T. Grant Co., variety-department stores: No. 933, Jacksonville, Fla.; 1-26-73; No. 624, Carpentersville, Ill.; 1-31-73; No. 667, Decatur, Ill.; 2-7-73; No. 737, Kokomo, Ind.; 1-2-73; No. 283, Bloomfield, N.J.; 1-31-73; No. 381, Elizabeth, N.J.; 1-28-73; No. 3554, Bristol, Pa.; 1-15-73; No. 460, Burnham, Pa.; 12-31-72; No. 105, Provo, Utah; 1-10-72 to 1-2-73; No. 19, Rutland, Vt.; 1-31-73.

H. E. B. Food Store, foodstores: No. 94, Portland, Tex.; 1-2-73; No. 67, San Antonio, Tex.; 12-30-72.

Harrell's Table Supply, Inc., foodstore; Second Street, Soperton, Ga.; 1-31-73.

Hawkins Big Star, foodstore; No. 36, Somerville, Tenn.; 1-18-73.

Hilltop Manor Convalescent Center, nursing home; 1711 East Broad Street, Hazleton, PA; 1-1-73.

Holding's Little America, restaurant; Little America, Wyo.; 12-28-71 to 12-8-72.

Jack's Market, foodstore; 214 Main Street, Fowler, Colo.; 1-13-73.

S. S. Kresge Co., variety-department stores: No. 4087, Florence, Ala.; 12-31-72; No. 4312, Huntsville, Ala.; 1-17-73; No. 4403, Bradenton, Fla.; 1-31-73; No. 4072, Atlanta, Ga.; 1-31-73; No. 755, Decatur, Ga.; 12-22-72; No. 4593, Chicago, Ill.; 1-13-73; No. 4211, Chicago Heights, Ill.; 1-17-73; No. 4221, Collensville, Ill.; 1-2-73; No. 4214, Des Plaines, Ill.; 1-11-73; No. 4262, Dolton, Ill.; 1-5-73; No. 4228, Wheeling, Ill.; 12-22-72; No. 4073, Clarksville, Ind.; 1-2-73; No. 4379, Lafayette, La.; 12-21-72; No. 4015, Port Huron, Mich.; 1-7-73; No. 4057, Fargo, N. Dak.; 12-26-72; No. 495, Akron, Ohio; 1-2-73; No. 604, Columbus, Ohio; 1-22-73; No. 541, Marietta, Ohio; 12-21-72; No. 721, Anderson, S.C.; 2-1-73; No. 4317, Florence, S.C.; 2-1-73; No. 4033, Knoxville, Tenn.; 12-22-72.

Leggett's Super Market, Inc., foodstore; 403 John Small Avenue, Washington, NC; 1-31-73.

Lerner Shops, apparel store; No. 342, Pompano Beach, Fla.; 1-10-72 to 1-4-73.

Lord's Market, foodstore; Route 2, Bangor, Maine; 12-27-72.

Lydia Mills Store, variety-department store; Poplar Street, Clinton, SC; 1-31-73.

Mac's Store, foodstore; 202 Thomas Avenue, Chickamauga, GA; 1-31-73.

Mapes Nursing Home, nursing home; 609 18th Street, Hawarden, IA; 1-7-72 to 12-28-72.

Marjuran Corp., restaurant; 2500 South Kentucky Avenue, Evansville, IN; 12-27-72.

Mason Food Market, foodstore; 115 South Woodland, Riceville, IA; 1-9-73.

McCrory McLellan-Green Stores, variety-department stores, 1-31-73, except as otherwise indicated: No. 304, El Dorado, Ark.; 12-28-72; No. 236, Delray Beach, Fla.; No. 221, Fort Lauderdale, Fla.; 1-1-73; No. 250, Naples, Fla.; 1-27-73; No. 178, Seminole, Fla.; No. 211, Zephyrhills, Fla.; No. 1064, Des Moines, Iowa; 1-10-72 to 12-29-72; No. 237, Salisbury, Md.; 1-10-73; No. 357, Trenton, N.J.; 12-31-72; No. 566, Farmington, N. Mex.; 12-28-72; No. 125, Hamilton, Ohio; 12-21-72.

McDonald's Hamburgers, restaurant; 4701 Lincoln Avenue, Evansville, IN; 1-14-73.

Mercy Hospital, hospital; East Seventh Street, Devils Lake, ND; 1-11-73.

Milaca Area Hospital, hospital; 150 10th Street Northwest, Milaca, MN; 1-31-73.

Morgan & Lindsey, Inc., variety-department stores: No. 3021, Hammond, La.; 1-15-73; No. 3063, Thibodaux, La.; 12-21-72; No. 3041, Kosciusko, Miss.; 1-18-73; No. 3092, Vicksburg, Miss.; 1-12-73; No. 3058, Beaumont, Tex.; 12-21-72; No. 3066, Beaumont, Tex.; 1-4-73.

G. C. Murphy Co., variety-department store; No. 333, Gastonia, N.C.; 1-17-73.

Parks Food Center, Inc., foodstore; 4014 North Cherry Street, Winston-Salem, NC; 2-1-73.

Piggly Wiggly, foodstores: Siloam Springs, Ark.; 1-18-73; No. 22, Hemingway, S.C.; 1-4-73.

Pleasure Ridge Super Market, foodstore; 4838 Maryman Road, Louisville, KY; 1-1-73.

Prenger's IGA Foodliner, foodstore; Centralia, Mo.; 12-28-72.

The Record Bar, Inc., music stores; 1-1-73; Chapel Hill, N.C.; 201 East Main Street, Durham, NC; Cameron Village, Raleigh, N.C.; North Hills Shopping Center, Raleigh, N.C.

Savitz Drug Store, Inc., drugstore; 129 Court Square, Abbeville, SC; 1-6-73.

Serv-All Food Store, foodstore; 214 East Austin Street, Kermit, TX; 12-23-72.

Smathers Market, foodstore; 118 Main Street, Canton, NC; 1-22-73.

NOTICES

Spurgeon's, variety-department stores: 713 Story Street, Boone, IA, 12-26-72; 117 North Maple, Creston, IA, 12-29-72; 814 Avenue G, Fort Madison, IA, 12-29-72; 911 Main Street, Grinnell, IA, 1-9-73, 620 West Sheridan, Shenandoah, IA, 1-15-73.

Stephens Super Foods, foodstore; Vienna, Ga.; 1-31-73.

T. G. & Y. Stores Co., variety-department stores: No. 179, Mesa, Ariz., 12-23-71 to 11-30-72; No. 296, Kansas City, Mo., 12-22-72; No. 427, Ardmore, Okla., 1-1-73.

Temple Avenue Department Store, variety-department store; 143 Temple Avenue, Newnan, GA; 1-31-73.

Thomas Kilpatrick & Co., variety-department store; 150 Central Park, Omaha, NE; 1-7-72 to 1-1-73.

Tranquility Nursing Home, Inc., nursing home; 50 Randolph Avenue, Randolph, VT; 1-3-73.

T. A. Turner & Co., Inc., variety-department store; Pink Hill, N.C.; 1-31-73.

Victory's Food Town, foodstore; Lee and Laverne Victory, Obion, Tenn.; 12-27-72.

Wabasha Super Valu, foodstore; Wabasha, Minn.; 1-21-73.

Wagner's Supermarket, Inc., variety-department store; 523 Nebraska Avenue, Arapahoe, NE; 1-13-73.

Westside Grocery, foodstore; 1020 West First Street, Abilene, KS; 1-9-73.

Whittaker, Inc., foodstore; No. 1, Oklahoma City, Okla.; 1-18-73.

Wolf Stores, Inc., variety-department store; 326 Ninth Street, Sheldon, IA; 1-13-73.

Zumbrota Super Valu, foodstore; Zumbrota, Minn.; 1-21-73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Barbara Joyce Shoppes, restaurants, for the occupations of salesclerk, clean up, 12 to 32 percent, 1-2-73; Tri County Plaza, Belle Vernon, Pa.; Fayette Plaza, Uniontown, Pa.

Bashas' Market Casa Grande, Inc., foodstores, for the occupations of carryout, cleanup, janitorial, 12-31-72, except as otherwise indicated: No. 4, Casa Grande, Ariz., 17 to 23 percent; No. 1, Chandler, Ariz., 20 to 27 percent; No. 11, Glendale, Ariz., 18 to 28 percent; No. 2, Mesa, Ariz., 25 to 32 percent; No. 10, Mesa, Ariz., 13 to 21 percent; No. 17, Mesa, Ariz., 20 to 27 percent; No. 3, Phoenix, Ariz., 19 to 23 percent; No. 5, Phoenix, Ariz., 13 to 21 percent; No. 9, Phoenix, Ariz., 20 to 27 percent; No. 12, Phoenix, Ariz., 20 to 23 percent; No. 13, Phoenix, Ariz., 20 to 28 percent; No. 15, Phoenix, Ariz., 15 percent, (1-14-73); No. 18, Phoenix, Ariz., 25 to 30 percent; No. 7, Scottsdale, Ariz., 11 to 14 percent; No. 16, Scottsdale, Ariz., 18 to 28 percent.

Ben Franklin Store, variety-department store; No. 3390, Warwick, R.I.; bagger; 1 to 3 percent; 1-6-73.

Bobo's Super Market, foodstore; Obion, Tenn.; stock clerk, bagger; 19 to 23 percent; 1-14-73.

Burger Chef, restaurant; 2720 North Broadway, Muncie, IN; general restaurant worker; 40 to 60 percent; 1-31-73.

The Carriage House Restaurant, restaurant; 4009 Chapman Highway, Knoxville, TN; general restaurant worker; 5 percent; 2-14-73.

Creighton Care Centre, nursing home; Creighton, Nebr.; nurse's aide, kitchen helper; 5 to 8 percent; 1-31-73.

D & D Enterprises, Inc., restaurant; 324 Wesleyan Park Plaza, Owensboro, KY; general restaurant worker; 40 to 75 percent; 1-14-73.

Dillon Cos., Inc., foodstore; No. 54, Manhattan, Kans.; cashier, checker, carryout, wrapper, clerk, maintenance; 11 to 32 percent; 1-31-73.

Edward's, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, checker, layaway clerk, pricer; 10 to 15 percent, 2-14-73, except as otherwise indicated: Bamberg, S.C., 11 to 15 percent; 983 Harborview Road, Charleston, S.C., Highway 701 North, Georgetown, SC, 7 to 11 percent; 1244 Wilson Road, Newberry, SC.

Giles Flower & Gift Shop, gift shop; 155 South Main Street, Danville, VA; delivery clerk; 8 to 10 percent; 1-31-73.

Just Rite, Inc., restaurants, for the occupation of general restaurant worker, 40 to 60 percent, 1-29-73, except as otherwise indicated: 103 West South Boulevard, Crawfordsville, IN; 1999 Fort Harrison Road, Terre Haute, IN, 40 to 70 percent.

S. S. Kresge Co., variety-department stores, for the occupation of salesclerk, 7 to 24 percent, 1-14-73; No. 4390, Orlando, Fla.; No. 4484, St. Petersburg, Fla.

McCrory-McLellan-Green Stores, variety-department store; No. 94, Wayne, Pa.; salesclerk, stock clerk, office clerk; 11 to 26 percent; 2-14-73.

McDonald's Hamburgers, restaurant; 831 Yellowstone Avenue, Pocatello, ID; general clerk, stock clerk, office clerk; 11 to 26 percent; 2-14-73.

Minyard Food Stores, Inc., foodstores, for the occupations of salesclerk, bagger, carryout, 11 to 16 percent, 2-14-73; No. 27, Corsicana, Tex.; No. 05, Irving, Tex.

Mr. Smorgasbord Restaurant, restaurants, for the occupations of food preparer, busboy (girl), cashier, dishwasher, cleanup, 54 to 82 percent, 2-14-73; Prairie and Hively Road, Elkhart, Ind.; 1102 State Road 2, Laporte, IN; 1902 South 11th Street, Niles, MI.

M. E. Moses Co., variety-department store; No. 47, Dallas, Tex.; salesclerk, stock clerk, checker; 28 to 40 percent; 2-14-73.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial, 1-31-73, except as otherwise indicated: No. 344, Minneapolis, Minn., 13 to 22 percent; No. 804, Youngstown, Ohio, 9 to 22 percent; No. 346, Anderson, S.C., 6 to 27 percent, 1-14-73; No. 334, Chattanooga, Tenn., 5 to 13 percent, 2-14-73; No. 25, Vinton, Va., 9 to 16 percent 1-14-73.

Neisner Bros. Inc., variety-department store; No. 33, Fort Lauderdale, Fla.; salesclerk, stock clerk, office clerk; 34 to 51 percent; 1-31-73.

Raylass Department Stores, variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 6 to 19 percent; 101 East Main Street, Forest City, N.C., 2-14-73; corner Main and Second Avenue, Lexington, N.C., 1-31-73.

The Record Bar, music store; State College, Pa.; salesclerk, 8 to 16 percent; 12-31-72.

Rhea's, Inc., foodstore; Monroeville Mall, Monroeville, Pa.; salesclerk; 18 to 27 percent; 1-31-73.

Rose's Stores, Inc., variety-department stores; No. 213, Jacksonville, N.C., sales-

clerk, stock clerk, office clerk, checker, 17 to 26 percent, 2-14-73; No. 210, Raleigh, N.C., salesclerk, 7 to 13 percent, 1-31-73; No. 211, Newport News, Va., salesclerk, 13 to 31 percent, 1-31-73.

Sam'l Levy Merc. Co., apparel store; 19 North Main Street, Butler, MO; salesclerk, 5 to 24 percent; 12-31-72.

Schowalter Villa, nursing home; 200 West Cedar, Hesston, KS.; janitorial; 5 percent; 1-31-73.

Scott Stores Co., variety-department store; No. 9243, Spencer, Iowa; salesclerk, stock clerk, office clerk; 22 to 30 percent; 2-14-73.

Sterling's, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 2-14-73; Day Shopping Center, Blytheville, Ark., 6 to 25 percent; 217 West Main Street, Trumann, Ark., 8 to 31 percent.

Sundance Motor Inn, restaurant; 903 Main, Delta, CO; general restaurant worker; 33 to 64 percent; 12-31-72.

Sunny Knoll Care Centre, nursing home; 700 East Lake Street, Rockwell City, IA; nurse's aide, kitchen helper; 5 to 8 percent; 1-31-73.

Super Value Discount Health & Beauty Aids Store, variety-department store; 914 Arendell Street, Morehead City, NC; salesclerk, cashier; 7 to 25 percent; 1-31-73.

T.G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk; No. 254, Fort Smith, Ark., 11 to 34 percent, 1-14-73; No. 2105, Hope, Ark., 11 to 34 percent, 2-14-73; No. 651, Carpinteria, Calif., 20 to 31 percent, 1-14-73; No. 543, Norwalk, Calif., 20 to 30 percent, 1-31-73; No. 756, Cocoa Beach, Fla., 7 to 24 percent, 1-31-73; No. 458, Anadarko, Okla., 10 to 30 percent, 1-14-73; No. 161, Frederick, Okla., 10 to 30 percent, 2-14-73.

Taco Towne, restaurant; 504 Galvin Road, Bellevue, NE; general restaurant worker; 4 to 14 percent; 1-31-73.

Trading Post, foodstore; 105 Railroad Street, Poplarville, MS; bagger, stock clerk, carryout; 19 to 29 percent; 1-31-73.

Valley View Care Centre, nursing home; 2900 West E., North Platte, NE; nurse's aide, kitchen helper; 5 to 8 percent, 1-31-73.

Wood's 5 & 10c Stores, Inc., variety-department store; Tri-City Shopping Center, Rockingham, N.C.; salesclerk, stock clerk; 9 to 34 percent; 12-31-72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the *FEDERAL REGISTER*, pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 11th day of April 1972.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[FR Doc. 72-6020 Filed 4-19-72; 8:50 am]

INTERSTATE COMMERCE COMMISSION

[No. 121-72]

FAMILIES PLANNING TO MOVE Advice Regarding Agency Rules

APRIL 17, 1972.

A word of caution was issued today for persons planning to move during the 6-month period beginning May 1.

The Interstate Commerce Commission advises that the summer months bring an upswing in family relocations, and that there is a special need for anyone shipping his household goods to be fully aware of his rights and obligations.

All interstate movements of household goods by motor common carriers are subject to a strict set of ICC rules designed to protect the public. You should become acquainted with these ICC rules designed for your protection before the moving van door closes and the vehicle heads for your new home with all your possessions.

The Commission has been active in seeking to provide you, the consumer, with better service and protection. Vigorous enforcement of the ICC rules has resulted in carrier fines and forfeitures and even individual imprisonment.

The most important action for the consumer to take is to obtain from any household goods carrier certificated by the ICC a copy of the 17-page publication entitled "Summary of Information for Shippers of Household Goods." Carriers are required to provide a free copy of this ICC booklet on request, and it should be obtained early enough to allow adequate time for review of the guidance it provides.

In essence, the booklet emphasizes the following points for consumers:

Moving plans and contact with the carrier should begin well in advance of a prospective move.

Carriers should be asked for a written estimate of charges for a move.

An estimate made by the carrier is not binding and all carriers must charge rates based upon the actual weight of the shipment, which is determined after loading of the van. Accordingly, you should arrange to view the weighing of the loaded van at the scales.

Credit arrangements should be worked out before a move begins. Otherwise, the shipper must have adequate cash or certified check on hand to insure delivery of his shipment.

To be sure of being paid full value for lost or damaged goods, you should declare an appropriate lump sum value for your shipment. There is an additional charge for such protection depending on the value declared. See page II of the summary.

Further information on moving may be obtained from ICC offices located in 78 major cities. The addresses are listed in Public Advisory No. 3 (containing an important questionnaire) which may be

obtained from the mover or by writing to:

INTERSTATE COMMERCE COMMISSION,
[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6047 Filed 4-19-72; 8:51 am]

ASSIGNMENT OF HEARINGS

APRIL 17, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 13273 Sub 2, In the Matter of the Application of E. Spencer Miller Under Section 20a(12) of the Interstate Commerce Act, now assigned June 19, 1972, at Portland, Maine, advanced to May 23, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C., for prehearing conference.

MC 133184 Sub 1, Springfield Airport Limousine, Inc., Extension Southwest Missouri, now being assigned hearing May 23, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 124211 Sub 194, Hilt Truck Line, Inc., now assigned June 12, 1972, at Omaha, Nebr., canceled and transferred to modified procedure.

MC 125433 Sub 29, F-B Truck Line Co., now assigned June 19, 1972, at Los Angeles, Calif., hearing canceled and application dismissed.

Finance Docket No. 26706, Chicago, Kalamazoo & Saginaw Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of the Penn Central Transportation Co., debtor. Abandonment between Parchment and Richland Junction, Kalamazoo County, Mich., now assigned May 4, 1972, at Kalamazoo, Mich., will be held in Room C, Kalamazoo County Center Building, 2900 Lake Street, Kalamazoo, MI.

Finance Docket No. 26706 Sub 1, Chicago, Kalamazoo & Saginaw Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of the Penn Central Transportation Co., debtor. Abandonment between Richland and Doster, Kalamazoo and Barry Counties, Mich., now assigned May 4, 1972, at Kalamazoo, Mich., will be held in Room C, Kalamazoo County Center Building, 2900 Lake Street, Kalamazoo, MI.

Finance Docket No. 26859, Michigan Central Railroad Co. & George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor. Abandonment between Caro, and Bath in Tuscola and Huron Counties, Mich., now assigned May 11, 1972, at Bay City, Mich., will be held in the County Building, corner of Center and Madison Street, Bay City MI.

Finance Docket No. 26885, Chesapeake & Ohio Railway Co. Abandonment between village of Edmore and village of Lakeview, in Montcalm County, Mich., now assigned May 8, 1972, at Lakeview, Mich., will be held in the cafeteria of Lakeview High School, 9099 Youngmen Street, Lakeview, MI.

MC 61592 Sub 239, Jenkins Truck Line, Inc., now assigned May 1, 1972, MC 116763 Sub 204, Carl Subler Trucking, Inc., now assigned May 2, 1972, MC 119531 Sub 152, Dleckbrader Express, Inc., now assigned May 3, 1972, at Chicago, Ill., will be held in Room 672, 536 South Clark Street, Chicago, IL.

W-78 Sub 8, S. C. Loveland Co., Inc., W-78 Sub 10, the Valley Line Co., W-78 Sub 11, the Valley Line Co., W-104 Sub 24, Union Barge Line Corp., W-381 Sub 15, Federal Barge Lines, Inc., W-381 Sub 16, Federal Barge Lines, Inc., W-463-10, James Hughes, Inc., W-586 Sub 5, Puget Sound Tug & Barge Co., W-586 Sub 4, Puget Sound Tug & Barge Co., W-587 Sub 29, Foss L & T Co., and W-630 Sub 37, A. L. Melching Barge Lines, Inc., now being assigned for prehearing conference on June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 124708 Sub 38, Meat Packers Express, Inc., now being assigned hearing June 12, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 127042 Sub 89, Hagen, Inc., now being assigned hearing June 13, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 108119 Sub 34, E. L. Murphy Trucking Co., now being assigned hearing June 15, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

MC 94350 Sub 299, Transit Homes, Inc., now being assigned hearing June 19, 1972 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

MC 119641 Sub 102, Ringle Express, Inc., now assigned April 27, 1972, at Washington, D.C., hearing is canceled and application dismissed.

MC-F-11402, Continental Van Lines, Inc.—Purchase (Portion)—Elmer L. Sims, G. Grant Sims—Elmer L. Sims—trustee, now being assigned hearing July 24, 1972 (3 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 129631 Sub 25, Pack Transport, Inc., now being assigned hearing July 27, 1972 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 99565 Sub 10, Fore Way Express, Inc., now assigned April 24, 1972, at Madison, Wis., canceled and transferred to modified procedure.

No. 35531, Grain Processing Corporation v. Akron, Canton & Youngstown Railroad Company, et al., hearing canceled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6046 Filed 4-19-72; 8:51 am]

[Notice 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1972.

The following are notices of filing of applications¹ for temporary authority

¹ Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

NOTICES

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the **FEDERAL REGISTER**, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the **FEDERAL REGISTER** publication, within 15 calendar days after the date of notice of the filing of the application is published in the **FEDERAL REGISTER**. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 58549 (Sub-No. 16 TA), filed April 5, 1972. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, 526 Orange Avenue NE., Post Office Box 5157, Roanoke, VA 24016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Montgomery and Pulaski Counties, Va., on the one hand, and, on the other, Woodrum Airport at or near Roanoke, Va., restricted to traffic having a prior or subsequent movement by air, for 180 days. **NOTE:** Applicant states that it intends to tack the authority here applied for to other authority held by it. Supporting shippers: Piedmont Airlines, Winston-Salem, N.C.; Inland Motor Corporation of Virginia, Radford, Va.; Flow Laboratories, Dublin, Va.; Radford Community Hospital, Radford, Va. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW, Roanoke, VA 24011.

No. MC 100666 (Sub-No. 213 TA), filed March 22, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, 1129 Grimmert Drive, Shreveport, LA 71107. Applicant's representatives: Paul Caplinger (same address as applicant) and W. L. Williamson, National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (1) from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, and (2) *lumber*, from Houston, Tex., to points in Louisiana, Oklahoma, and Texas, for 180 days. Sup-

porting shippers: Holland Import Company of Houston, Inc., and Tree Plex, Inc. (a subsidiary of Holland Import Company of Houston, Tex.), Post Office Box 33249, 6811 Silsbee, Houston, TX 77033. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 111729 (Sub-No. 337 TA) (Correction), filed February 17, 1972, published in the **FEDERAL REGISTER** issue of March 8, 1972, corrected in part, and republished as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). (1) (b) *Between Congers, N.Y., on the one hand, and, on the other, Malvern, Pleasant Gap, and Uniontown, Pa., Boonsboro, Hagerstown, and Williamsport, Md.*; (e) *Between Indianapolis, Ind., on the one hand, and, on the other, Ashland, Bowling Green, Covington, Erlanger, Frankfort, Henderson, Lexington, Louisville, Madisonville, Owingsboro, Paducah, and Shively, Ky.*; Part (4) *Small replacement and repair parts for tractors, farm machinery and industrial and material handling equipment*, restricted to articles or packages weighing in the aggregate less than 95 pounds from one consignor to one consignee on any 1 day, etc. **NOTE:** The purpose of this partial republication is (1) to correctly spell Malvern in (1b) above, (2) to insert the word *between* before the territorial description and (3) to correctly set forth the commodity description in (4) above, by adding the word *machinery* and reflect the correct spelling of Malvern. The rest of the application remains as previously published.

No. MC 114312 (Sub-No. 25 TA), filed March 28, 1972. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Coldwater, Mich., to points in Indiana on, north and east of a line beginning at the junction of U.S. Highway 40 and the Indiana-Ohio State line, thence west on U.S. Highway 40 to junction U.S. Highway 231, thence north on U.S. Highway 231 to junction Indiana Highway 43, thence via U.S. Highway 421 to Michigan City, Ind., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., a Delaware corporation, 111 West Jackson Boulevard, Chicago, IL. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 117574 (Sub-No. 218 TA), filed April 5, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: S. Berne Smith,

Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduit, parts, attachments, and fittings*, from West Bend, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Tennessee, for 180 days. Supporting shipper: Fibre Products Division, McGraw-Edison Co., Post Office Box 238, West Bend, WI 53095. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 119390 (Sub-No. 12 TA), filed March 29, 1972. Applicant: MAIRS TRANSPORT, LTD., 976 Adair Street, Coquitlam, BC 7583 Edmonds Street, Burnaby, Canada. Applicant's representative: J. Stewart Black, 1322 Burnham Street, Vancouver, BC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled wastepaper*, from Seattle, Wash., to the international boundary at or near Blaine, Wash., for 180 days. **NOTE:** Applicant states it does intend to tack the authority with MC 119390. Supporting shipper: Belkin Paperboard Ltd., Post Office Box 490, New Westminster, B.C. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133221 (Sub-No. 10 TA), filed March 29, 1972. Applicant: OVERLAND CO., INC., Route 1, Box 406 A, Lawrenceville, GA 30245. Applicant's representative: Alan E. Serby, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene shapes and forms*, from the plants and warehouse facilities of Dolco Packaging Corp., at Decatur, Ind., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Ohio, Pennsylvania, South Dakota, Rhode Island, and Wisconsin, for 150 days. Supporting shipper: Dolco Packaging Corp., Post Office Box 27, Decatur, IN 46733. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133656 (Sub-No. 2 TA), filed March 31, 1972. Applicant: REA BROTHERS LIMITED, 322 Queen Street South, Streetsville, ON, Canada. Applicant's representative: Robert D. Gundersen, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber and veneer*, from ports of entry on the international boundary line between the United States and Canada on the Niagara River, to

North Tonawanda, N.Y., restricted to shipments originating at or destined to the plantsite of Goodman-Staniforth, Division of Universal Oil Products Co., Ltd., Tee Lake, Quebec, Canada, for 180 days. Supporting shipper: Goodman-Staniforth, Division Universal Oil Products, Ltd., Tee Lake, Quebec, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 135378 (Sub-No. 5 TA), filed April 5, 1972. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses (except commodities in bulk), and in connection therewith equipment, materials, and supplies, used in the conduct of such business (except commodities in bulk), for the account of Food Fair Stores, Inc., between Linden, N.J., on the one hand, and, on the other, Bethlehem, Reading, Allentown, Quakertown, Shillington, Pottstown, and Easton, Pa., under continuing contract with Food Fair Stores, Inc., for 150 days.* Supporting shipper: Food Fair Stores, Inc., 320 South Stiles Street, Linden, NJ 07036. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136344 (Sub-No. 1 TA), filed April 3, 1972. Applicant: A. L. JOHNSON AND A. R. JOHNSON, doing business as A. L. & A. R. JOHNSON, Route 2, Adairville, Ky. 42202. Applicant's representative: Robert L. Baker, 500 Court Square Building, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials, dry, in bulk or in bags; and (2) agricultural chemicals, in containers when shipped in mixed loads with fertilizer or fertilizer materials, (1) from Nashville, Tenn., to points within Simpson and Logan Counties, Ky., (2) from Clarksville, Tenn., to points within Simpson and Logan Counties, Ky., and (3) from Cherokee, Ala., to points within Simpson and Logan Counties, Ky., for 180 days.* Supporting shipper: Bruce N. Maney, Motor Freight Supervisor, USS Agri-Chemicals Division, United States Steel Corp., Atlanta, Ga. Send protests to: Wayne L. Merlatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 136581 TA, filed April 4, 1972. Applicant: ALL FREIGHT DISTRIBUTION CO., INC., 28 South Front Street, Baltimore, MD 21202. Applicant's representative: James J. Doherty, Southeast corner St. Paul Place and Franklin Street, Baltimore, Md. 21202. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cargo-containers and demountable trailer bodies; cargo containers and demountable trailer bodies and their contents; and general commodities shipped in cargo containers or demountable trailer bodies having a prior or subsequent movement by water; between Baltimore, Md., Richmond and Norfolk, Va.; Wilmington, N.C.; Charleston, S.C., Wilmington, Del., Philadelphia, Pa.; and New York, N.Y., and points within 50 miles of the aforesaid-named cities, for 180 days.* Supporting shippers: Seymour S. Yaffe, Samuel Meisel & Co., Inc., 918 East Fort Avenue, Baltimore, MD 21230; Texas Transport & Terminal Co., Inc., agents, 20-22 Commerce Street, Baltimore, MD 21203; Furness Withy Agencies (USA), 20-22 Commerce Street, Baltimore, MD 21203. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

MOTOR CARRIERS OF PASSENGERS

No. MC 123577 (Sub-No. 13 TA) (Amendment), filed March 1, 1972, published in the FEDERAL REGISTER, issue of March 21, 1972, amended and republished in part as amended this issue. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC. (DONALD A. ROBINSON, TRUSTEE, 60 Galloway Road, Terminal, Warwick, NY 10990), 419 Anderson Avenue, Fairview, NJ 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Note: The purpose of this partial republication is to add a restrictive clause which was not included in the previous publication of the last paragraph to read as follows: The applicant proposes to join the above-described proposed routes (1), (2), and (3) to all its existing routes in Docket MC 123577 and subnumbers thereunder in order to provide service between all points on its existing routes in New Jersey and New York via such existing routes and the proposed routes, *restricted, however, with respect to routes (2) and (3) to traffic moving to or from points north of Paterson, N.J.* The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6051 Filed 4-19-72; 8:51 am]

[Notice 49]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73670. By application filed April 13, 1972, RAY BETHERS, Post Office Box 116, Kamas, UT 84036, seeks temporary authority to lease the operating rights of GRAHAM TRUCKING CORP., Post Office Box 488, Morgan, UT 84050,

under section 210a(b). The transfer to RAY BETHERS, of the operating rights of GRAHAM TRUCKING CORP., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6052 Filed 4-19-72; 8:51 am]

[Ex Parte No. 265]

INCREASED FREIGHT RATES, 1970

Present: Lawrence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the parties to these proceedings listed in appendix A of this order have severally petitioned the Commission for relief from the provisions of the order in ex parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission;

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed in appendix A of this order do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole.

It is ordered, That the parties named in appendix A of this order be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

Dated at Washington, D.C., this 12th day of April 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A TO ORDER DATED APRIL 12, 1972

Chicago, West Pullman and Southern Railroad Company
Condon, Kinzua & Southern Railroad Company
Laona & Northern Railway Company
Manufacturers' Junction Railway Company
Mississippi & Skuna Valley Railroad Company
The River Terminal Railway Company
Roscoe, Snyder and Pacific Railway Company
St. Marys Railroad Company
Tennessee Railroad Company (Samuel Spencer and Tom J. Gentry, Receivers)
Vermont Railway, Inc.
Winifreda Railroad Company

[FR Doc. 72-6053 Filed 4-19-72; 8:52 am]

[Ex Parte No. 265]

INCREASED FREIGHT RATES, 1970

Present: Lawrence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

NOTICES

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the carrier listed below has petitioned the Commission for relief from the provisions of the order in *ex parte* No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing its actions to correct service deficiencies set forth in the aforesaid report of the Commission

The Lehigh and Hudson River Railway Company

It further appearing, that the record in these proceedings and the quarterly reports submitted by this petitioner in response to the order of the Commission disclose that its operations have a significant effect on the overall standards of service given to shippers by the railroads as a whole; that the petition states no errors of fact or law warranting the relief sought; and for good cause appearing:

It is ordered, That the petition be, and it is hereby denied.

Dated at Washington, D.C., this 12th day of April 1972.

By the Commission, Commissioner Walrath.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6054 Filed 4-19-72;8:52 am]

[No. MC-135975]

IMEL TRUCKING, INC.

Common Carrier Application

Order. At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the fifth day of April 1972.

It appearing, that by application filed August 18, 1971, Imel Trucking, Inc., of Decatur, Ind., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked motor vehicles, between points in Indiana, Michigan, Illinois, and Ohio;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant and supporting shipper have filed verified statements in support of the application; that protestant, Joe Moss, doing business as Simpsonville Garage Wrecker Service, has filed a verified statement in opposition; and that applicant has filed a statement in rebuttal to the position advanced by protestant;

It further appearing, that supporting shipper, Decatur Salvage, Inc., employs a portable motor vehicle crushing machine to crush wrecked motor vehicles and then ships them from the customer's location on flatbed trailers to scrap brokers, scrap yards, and recycling locations where large shredders and other re-

cycling equipment is available; that shipper performs or intends to perform this service throughout the involved area; and that shipper needs the transportation services offered by applicant;

It further appearing, that protestant, Joe Moss, is interested in the application only to the extent authority is sought to transport wrecked motor vehicles; that it has no interest in transporting the commodity produced by supporting shipper's operations; and that its interest would be satisfied if the description were changed to one which would more properly describe the commodity being transported;

It further appearing, that the commodity description employed in the application and in the resulting notice in the *FEDERAL REGISTER* clearly does not adequately describe the service proposed and does not, accordingly, provide notice of the issues involved to potentially interested parties, and that the commodity description set forth in our grant of authority herein more accurately describes and reflects the commodities and the issues involved;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition or other appropriate pleading;

And it further appearing, that otherwise the evidence, submitted in the form of verified statements, demonstrates that applicant has suitable and available equipment, is in compliance with the rules and regulations governing motor carrier operations, and is able, financially and otherwise, to conduct the proposed service; and that the application should be granted as set forth below subject to prior publication in the *FEDERAL REGISTER*;

Wherefore, and good cause appearing therefor:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of compacted scrap motor vehicles between points in Indiana, Michigan, Illinois, and Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be granted, subject to the condition described in the second succeeding paragraph in this order, and that the application in all other respects should be denied.

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

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, in the manner described above, subject to prior publication in the *FEDERAL REGISTER* of a notice of the authority granted by this order.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 2.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6048 Filed 4-19-72;8:51 am]

[No. MC-121687]

KELLER'S FREIGHT LINE

Application for Certificate of Registration

Order. At a session of the Interstate Commerce Commission, Operating Rights Board, held at its office in Washington, D.C., on the 14th day of March, 1972.

It appearing, that applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within a single State, as set forth in the appendix hereto;

It further appearing, that applicant has been issued a State certificate of public convenience and necessity authorizing the motor carrier operations in intrastate commerce described in the appendix hereto; that interested parties withdrew their opposition during the State Commission proceeding; that the certificate issued by the State Commission satisfies the provisions of section 206(a)(6) of the Act; and that applicant has otherwise met the requirements for a certificate of registration contained in section 206(a)(6) of the Act;

And it further appearing, that since it is possible that other parties who have relied upon the notice in the *FEDERAL REGISTER* of the application, as originally published may have an interest in and

would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth in the appendix hereto, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of the certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced; and good cause appearing therefor:

It is ordered. That upon full compliance with the requirements of sections 215, 217, and 221(c) of the Act and the rules and regulations of the Commission thereunder, governing the filing and approval of insurance or other security for the protection of the public, common carrier rate-filing requirements, and designation of agent for service of process, within the time specified in the next succeeding paragraph herein, a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting the commodities from, to, or between the points, over the routes, or within the territory, and in the manner described below, and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended, and subject to prior publication in the *FEDERAL REGISTER* of the actual authority granted herein.

It is further ordered. That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, this application shall stand denied in its entirety effective upon the expiration of said compliance time.

By the Commission, Operating Rights Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[No. MC-121687]

KELLER'S FREIGHT LINE
(San Francisco, Calif.)

Description of the transportation service authorized to be conducted solely within the State of California, in intrastate commerce, as a common carrier by motor vehicle, pursuant to Certificate of Public Convenience and Necessity granted by Decision No. 79746 dated February 23, 1972, issued by the Public Utilities Commission of the State of California:

PART I

GENERAL COMMODITIES

- Between all points and places in the San Francisco-East Bay Cartage Zone as described in Part II attached hereto.
- Between all points and places on and within 10 miles of the following routes:
 - U.S. Highway 101 between Santa Rosa and San Jose, inclusive.

- State Highway 17 between San Rafael and Los Gatos, inclusive.
- Interstate Highway 80 between San Francisco and Vallejo, inclusive.
- U.S. Highway 50 between Hayward and Livermore, inclusive.
- State Highway 12 between Santa Rosa and junction with State Highway 29, inclusive.

- State Highway 4 between Pinole and Antioch, inclusive.
- State Highway 24 between Oakland and junction with State Highway 4, inclusive.

- Interstate Highway 680 between Vallejo and Warm Springs, inclusive.
- State Highway 29 between Vallejo and Napa, inclusive.

RESTRICTION: Commodities when transported in cargo containers shall be transported only over Routes (2a) and (2b) above, and between points and places within 10 miles of said routes.

In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

Applicant shall not transport any shipments of:

- Used household goods and personnel effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff 4-B.

- Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including Jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis.

- Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

- Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.

- Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

- Commodities when transported in bulk in dump trucks or in hopper-type trucks.

- Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

- Logs.

- Articles of extraordinary value.

PART II

SAN FRANCISCO-EAST BAY CARTAGE ZONE INCLUDES THE AREA EMBRACED BY THE FOLLOWING BOUNDARY:

Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence

leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek, thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland, thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

[FR Doc. 72-6049 Filed 4-19-72; 8:51 am]

[No. 35571]

UTAH INTRASTATE FREIGHT RATES AND CHARGES—1972

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of March 1972.

By petition filed February 22, 1972, Union Pacific Railroad Co., Southern Pacific Transportation Co., Western Pacific Railroad Co., the Denver and Rio Grande Western Railroad Co., Utah Railway Co., Carbon County Railway Co., Tooele Valley Railway Co., and Salt Lake Garfield and Western Railway Co., common carriers by railroad transporting freight

NOTICES

from, to, through, and between points in the State of Utah, state that under the laws of that State, and the regulations of the Public Service Commission of Utah, they may not increase their intrastate rates on sugar and cement to the extent authorized by this Commission on the same commodities moving in interstate or foreign commerce in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 590 and 332 ICC 714, on sugar beets to the extent authorized by this Commission on the same commodity moving in interstate or foreign commerce in Ex Parte No. 262, Increased Freight Rates, 1969, 337 ICC 436, nor may they increase their intrastate rates and charges to the same extent as their interstate rates and charges as authorized by this Commission in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, 339 ICC 125, and petitioners have not sought authority from the State to increase their intrastate rates and charges on shipments moving within the State of Utah to the same extent as they increased their interstate rates and charges as a result of the authorization by this Commission, by order dated February 1, 1972, in Ex Parte No. 281, Increased Freight Rates, 1972, as the Utah Commission has refused to grant part or all of the increases in Utah intrastate freight rates and charges corresponding to the increases in rates and charges on interstate or foreign commerce previously authorized by this Commission; and

It appearing, that the petitioners allege that the increases were authorized on interstate rates and charges on the grounds of the revenue needs of the carriers based on both interstate and intrastate traffic; that the interstate rates are just and reasonable; that transportation conditions incident to the transportation of intrastate freight traffic within Utah on petitioners' lines are not more favorable than conditions incident to interstate transportation on like traffic on such lines within Utah and adjacent States; that intrastate freight rates and charges on traffic moving within the State of Utah, if increased as sought by the petitioners will not exceed a just and reasonable level; that a disparity in favor of intrastate freight rates and charges within Utah now exists as compared to the interstate freight rates and charges to, from, and within Utah; that traffic moving under the present Utah intrastate rates and charges imposed by the State of Utah fails to produce its fair share of the earnings required to enable petitioners under honest, economical, and efficient management to provide adequate and efficient transportation service at the lowest cost consistent with the furnishing of such service; that the present Utah intrastate freight rates and charges create undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce within Utah on the one hand, and interstate and foreign commerce on the other, and result in undue, unreasonable, and unjust discrimination against and undue burden on interstate and foreign commerce; thus, petitioners

request that the Commission institute an investigation, under sections 3, 13(4), and 15a of the Interstate Commerce Act, of the Utah intrastate rates as more fully described above, and enter an order for the removal of the unlawfulness by prescribing the rates and charges for the transportation of intrastate traffic within the State of Utah; and that the action requested will have no effect on the environment;

And it further appearing, that there have been brought in issue by the railroad petitioners matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Utah; therefore,

It is ordered. That the petition be, and it is hereby granted.

It is further ordered. That an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroads, or any of them, operating in the State of Utah, for the intrastate transportation of property, made or imposed by the State of Utah, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on interstate traffic by this Commission in Ex Parte No. 281, Increased Freight Rates, 1972, by order of February 1, 1972, Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, *supra*, Ex Parte No. 262 Increased Freight Rates, 1969, *supra*, and Ex Parte No. 259, Increased Freight Rates, 1968, *supra*, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination or undue burden, if any, that may be found to exist.

It is further ordered. That all carriers by railroad operating within the State of Utah, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered. That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceedings, the statement of intention to participate shall include a detailed specification of the ex-

tent of such person's interest, including (1) whether such interests extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

It is further ordered. That a copy of this order be served upon each of the said petitioners, and that the State of Utah be notified by sending copies of this order and the said petition by certified mail to the Governor of Utah, Salt Lake City, Utah, and to the Public Service Commission of Utah, Salt Lake City, Utah.

And it is further ordered. That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect pleadings at the Office of the Secretary of the Commission in Washington, D.C.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6050 Filed 4-19-72; 8:51 am]

[Notice 30]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 14, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247¹ of the

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Commission's general rules of practice (49 CFR, as amended), published in the *FEDERAL REGISTER*, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *FEDERAL REGISTER*, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

No. MC 340 (Sub-No. 21), filed March 20, 1972. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex.

76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile and adhesives therefor* when moving with shipments of floor tile, from the plantsite of Armstrong Cork Co. at or near Bourbonnais Township, Kankakee County, Ill., to points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 409 (Sub-No. 44), filed March 20, 1972. Applicant: SCHROETLIN TANK LINE, INC., Post Office Box 511, Sutton, NE 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer, and fertilizer solutions and materials, and urea*, in tank or hopper-type vehicles, from the plantsite and storage facilities of Cooperative Farm Chemical Association, at or near Lawrence, Kans., to points in Missouri, Iowa, Nebraska, and Oklahoma. Note: Applicant states that some theoretical tacking possibilities exist between the requested authority and its existing authority, but none are proposed, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1334 (Sub-No. 11), filed March 10, 1972. Applicant: RITEWAY TRANSPORT, INC., Post Office Box 20433, Phoenix, AZ 85036. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities, Regular*: (1) between Cortez, Colo., and Cow Springs, Ariz., serving all intermediate points, from Cortez, Colo., over U.S. Highway 164 to Cow Springs, Ariz., and return over the same route and Irregular: (2) between points in Montezuma County, Colo., and Tonalea, Davis Dam, and Red Lake, Ariz. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Cortez, Colo., or Phoenix, Ariz.

No. MC 2860 (Sub-No. 111), filed March 10, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Christian V. Graf, 407 North

Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cleveland and Solon, Ohio, to points in Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana. Note: Applicant states tacking is possible in connection with applicant's present authority on general commodities at MC 2860, Sub 37, Sheets 2 and 3 at Alexandria, Va., so as to provide service in conjunction with applicant's base authority at MC 2860, to all points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Pennsylvania, and Maryland. Applicant further states tacking would also be possible in connection with applicant's present authority at MC 2860, Sub 37, Sheet 10 on frozen foods, and poultry and seafood other than frozen so as to provide service to Arkansas. Other tacking potentials inherent in that authority are either circuitous or are covered by the authority mentioned above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 4761 (Sub-No. 27), filed March 10, 1972. Applicant: LOCK CITY TRANSPORTATION COMPANY, a corporation, 3213 10th Street, Menominee, MI 49858. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur dioxide and methyl chloride*, from the plantsite and storage facilities of the Ansul Co. at Marinette, Wis., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, and the District of Columbia; and (2) *sulphur dioxide*, from the plantsite and storage facilities of the Ansul Co. at Marinette, Wis., to points in New York, Pennsylvania, and West Virginia. Note: Applicant states it is presently authorized to transport the above-described commodities, from Marinette, Wis., to points in or points in a portion of the requested States. No duplicate authority is being sought. Common control may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 4963 (Sub-No. 33), filed March 2, 1972. Applicant: ALLEGHENY CORPORATION, doing business as JONES MOTOR, a corporation, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Ohio, restricted to traffic originating at named origins and destined to points in named territory. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 262), filed March 15, 1972. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A and C appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. Note: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 10875 (Sub-No. 33), filed March 20, 1972. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, restricted to traffic originating at named origins and destined to points in named territory. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 31389 (Sub-No. 150), filed March 15, 1972. Applicant: MCLEAN TRUCKING COMPANY, a corporation, 617 Waughton Street, Post Office Box 213,

Winston-Salem, NC 27102. Applicant's representative: Harry J. Jordan, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, serving the site of the United Gas Pipe Line Co. Station, near Erath, La., as an off-route point in connection with regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 32882 (Sub-No. 67), filed March 22, 1972. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205, and Thomas E. James, Post Office Box 5976, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and cargo vans, between points in the United States including Alaska (but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Houston, Tex., and Washington, D.C.

No. MC 38921 (Sub-No. 5), filed March 15, 1972. Applicant: NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, NJ 08520. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, restricted to traffic originating at named origins and destined to points in named territory. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 48213 (Sub-No. 33), filed March 22, 1972. Applicant: C. E. LIZZA, INC., Post Office Box 447, Latrobe, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber yarn and materials, equipment, and supplies* used or useful in the manufacture and distribution thereof, between Painesville, Ohio, on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, New York, Ohio, Florida, Kentucky, Alabama, Colorado, Pennsylvania, Virginia, and New Jersey, under a continuing contract or contracts with IRC Fibers Co., a wholly owned subsidiary of

American Cyanamid Co. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 50069 (Sub-No. 450), filed March 21, 1972. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kunditz, 1100 National Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid ink*, in bulk, in tank vehicles, from Detroit, Mich., and points within 5 miles thereof to Huntington, Ind., Chicago and Dwight, Ill., Owensboro, Ky., Anoka, Owanatonna, Minneapolis, St. Paul, and Mankato, Minn., Elyria, Ohio, Superior, Wis.; and (2) *petrolatum*, in bulk, in tank vehicles, from Petrolia, Pa., to London, Ark. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 264), filed March 21, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are manufactured or distributed by manufacturers of restaurant and dairy equipment and supplies; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of commodities described in (1) above, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, the plant and warehouse sites of Haskon, Inc., Bingham-Risdon Division in the town of Ashwau-benon, Wis. Note: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56244 (Sub-No. 29), filed March 15, 1972. Applicant: KUHN TRANSPORTATION COMPANY, INC., Rural Delivery No. 2, Post Office Box 71, Gardners, PA 17324. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, between Biglerville, Camp Hill, and Gardners, Pa., Inwood, W. Va., Bryan, Ohio, and Greenville, Ill. Note:

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 56244 (Sub-No. 30), filed March 15, 1972. Applicant: KUHN TRANSPORTATION COMPANY, INC., Rural Delivery No. 2 also Box 71, Gardners, PA 17324. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, and advertising materials, equipment, and supplies used in or incidental to the preparation, packing, sale, or distribution of prepared food products, from the plantsite and storage facilities of H. J. Heinz Co., located at Holland, Mich., to the distribution center sites of H. J. Heinz Co. located at Mechanicsburg, Pa., and at Harrison, N.J.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 61592 (Sub-No. 262), filed March 15, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Conner Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and bottled foodstuffs, from the plantsites of Bruce Foods Corp. at or near Cade, La., to points in Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Florida; and (2) material, equipment, and supplies used in the processing and distribution of the commodities in (1) above, from points in the destination States named in (1) above to the plantsites of Bruce Food Corp. at or near Cade, La.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 61592 (Sub-No. 263), filed March 15, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles, in initial movement, and buildings, in section on undercarriages, from the plantsite of Continental Modules, Inc., in New Castle County, Del., to points in the United States on and east of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.* Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its exist-

ing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 264), filed March 20, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donal Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, butter, and dairy products, from St. Louis, Mo., and its commercial zone, to points in Connecticut, Indiana, Ohio, Massachusetts, Maryland, Michigan, New York, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 63792 (Sub-No. 17), filed March 20, 1972. Applicant: TOM HICKS TRANSFER COMPANY, INC., 4132 Peters Road, Post Office Box 283, Harvey, LA 70058. Applicant's representative: C. W. Ferebee, Post Office Box 283, Harvey, LA 70058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing, from the plantsite of Tex-Tube Division Detroit Steel Corp., Houston, Tex., to points in Arkansas, Alabama, Colorado, Texas, Oklahoma, Kansas, Louisiana, New Mexico, Florida, Missouri, Wyoming, Utah, Georgia, and Mississippi.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston or Dallas, Tex.

No. MC 64932 (Sub-No. 503), filed March 13, 1972. Applicant: ROGERS CARGO CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Maryland, Massachusetts, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Virginia, North Carolina, South Carolina, Louisiana, Connecticut, and Rhode Island.* Applicant may presently provide service via Marshall, Ill. Note: Applicant states that the requested authority can be tacked at Louisville, Ky., in connection with traffic originating under its certificate at points north and east of Louisville. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 66886 (Sub-No. 28) (Amendment), filed January 11, 1972, published in the *FEDERAL REGISTER*, issue of February 10, 1972, and republished as amended, this issue. Applicant: BELGER CARGO SERVICE, INC., 2100 Walnut

Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated iron or steel articles used in the construction or installation of antipollution or environmental control systems; and (2) safes, vaults, tanks, hoppers, bins, structural steel, conveyors, and mail handling equipment, from the plantsite and warehouse facilities of Global Steel of Arkansas, Inc., subsidiary of California Blowpipe & Steel Co., at Fort Smith, Ark., to points in the United States (except Alaska and Hawaii).* Note: The purpose of this publication is to redescribe the authority sought. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 70083 (Sub-No. 22), filed March 20, 1972. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08034. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, between points in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to Lemoyne, Pa., and thence along Interstate Highway 83 to the Pennsylvania-Maryland State line on the one hand, and, on the other, La Guardia and John F. Kennedy Airports at New York, N.Y., Newark Airport at Newark, N.J., and Philadelphia International Airport at Philadelphia, Pa., restricted to shipments having an immediate prior or subsequent movement by air.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 79577 (Sub-No. 40), filed March 10, 1972. Applicant: OILFIELDS TRUCKING COMPANY, a corporation, 1601 South Union Avenue, Post Office Box 751, Bakersfield, CA 93302. Applicant's representative: Phil Jackson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride, in bulk, from, at, or near Amboy, Calif., to points in Clark County, Nev., and Pima and Maricopa Counties, Ariz.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 83539 (Sub-No. 331), filed March 6, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office

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Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, lignite coal, treated lignite in bags; boards, foundation, water impedance, and foundry molding sand treating compounds*, consisting of mixtures of clay, and/or carbon (ground coal, carbon black and/or other carbons) and/or cellulose (wood flour, corn cob flour, and/or cellulose byproducts) and/or other binding or treating compounds, in bags, from the plantsite and warehouse facilities of American Colloid Co. at or near Belle Fourche, S. Dak.; Upton, Wyo.; Lovell, Wyo.; and Gascoyne, N. Dak., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Nevada, New Mexico, South Carolina, South Dakota, Tennessee, Texas, on and east of U.S. Highway 281 commencing at the Oklahoma-Texas State line and continuing to Wichita Falls, Tex., thence points on and south of U.S. Highway 82 from Wichita Falls, Tex., to the Texas-New Mexico State line, Virginia, West Virginia, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 333), filed March 21, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel roofing, flooring, decking, siding, or ceiling and accessories or component parts therefor*, between Stockton, Calif., on the one hand, and, on the other, points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 94350 (Sub-No. 308), filed March 10, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial shipments, from points in Madison County, La., and White County, Ark., to points in the United States (excluding Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 95084 (Sub-No. 87), filed March 10, 1972. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yeast culture*, from Des Moines, Iowa, to Rockford, Ohio, and (2) *feed and feed ingredients*, from Mason City, Iowa, to points in Illinois, Indiana, and Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 95084 (Sub-No. 88), filed March 15, 1972. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery, farm machinery, farm equipment, industrial and construction machinery, and equipment and parts and attachments for agricultural implements and machinery, farm machinery, farm equipment, and industrial and construction machinery, and equipment*, (a) from Dodge City, Kans., to points in the United States (except Alaska and Hawaii), (b) from Salina, Kans., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Ohio, Pennsylvania, South Dakota, and Tennessee, (c) from Washington Court House, Ohio, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, and (d) from Buckner, Ky., and Milford, Ind., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, and (2) *steel buildings*, from Washington Court House, Ohio, to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 102567 (Sub-No. 148), filed March 20, 1972. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71101. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite*, in bulk from Marrero, La., to Pine Bluff, Ark.,

Port St. Joe, Fla., and Redwood, Miss. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 103435 (Sub-No. 218), filed March 13, 1972. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Clay or clay products, and machinery, equipment, supplies, and materials* incidental to, or used in mining or milling, serving points located in Crook County, Wyo., as off-route points in connection with applicant's presently authorized regular route operations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103993 (Sub-No. 699), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Noble County, Okla., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 103993 (Sub-No. 700), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Plymouth County, Mass., and to points in the United States (except Alaska and Hawaii), Rutland County, Vt.; and (2) *building and sections of buildings* on undercarriages, from points in Rutland County, Vt., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103993 (Sub-No. 701), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames*

and undercarriages equipped with hitch-ball and/or pintle hook connectors, roof sections and component parts, used in the manufacture of trailers designed to be drawn by passenger automobiles and buildings in sections on undercarriages, between points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 702), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Monroe County, Miss., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 703), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from points in Lauderdale County, Ala., to points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 103993 (Sub-No. 704), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Henderson County, Tenn., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103993 (Sub-No. 705), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings,*

and accessories, from Chattanooga, Tenn., and Birmingham, Ala., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota; and (2) *gypsum products, composition board, wallboard, insulating materials, roofing and roofing materials, and urethane and urethane products*, from Marrero, La., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 106644 (Sub-No. 136), filed March 20, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE, 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and/or gravel spreaders, fertilizer spreaders, feed bodies, and slurry spreaders*, from Cedar Rapids, Iowa, and Lebannon, Tenn., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 105159 (Sub-No. 25), filed March 22, 1972. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried egg products*, with or without additives; and (2) *commodities*, exempt under 203(b) of the Interstate Commerce Act when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act described in (1) above, from Marshall and Pipestone, Minn., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105813 (Sub-No. 185), filed March 20, 1972. Applicant BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 135), filed March 20, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing, and related plastic fittings, connections, and accessories*, from the plantsite of Tex-Tube Division of Detroit Steel Corp., Houston, Tex., to points in the United

States (except Alaska and Hawaii). **NOTE:** Common control and dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 107403 (Sub-No. 832), filed March 7, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid petroleum products*, in bulk, in tank vehicles, from Gulfport, Hattiesburg, Jackson, Laurel, Meridian, and Natchez, Miss.; Mobile, Ala., and Vidalia, La., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia, restricted to traffic originating in Louisiana; (2) *Chemicals*, in bulk, in tank vehicles, (a) from Anniston, Ala., to points in West Virginia, restricted to traffic originating in Louisiana; (b) from Barfield, Ark., and points within 10 miles thereof, to points in Indiana, Iowa, Kansas, Michigan, Missouri, New Jersey, New York, Ohio, and Pennsylvania, restricted to traffic originating in Louisiana; (c) from Fox, Ala., to points in Georgia and South Carolina, restricted to traffic originating in Louisiana; (d) from Memphis, Tenn., to points in Arkansas, Illinois, Kentucky, Michigan, Ohio, Indiana, Pennsylvania, and Wisconsin, restricted to traffic originating in Louisiana; (3) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic originating in Texas. **NOTE:** Applicant states that the requested authority sought herein can be tacked with its present authority, but it has no present intention of doing so. Common

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control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 107403 (Sub-No. 833), filed March 14, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street, NW, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite*, in bulk, from Marrero, La., to Pine Bluff, Ark., Redwood, Miss., and Port St. Joe, Fla. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 794), filed March 20, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, fruits, vegetables, and potatoes*, from Fort Dodge, Iowa, to Anniston, Ala., and Indianola, Miss. Note: Common control and dual operations may be involved. Applicant holds authority in its Sub 416 and Sub 1 to transport fresh and cured meats from and to the points here named. No duplicating authority, however, is sought and applicant has no objection to an appropriate restriction. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 795), filed March 27, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds*; (2) *starch*; (3) *air fresheners and disinfectants*; (4) *mops, dusters, waxers, and brooms*; (5) *plastic bags*; and (6) *diet and nutritional foods* (except frozen), from Franklin, Ky., and Urbana, Ohio, to Atlanta, Ga.; Jacksonville, Fla.; Kansas City and St. Louis, Mo.; and points in Iowa. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 796), filed March 22, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Walton, N.Y., to points in North Carolina, South Carolina, Alabama, Georgia, and Florida. Note: Applicant can tack the authority sought with its Sub 1 authority to serve the additional States of Tennessee, Mississippi, and Louisiana but has no intention of doing so. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 108053 (Sub-No. 114), filed March 20, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108398 (Sub-No. 42), filed March 13, 1972. Applicant: RINGSBY-PACIFIC LTD., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving missile launching sites and supply points therefor, located in Tooele, Pondera, Teton, Cascade, and Chouteau Counties, Mont., as off-route points in connection with carrier's presently authorized regular operations. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109637 (Sub-No. 386), filed March 14, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John E. Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur hexafluoride*, in bulk, in shipper-owned trailers, from

Metropolis, Ill., to points in Pennsylvania; (2) *calcium carbide*, in bulk, from Louisville, Ky., to points in Maryland and New Jersey; and (3) *alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to Cincinnati, Ohio, and Philadelphia, Pa. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111320 (Sub-No. 55), filed March 16, 1972. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, Post Office Box 668, Hudson, OH 44236. Applicant's representative: James W. Wilson, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earthmoving, construction, and contractors machinery and parts thereof* when moving at the same time or separately, from Chattanooga, Tenn., to points in the United States (including Alaska, but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 471), filed March 19, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ E. Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, California, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112520 (Sub-No. 260), filed March 22, 1972. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill liquor*, in bulk, in tank vehicles, from the plantsites of International Paper Co., Moss Point, Miss., to the plantsite of International Paper Co., Mobile, Ala. **NOTE:** Applicant states it would be possible to tack authority sought with authorities applicant now holds, but operations under such combinations of authorities would be extremely circuitous and applicant does not contemplate tacking with the authority here sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 230), filed March 23, 1972. Applicant: BRAY LINES, INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar slats*, from Gold Beach, Oreg., to Pine Bluff, Ark. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112989 (Sub-No. 23), filed March 20, 1972. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, 100 Southwest Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, pressboard, flakeboard, and wallboard*, between points in Oregon and Washington, on the one hand, and, on the other, points in Oregon, Washington, California, Arizona, Nevada, Idaho, Utah, and Colorado. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority in Oregon and permit service from California points to balance of area. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113267 (Sub-No. 279), filed March 20, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to points in the United States (except Pensacola, Fla., Montgomery, Ala., Atlanta, Ga., and points in New Hampshire, Rhode Island, Alaska, Hawaii, Pennsylvania, Maine, Vermont, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is

sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 113784 (Sub-No. 46), filed March 21, 1972. Applicant: LAIDLAW TRANSPORT LIMITED, a corporation, 65 Guise Street, Hamilton 21, ON, Canada. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from those ports of entry on the international boundary line between the United States and Canada on the Niagara River to points in Niagara, Erie, and Chautauqua Counties, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 114019 (Sub-No. 233), filed March 20, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, Arkansas, New Mexico, Oklahoma, and Texas, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Montana, Wyoming, and Colorado. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 114284 (Sub-No. 54), filed March 16, 1972. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., Post Office Box 82307, Stockyards Station, 1700 South Portland, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, Arkansas, New Mexico, Oklahoma, and Texas, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114290 (Sub-No. 64), filed March 6, 1972. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pet food*, when transported in the same vehicle with canned pet food, from points in California to points in Oregon and Washington. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 115669 (Sub-No. 129), filed March 23, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Catalyst*, in bulk, in tank vehicles, from McPherson, Kans., to Scottsbluff, Nebr.; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Cominco American Inc., located 5 miles northwest of Beatrice, Nebr., to points in Iowa, Kansas, and Missouri (except St. Louis, Mo., and its commercial zone); (3) *anhydrous ammonia*, in bulk, in tank vehicles, from the terminals and storage facilities located on the Gulf Central Pipeline Co., at or near Murphy, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming; and (4) *fertilizer and fertilizer*

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materials, between points in Kansas and Nebraska (except from Lawrence, Kansas City, and Dodge City, Kans., and Omaha, Nebr.). Note: Applicant states that tacking possibilities exist with presently held authority, however, it has no intention to tack. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 241), filed March 6, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Towers, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, from Columbus, Ohio, to points in the United States on and east of U.S. Highway 85 and (2) *materials and supplies* used in the manufacture, sale and distribution of carnivorous animal feed (except in bulk), from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Kal Kan Foods, Inc., at Columbus, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 116947 (Sub-No. 24), filed March 20, 1972. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW, Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street SW, Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, parts, and accessories thereto*, from Birmingham, Ala., to points in Arkansas, Florida, Georgia, Louisiana, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and West Virginia, under contract with Package and Chemical Supply Co., Inc., Tampa, Fla. Note: Applicant holds common carrier authority under 117956 and subs thereunder, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117233 (Sub-No. 10), filed January 24, 1972. Applicant: MERCURY MOTOR FREIGHT, INC., 415 Waddell Avenue, Clairton, PA 15025. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roof trusses, precut and prefabricated building sections, and components and materials* used in the construction of prefabricated buildings from Belle Vernon and Elizabeth, Pa., to points in Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia, under continuing contracts with Lincoln Homes Co., Wylie Construction & Development, Inc., and Swift Development Co. Note: If a hearing

is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 117304 (Sub-No. 29), filed March 20, 1972. Applicant: DON PAF-FILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, Lewiston, ID 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Houses, buildings, and components parts thereof*, (b) *trusses, beams, girders, walls, tees, panels, and articles* for reason of size and weights in excess of 15,000 pounds or excess of 8 feet wide, *equipment, parts and supplies* used in the assembling or erecting thereof, from points in Spokane County, Wash., to points in Idaho, north of the Salmon River, to points in Washington, Idaho, Oregon, Montana, Wyoming, Utah, Colorado, Arizona, Nevada, California, and Alaska. Restriction: Restricted to traffic originating at Marshall, Mo., and destined to points in the named States. Note: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 117883 (Sub-No. 169), filed March 20, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Suhler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Iowa, Illinois, Indiana, Michigan, Wisconsin, and Minnesota. Restriction: Restricted to traffic originating at Marshall, Mo., and destined to points in the named States. Note: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 117883 (Sub-No. 169), filed March 20, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Suhler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Carroll, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the plantsite and/or storage facilities utilized by Farmland Industries, Inc., located at or near Carroll, Iowa, and destined to the named destination points. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119229 (Sub-No. 4), filed March 27, 1972. Applicant: ORLANDO TRUCKING, INC., 10 Glory Road, Lebanon, NJ 08833. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstered furniture, couches, mattresses, box springs, headboards, beds, bedding and parts thereof*, from Linthicum Heights, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, (2) *beds, bedding and parts thereof*, from New York, N.Y., to Lebanon, N.J., (3) *beds, bedding and parts thereof*, from Lebanon, N.J., to points in New York, Connecticut, Massachusetts, Maine, Vermont, New Jersey, New Hampshire, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, Illinois, Indiana, Michigan, West Virginia, Ohio, and the District of Columbia, and (4) *materials and supplies* used in the manufacture

and distribution of the above-mentioned commodities (except in bulk); *returned or damaged shipments*, from the above-described destination territory to Lebanon, N.J. and Linthicum Heights, Md. **Restriction:** The proposed service to be under contract with Eclipse Sleep Products, Inc. Duplicating authority is not sought. Applicant holds portion of the authority. **NOTE:** If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 119765 (Sub-No. 29), filed March 15, 1972. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, IA 51521. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of E. W. Kneip, Inc., at or near Wahoo, Nebr., to points in Illinois. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 119789 (Sub-No. 114), filed March 10, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Louisville, Ky., to points in Arkansas, Kansas, Texas, Oklahoma, Mississippi, and Louisiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., or Washington, D.C.

No. MC 119864 (Sub-No. 47), filed March 17, 1972. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26741 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food products, and matches*, (1) from Chicago, Ill., to points in Michigan on and south of Michigan Highway 21; and (2) from Indianapolis, Ind., to St. Louis, Mo. **NOTE:** Applicant states that tacking is intended from Indianapolis, Ind., on some limited items to St. Louis, Mo. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119934 (Sub-No. 177), filed March 21, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1001

Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Louisiana (except shipments originating in St. Bernard, Orleans, Jefferson, and St. John the Baptist Parishes, La.), to points in Alabama, Arkansas, Florida, Mississippi, Tennessee, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is held, nor are there any applications pending that would involve duplicating authority. Common control may be involved. Applicant holds contract carrier authority under MC 128161 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., New Orleans, La., or Washington, D.C.

No. MC 123255 (Sub-No. 17), filed March 13, 1972. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Covington, Ky., to Columbus and Bucyrus, Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 81968 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 18), filed March 13, 1972. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, food products, beverages, and advertising matter therefor*, from Battle Creek, Mich., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, Illinois, and Indiana; (2) *foodstuffs*, (a) from Milford, Ill., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, and Indiana, and (b) from Milford, Ill., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, and Indiana; and (3) *carbonated beverages*, from Detroit, Mich., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, Illinois, and Indiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 81968 Sub 19 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123294 (Sub-No. 26), filed March 13, 1972. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reclaimed, nonferrous metals*, from Atwood, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *scrap insulated copper or aluminum wire and cable, scrap printer plates, and scrap nonferrous metals* for mechanical reclaiming purposes, on return. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123415 (Sub-No. 19), filed March 14, 1972. Applicant: JAMES STUFFO, INC., Box 1061, Merchantville, NJ. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, 4 Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper and groundwood printing paper*, from the storage facilities utilized by Bowater Sales Co., Inc., at Providence, R.I., to New York, N.Y. **NOTE:** Applicant states that tacking will be made at New York, N.Y., with presently held authority in its base certificate under MC 123415 to provide a through service. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 123865 (Sub-No. 2), filed March 16, 1972. Applicant: LING TRANSFER, INC., 1220 Chestnut Street, Dixon, IL 61021. Applicant's representative: James Canfield, 1100 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising circulars and printed advertising matter*, from Dixon, Ill., to points in Michigan, under contract with Dixon Publishing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 517), filed March 20, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kensington, Ga., to points in Alabama, Florida, Louisiana, and Mississippi. **NOTE:** Applicant states that tacking is possible, but

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not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 124078 (Sub-No. 518), filed March 20, 1972. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between points in Colorado, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to having a prior or subsequent movement over lines of the Burlington Northern, Inc. Note: Applicant states that tacking is possible, but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 124211 (Sub-No. 211), filed March 22, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials, and supplies, and accessories*, from points in Arizona and California, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Los Angeles, Calif., or Washington, D.C.

No. MC 124211 (Sub-No. 212), filed March 23, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *iron and steel articles*, between points in Nance County, Nebr., on the one hand, and, on the other, points in California; and (2) *building and construction materials*, between points in Shelby County, Iowa, and Cass, Lancaster, and Nance Counties, Nebr., on the one hand, and, on the other, points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124212 (Sub-No. 60), filed March 22, 1972. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Bou-

levard, also Post Office Box 22183, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsites of the Lehigh Portland Cement Co. located at Spokane and Metaline Falls, Wash., to points in Morrow County, Oreg. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125168 (Sub-No. 22), filed March 22, 1972. Applicant: OIL TANK LINES, INC., Box 190, Hood Road and Darby Creek, Darby, PA 19023. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Falling Rock, W. Va., and Rouseville, Pa., to Minotola, N.J., and Reynolds (Schuylkill County), Pa., under contract with Pennzoil United, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Pittsburgh, Pa.

No. MC 125433 (Sub-No. 30) (Amendment), filed October 12, 1971, published in the *FEDERAL REGISTER*, issue of November 11, 1971, and republished as amended, this issue. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Ex Parte No. MC 45, Descriptions in Motor Carrier Certificates*, appendix V (61 M.C.C. 276), from the plantsites of Kaiser Steel Corp. at or near Fontana and Napa, Calif., to points in Colorado. Note: The purpose of this republication is to amend the territorial scope of the application to read as shown above in lieu of original notice. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 126473 (Sub-No. 21), filed March 21, 1972. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*,

(a) from Walcott, Iowa, to points in Illinois and Wisconsin; (b) from Clinton, Iowa, to points in Illinois and Wisconsin; and (c) from Erie, Ill., to points in Wisconsin; (2) *anhydrous ammonia*, (a) from Bellevue, Clinton, and Muscatine, Iowa, to points in Illinois and Wisconsin; and (b) from East Dubuque and Marseilles, Ill., to points in Wisconsin; and (3) *fertilizer*, dry, in bags and in bulk, (a) from Erie, Ill., to Demotte and Nappanee, Ind., and points in Wisconsin; (b) from Clinton, Iowa, to points in Illinois and Wisconsin; (c) from Demotte and Nappanee, Ind., to points in Illinois and Wisconsin; and (d) from Arlington and Erie, Ill., to points in Wisconsin. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127777 (Sub-No. 16) (Amendment), filed March 10, 1972, published in the *FEDERAL REGISTER*, issue of April 6, 1972, and republished in part as amended this issue. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW, Washington, DC 20036. Note: The purpose of this partial republication is to add Waupaca County, Wis., to the origin territory, which was erroneously omitted in the previous publication. The rest of the application remains as previously published.

No. MC 127777 (Sub-No. 17), filed March 21, 1972. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular units* (except trailers designed to be drawn by passenger vehicles and excluding buildings or buildings in sections, mounted on wheeled undercarriages), (1) between points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Wisconsin, Iowa, Michigan, Illinois, Missouri, Indiana, Ohio, Kentucky, and Tennessee; and (2) between points in the above-named States, on the one hand, and, on the other, points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 71), filed March 22, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Storage racks and shelving* from Springfield and Nashville, Tenn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville or Frankfort, Ky.

No. MC 128030 (Sub-No. 34), filed March 16, 1972. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dampers, penthouses, screening grilles, and drapery products*, from the plantsite of Brandt Airflex Corp., at Champaign, Ill., to points in the United States, including Alaska (but excluding Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 129086 (Sub-No. 15), filed March 21, 1972. Applicant: SPENCER TRUCKING CORPORATION, Box 254 A, Route 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ashes and cinders*, from points in Grant, Hampshire, and Mineral Counties, W. Va.; Allegany, Garrett, and Washington Counties, Md., to Gainesville, Va. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129615 (Sub-No. 9), filed March 21, 1972. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. D. Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and campers* (recreational vehicles), in driveway service, between points in Ohio, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii. If a hearing is deemed necessary, applicant requests it be held at Plymouth, Ohio.

No. MC 129840 (Sub-No. 3), filed March 13, 1972. Applicant: SPENCER BROKERAGE, INC., Post Office Box 332, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut and pre-*

fabricated farm, commercial, and industrial buildings, from Spencer, Iowa, to points in Arkansas, Colorado, Illinois, Montana, New Mexico, Oklahoma, Texas, Wisconsin, and Wyoming, and *spare parts, poles, and pallets* on return, limited to a transportation service to be performed under a continuing contract, or contracts, with Morton Buildings, Inc., Morton, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 129984 (Sub-No. 2), filed March 20, 1972. Applicant: GLENN PETERSON, doing business as PETERSON TRANSIT, Route No. 2, Merrill, Wis. 54452. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured wire products*, from Merrill, Wis., to points in Illinois; and (2) upon return movement *raw wire, steel tubing, bar steel, bar copper, angle iron, galvanized rods, and used pallets and empty paper containers* in barrels, in mixed loads, from points in Illinois to Merrill, Wis. **Restriction:** All of the foregoing transportation is proposed to be limited to a transportation service to be performed under a continuing contract or contracts with Wire Products Manufacturing Co. of Merrill, Wis. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133713 (Sub-No. 5), filed March 17, 1972. Applicant: UELAND TRUCKING, INC., Route 1, Box 25 B, Shakopee, MN 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer and fertilizer ingredients*, from Minneapolis-St. Paul, Maplewood, Savage, and Pine Bend, Minn., to points in Iowa, and North Dakota, South Dakota, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 133968 (Sub-No. 2), filed March 20, 1972. Applicant: WATERFORD EXCAVATING CO., INC., Post Office Box 344, Milwaukee, WI 53201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from La Crosse, Wis., to points in Minnesota; and (2) from Minneapolis and St. Paul, Minn., to points in Wisconsin. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 134145 (Sub-No. 19), filed March 22, 1972. Applicant: NORTH

STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Jon Miller (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, supplies, accessories, and equipment* used in the manufacture and sales of snowmobiles, boats, and motorbikes, from points in Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming, to Clearbrook, Detroit Lakes, Karlstad, Minneapolis, Moorhead, Roseau, and Thief River Falls, Minn., under contract with Arctic Enterprises, Inc., and Polaris Industries, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134163 (Sub-No. 6), filed March 21, 1972. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 705 McLaughlin Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Virginia, West Virginia, Maryland, and the District of Columbia, restricted to traffic originating at the named origins and destined to the points in the named territory. **NOTE:** Applicant holds contract carrier authority under MC 95763, and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 134229 (Sub-No. 5), filed February 28, 1972. Applicant: RICHMOND TRANSFER, INC., Post Office Box 295, Richmond, MO 64095. Applicant's representative: Tom B. Kretzinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Clay and Platte Counties, Mo., on the one hand, and, on the other, points in Missouri. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority at Arley, Mo., and points within 10 miles thereof. Persons interested in the tacking possibilities are cautioned that failure to oppose that application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134601 (Sub-No. 2), filed March 10, 1972. Applicant: GOOSE CREEK TRANSPORT, INC., Rural Delivery No. 1, Ashville, N.Y. 14710. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses (except hides)*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Harlan, Hartley, and Iowa Falls, Iowa, to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and points in Crawford, Venango, Warren, McKean, and Erie Counties, Pa., under a continuing contract with Fairbank Farms, Inc., and (b) *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses (except hides)*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cedar Rapids, Dennison, Des Moines, Spencer, Storm Lake, Postville, Harland, Hartley, Ottumwa, Iowa Falls, and Fort Dodge, Iowa; Dakota City, Schuyler, Omaha, and Fremont, Nebr.; Albert Lea and Austin, Minn.; Chicago, Ill.; South Bend, Ind.; Cleveland, Ohio; and Harmony (Chautauqua County), N.Y., to points in McKean County, Pa., under a continuing contract with Whitehawk Beef Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134734 (Sub-No. 5), filed March 20, 1972. Applicant: NATIONAL TRANSPORTATION, INC., Box 31, Norfolk, NE 68701. Applicant's representative: Lanny N. Fauss, Box 37096, Millard, NE 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with National Foods, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 134776 (Sub-No. 19), filed March 20, 1972. Applicant: MILTON TRUCKING, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey, City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gym mats, materials, and supplies* (except in bulk), between the facilities of Resilite Sports Products, Inc. (Northumberland County), North-

umberland, Pa., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Maryland, and Delaware, under contract with Resilite Sports Products, Inc., of Northumberland, Pa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 135283 (Sub-No. 8), filed March 10, 1972. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., Post Office Box 1665, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated or dried eggs and products thereof and dehydrated powdered and rendered poultry and beef products*, from David City, Norfolk, Omaha, and Ravenna, Nebr.; Malvern, Iowa, and Springfield, Mo., to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Connecticut, Illinois, Indiana, Ohio, and Michigan. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Grand Island, Nebr.

No. MC 135705 (Sub-No. 1) (Correction), filed February 29, 1972, published in the *FEDERAL REGISTER* of April 6, 1972, and republished in part, as corrected this issue. Applicant: LEELAND D. MELROSE, doing business as MELROSE TRUCKING COMPANY, Raderville Route, Box 6360, Casper, WY 82601. Note: The sole purpose of this partial republication is to reflect the correct docket number as MC 135705 Sub-No. 1, in lieu of MC 135705 (Sub-No. 2), shown erroneously in the previous publication. The rest of the application remains the same.

No. MC 135904 (Sub-No. 2), filed March 20, 1972. Applicant: ALLTRANS EXPRESS, LTD., 4878 Manor Street, North Burnaby, BC, Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Seattle and Tacoma, Wash., and ports of entry on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., (a) over Interstate Highway 5; and (b) from Tacoma and Seattle over Interstate Highway 5 to Bellingham, Wash., thence over Alternate U.S. Highway 99 to junction Washington Highway 544, thence over Washington Highway 544 to junction Washington Highway 9 to ports of entry on the international boundary line between the United States and Canada located at or near Sumas,

Wash., and return over the same route, restricted to traffic having prior or subsequent movement in foreign commerce, and serving no intermediate or off-route points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135991, filed August 20, 1971. Applicant: COLETTA'S DOWNTOWN AUTO SERVICE, INC., 425 Richmond Street, Providence, RI 02903. Applicant's representative: B. Lucius Zarlenza, 503 Old Colony Bank Building, Providence, R.I. 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, including, but not limited to, trucks and tractor trailers by tow away method, (1) between points in Rhode Island, and (2) between points in Rhode Island, on the one hand, and, on the other, points in Massachusetts, Connecticut, New Hampshire, Vermont, Maine, New York, New Jersey, Maryland, Delaware, Pennsylvania, and Virginia. Note: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 136305 (Sub-No. 2), filed March 20, 1972. Applicant: GAIL CISSELL AND ALICE CISSELL, a partnership, doing business as CISSELL TRANSFER AND STORAGE CO., 112 East Railroad Avenue, Portales, NM 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Curry, DeBaca, Guadalupe, Quay, and Roosevelt Counties, N. Mex., and Bailey, and Parmer Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Note: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 136492 (Sub-No. 2), filed March 20, 1972. Applicant: G.W.G. TRUCKING, INC., 199-20 120th Avenue, St. Albans, NY 11412. Applicant's representative: Arthur J. Pikens, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, between points in New York, N.Y., and points in Nassau and Suffolk County, N.Y., on the one hand, and, on the other, points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission in the *Fifth Supplemental Report in Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exempt provisions provided by section

203(b) (8) of the Act (exempt zone). **Restriction:** The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts with Downen Zier, Inc., Brookton Industries, Inc., and Soptra Fabrics, Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136499 (Sub-No. 1), filed March 20, 1972. Applicant: SAMUEL D. SUMMERS, doing business as S. D. SUMMERS, Rural Delivery No. 2, Box 61, Moundsville, W. Va. 26041. Applicant's representative: J. K. Chase, Jr., 509 Seventh Street, Moundsville, WV 26041. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock dust*, by tank vehicles, from Benwood Limestone Co., Benwood, W. Va., to Valley Camp Coal Co. Mine No. 3, Laidley's Run Portal, Washington County, Pa., under contract with Valley Camp Coal Co., Mine No. 3. **NOTE:** If a hearing is deemed necessary applicant does not specify a location.

No. MC 136508, filed March 1, 1972. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, (1) from St. Paul, Minn., and Peoria, Ill., to Kirksville, Mo.; and (2) from Warsaw, Ill., La Crosse and Sheboygan, Wis., Newport, Ky., and South Bend, Ind., to Ottumwa, Iowa. **NOTE:** Applicant also holds contract carrier authority under MC 114389 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 136511 (Sub-No. 1), filed April 4, 1972. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, Post Office Box 48, Big Island, VA 24526. Applicant's representative: Frank B. Hand, Jr., Post Office Box 81, Winchester, VA 22501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Henry County, Va., and Moore and Davidson Counties, N.C., to points in Washington, Oregon, California, Arizona, Nevada, and Utah. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Winchester, Va.

No. MC 136527, filed March 15, 1972. Applicant: J. O. BATTLES, INC., Center Road, Bradford, N.H. 03221. Applicant's representative: Richard B. Couser, 95 North Main Street, Concord, NH 03301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Saw mill and pulp mill machinery and equipment*, from

Contoocook, N.H., to points in the United States (except Hawaii), and return, under contract with HMC Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 136528, filed March 15, 1972. Applicant: GREAT NORTHEASTERN, INC., Blue Ball, Pa. 17506. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from the plantsite and warehouses of Anderson Bakeries, Inc., at East Lampeter Township, Lancaster County, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under contract with Anderson Bakeries, Inc., of Lancaster, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136535, filed March 13, 1972. Applicant: JAMES L. THOMPSON, doing business as ELLENSBURG TRANSFER CO., 407 West Fourth, Ellensburg, WA 98926. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including household goods* (but excluding articles of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment), between points in Kittitas County, Wash. **NOTE:** Applicant states it intends to interline with other carriers in the delivery of interstate shipments within said county, with occasional storage in transit. If a hearing is deemed necessary, applicant requests it be held at Portland or Seattle, Wash.

No. MC 136537, filed March 27, 1972. Applicant: D.M.T. TRUCKING, INC., 225 East Redwood Street, Baltimore, MD 21202. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles*, from Norfolk, Va., to points in Maryland, Virginia, West Virginia, North Carolina, Tennessee, and the District of Columbia, under a continuing contract or contracts with Volkswagen South Atlantic Distributor, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136539, filed March 27, 1972. Applicant: PETERSON TRUCKING

CO., a corporation, 6904 Tujunga Avenue, North Hollywood, CA 91605. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Baby products, including chairs, strollers, toys and related items, and materials and supplies used in the manufacture of baby products (except in bulk)*, between the plantsite of Peterson Baby Products Co., at Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136540, filed March 20, 1972. Applicant: REFINERS TRANSPORT SERVICE, INC., 4850 Bloomfield, New Orleans, LA 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, corrugated boxes and pallets*, (1) from the plantsite of Owens-Illinois, Inc., and warehouse facilities at New Orleans, La., to points in Texas; and (2) from the plantsite of Owens-Illinois, Inc., and warehouse facilities at Waco, Tex., to points in Louisiana. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 136536, filed March 27, 1972. Applicant: ALCO TRANSPORTATION, INC., Post Office Box 1651, 1127 Albert Street, Lima, OH 45802. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and new furniture parts*, between Dayton, Ohio, on the one hand, and, on the other, points in Pennsylvania, Michigan, Kentucky, Indiana, Illinois, Missouri, Wisconsin, Minnesota, and Iowa, under contract with The Mead Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 34752 (Sub-No. 5), filed March 16, 1972. Applicant: LINCOLN COACH CO., INC., 22 Midland Avenue, Port Chester, NY. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between White Plains, N.Y., and Stamford, Conn., as follows, serving the intermediate point of Rye, N.Y. *Westbound route:* Commencing in the city of Stamford, State of Connecticut, on Atlantic Street at the intersection of Main Street, right on Main Street to South Street left on South Street to North State Street right on North State Street to entrance of Interstate Highway 95

NOTICES

(No. 7), westbound on Interstate Highway 95 to Midland Avenue exit No. 13 in the city of Rye, State of New York, exiting to Midland Avenue, left on Midland Avenue to Peck Avenue, right on Peck Avenue to Station Plaza, right on Station Plaza to the Rye Railroad station, left on Third Street to Purdy Avenue, left on Purdy Avenue to Boston Post Road, left on Boston Post Road to entrance to Interstate Highway 287 (No. 12), thence westbound on Interstate Highway 287 to exit No. 6 at Orchard Street, White Plains, N.Y., left on Orchard Street to North Broadway, left on North Broadway to Hamilton Avenue, right on Hamilton Avenue to White Plains Bus Terminal, White Plains, N.Y. *Eastbound route:* Commencing in the city of White Plains, State of New York, at the White Plains Bus Terminal exiting on to Main Street, thence left on Main Street to Bronx Street, left on Bronx Street to Hamilton Avenue, right on Hamilton Avenue to North Broadway, left on North Broadway to entrance of Interstate Highway 287 (No. 6), eastbound on Interstate Highway 287 to Boston Post Road exit No. 12 in Rye, N.Y., left on Boston Post Road to Purdy Avenue, right on Purdy Avenue to Third Street, right on Third Street to Station Plaza, right on Station Plaza to Rye Railroad Station, continuing on Station Plaza to Peck Street, left on

Peck Street to Midland Avenue, left on Midland Avenue to Interstate Highway 95, thence on Interstate Highway 95 eastbound to exit No. 7 in the city of Stamford, State of Connecticut, exiting on to South State Street, continuing on South State Street to Stamford Railroad Station, continuing on South State Street to Atlantic Street, left on Atlantic Street to Advocate Place, left on Advocate Place to Luther Street, left on Luther Street to Atlantic Street, left on Atlantic Street to the intersection of Main Street. *Note:* Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Port Chester or Rye, N.Y., (2) Stamford, Conn., or (3) White Plains, N.Y.

APPLICATION FOR WATER CARRIER

No. W-630 (Sub-No. 38), A. L. MECHLING BARGE LINES, INC.—Extension—COASTWISE, filed March 30, 1972. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. By application filed March 31, 1972, applicant seeks a revision of certificate (No. W-630), to cover the following proposed changes in service: Operating as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transporta-

tion of articles exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment*, between ports and points along the Atlantic Coast and tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and tributary waterways.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 127840 (Sub-No. 29), filed March 20, 1972. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, IL 60480. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal tallow, greases, animal fats and oils, lard and lard compounds*, in bulk, in tank vehicles, from the plantsite or storage facilities utilized by Illini Beef Packers at or near Joslin, Ill., to points in Illinois, Iowa, Indiana, Wisconsin, Minnesota, and Missouri, restricted to traffic originating at the named plantsite or storage facilities and destined to the named destinations.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-5956 Filed 4-19-72; 8:45 am]

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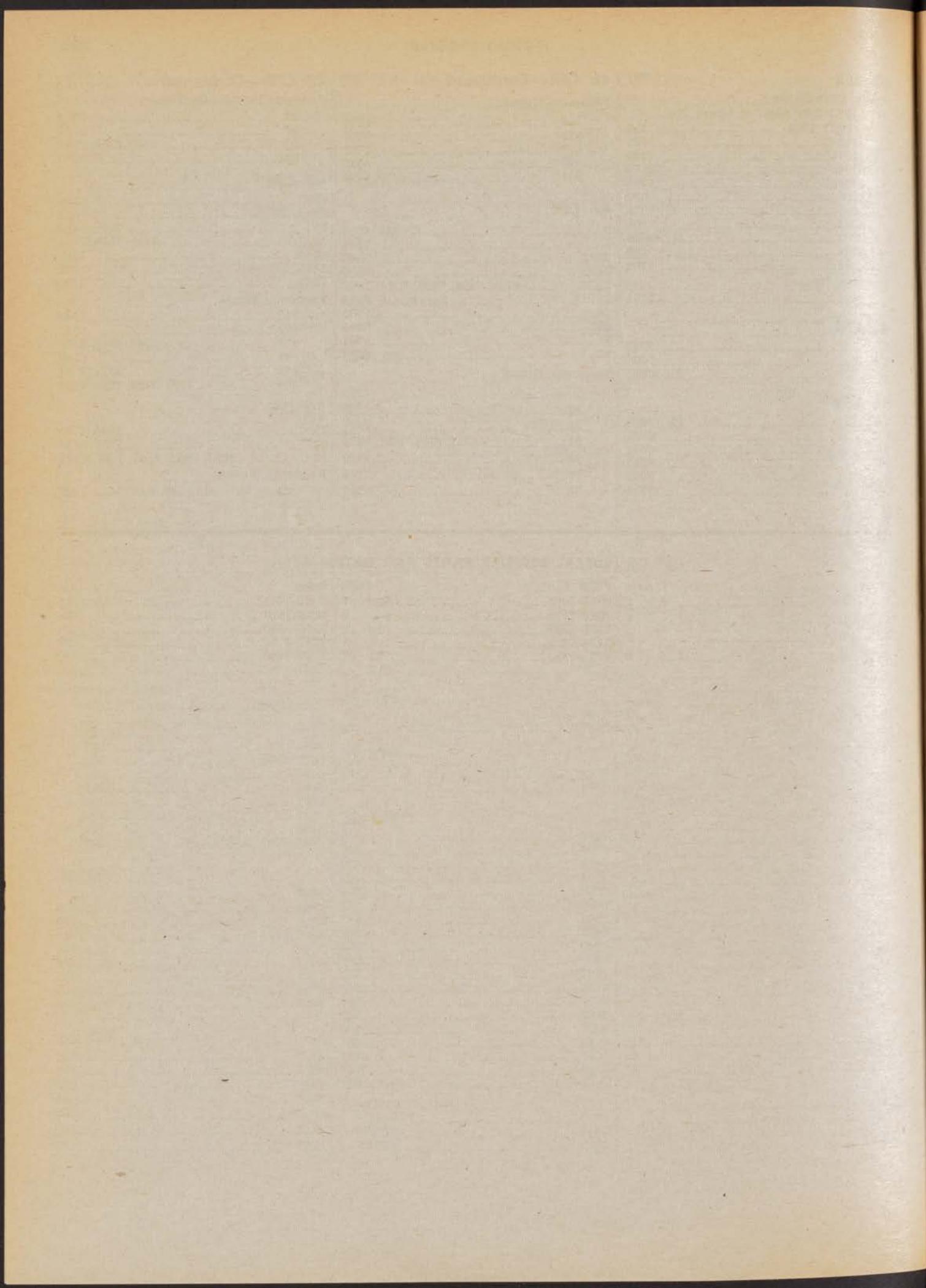
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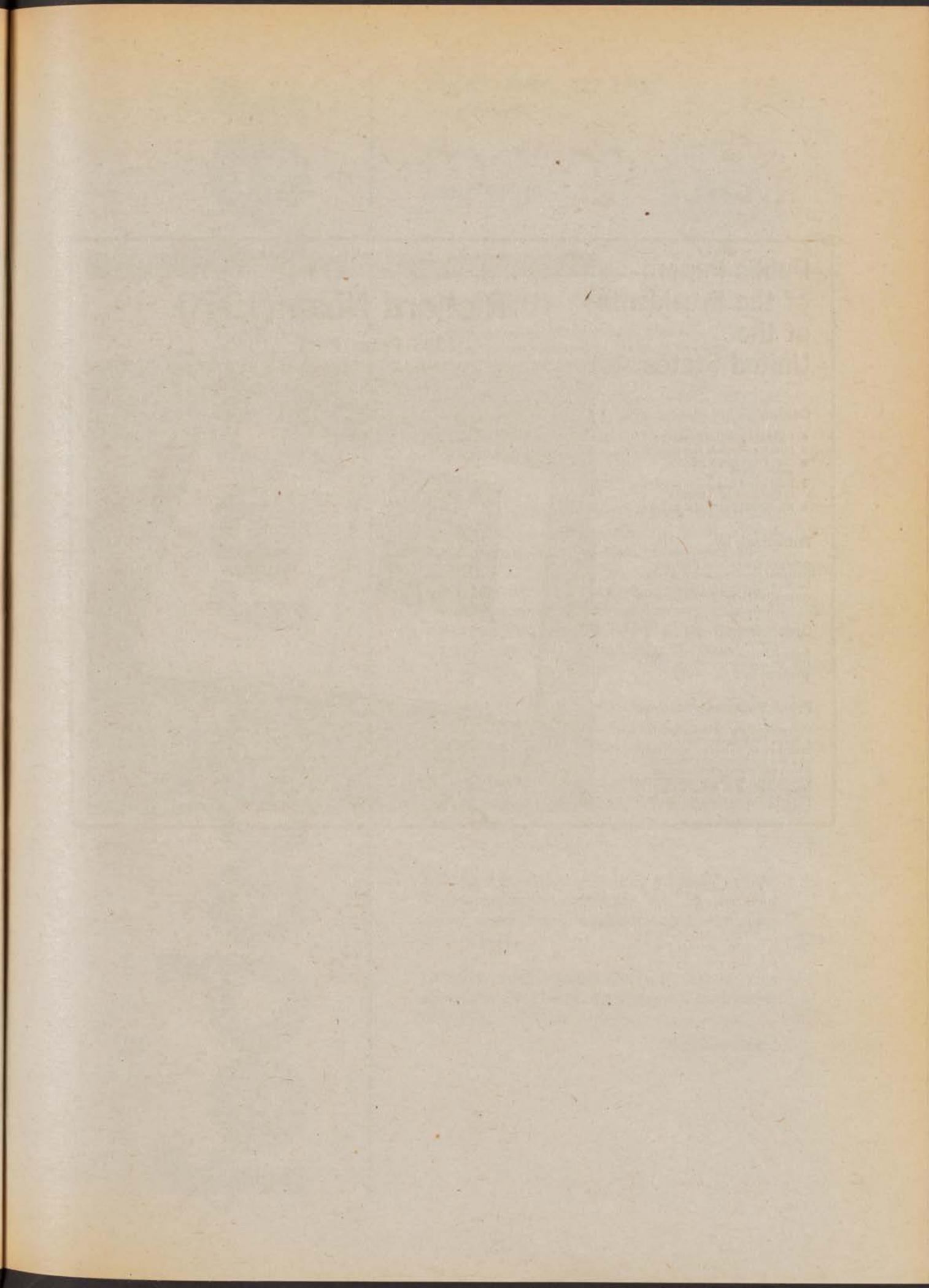
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