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PART I

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HIGHLIGHTS OF THIS ISSUE

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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[1972 Crop, Amdt. 2]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms

Pursuant to section 302 of the Sugar Act of 1948, as amended, § 855.85 (36 F.R. 20666) is amended by revising paragraphs (e), (f), and (h) thereof to read as follows:

§ 855.85 Reallotment of unused acres to farms in Florida.

* * * * *

(e) *Increasing shares.* Subject to the provisions of paragraph (d) of this section, acreage to be reallotted pursuant to paragraph (f) of this section shall be used to increase the shares of old-producer farms whereon additional acreage may be used and requests have been filed pursuant to paragraph (c) of this section by considering the ability of the farm operator to use additional acreage in light of (1) availability and suitability of land, (2) availability of production and marketing facilities, (3) rotation practices, and (4) maintainence of a proper relationship between total cane acreage and suitable cropland.

(f) *Method for reallocating unused acreage.* Pursuant to the provisions of paragraph (e) of this section, unused acreage determined pursuant to paragraph (b) of this section, shall be used to increase shares of farms, the operators of which have filed requests which have been accepted pursuant to paragraph (c) of this section. The Florida State Committee shall determine and inform the county committees of increases to be made in the share for each farm.

* * * * *

(h) *Reduction in shares.* If the county committee determines for any farm that the total of the 1972 crop acreage of cane to be harvested for sugar and seed and the acreage which has been abandoned to the extent of fulfilling at least the requirements set forth in paragraphs (a) and (b) of § 845.4 of this chapter is less than the farm's 1972 crop share, including any adjustment made pursuant to this section or § 855.87, the share shall be reduced to the level of such total 1972 crop acreage.

STATEMENT OF BASES AND CONSIDERATION

The original regulation provided that unused proportionate share acreage in Florida could not be reallotted to other farms in the State unless the farm operator agreed in writing to release the unused acreage. In addition, the COC must have determined that the released unused acreage did not result from any action by the processor to deny the producer an opportunity to market cane from his entire proportionate share. Therefore, the only acreage eligible for redistribution was that voluntarily released by producers who did not desire or who were not in a position to utilize their entire 1972-crop proportionate share.

This provision was adopted because the Department was informed that some producers in Palm Beach County would be denied the opportunity to market cane from the increased acreage made available for the 1972 crop because of the limited processing capacity of a mill to which they have customarily marketed their cane. It was felt those producers who desire to plant the increased acreage should have the opportunity to market cane to the other mills located nearby. If these mills denied the producers a home for their cane they could have received increases in their farms' share through the reallotment of unused acres they helped to create.

Producer certification of acreage in Florida was recently completed. The Florida State ASC Committee reported that there are 4,824 unused acres within final proportionate shares. This total includes the unused acres resulting from the action on April 12 which increased the State's allocation by 5 percent or 12,000 acres. Before such action, 54 of the 57 farms in Palm Beach County having unused acres released about 600 acres. Because of the 5 percent increase in the allocation, an additional 2,600 unused acres resulted in the county. Supplemental releases would have to be obtained from the producers who originally released acreage. This would be time consuming and even if these producers were available and willing to do so, the reallotment procedure would be unduly delayed beyond a time when required cultivation practices need to be performed on acreages of the farms which would receive the reallotted acres. Since the county committee had determined that the processors have not created the unused acres previously released, the Department feels that there would not be cause for the producers in Palm Beach County to also not release the additional unused acres.

Producers in Glades and Hendry Counties have not released any of the 1,300 unused acres in the counties. Some producers anticipate that if they release their unused acres, their individual farm bases for the 1973 crop would be adversely affected. Many of these producers were not in a position to expand their operations in 1972 but hoped to have larger increases in subsequent years. Since producers having unused acres generally have been protected in establishing farm bases in the succeeding year there is an element of inflation in calculating the total of the bases. However, because of the small acreage involved, this action will have little or no affect on the level of individual shares to be established in subsequent years.

This amendment removes the requirement that only released unused acreage may be reallotted to other farmers. It will permit the Florida State Committee to distribute all of the unused acres on a statewide basis in consideration of established criteria, i.e., availability and suitability of land, sound rotation practices, and the relationship between cane acreage and total cropland. Therefore, the entire 4,824 unused acres in the State could be used to permit the harvest of virtually all the acres of standing cane in excess of individual proportionate shares for the production of sugar within the now existing State acreage allocation. This cane otherwise would have to be plowed out or used for other purposes.

The production of sugar resulting from this action will not make available a quantity of sugar greater than that needed to meet quota and inventory requirements. On the contrary, this production will increase somewhat the inventories which have been depleted as the result of adverse climatic conditions which affected 1971-crop production.

It is essental that if the standing cane in excess of shares is to be harvested for the production of sugar for the 1972 crop, sound cultivation practices must be timely performed. Producers, therefore, should be immediately notified that shares for their farms may be increased. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary and not in the public interest, and this amendment shall be effective upon publication in the FEDERAL REGISTER (6-29-72).

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Date of publication: June 29, 1972.

Signed in Washington, D.C., on June 22, 1972.

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

[FR Doc.72-9901 Filed 6-28-72;8:52 am]

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

[Valencia Orange Reg. 398]

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

Limitation of Handling

§ 908.698 Valencia Orange Regulation 398.

(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 hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation 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 June 27, 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 June 30, 1972, through July 6, 1972, are hereby fixed as follows:

(i) District 1: 185,000 cartons;

(ii) District 2: 220,000 cartons;

(iii) District 3: 95,000 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: June 28, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-10072 Filed 6-28-72;9:20 am]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment for 1972–73 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the June 13, 1972, issue of the FEDERAL REGISTER (37 F.R. 11729) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1973, under the marketing agreement, as amended, and Order No. 921, as amended (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period beginning April 1, 1972, and ending March 31, 1973, will amount to $7,797.

(b) *Rate of assessment.* The rate of assessment, payable by each handler in accordance with § 921.41 is fixed at seventy cents ($0.70) per ton of fresh peaches; and

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1972, shall be carried over as a reserve in accordance with §§ 921.42 and 921.203 of said marketing agreement and order.

(d) *Definition of terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties of Washington are expected to begin on July 1, 1972; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed shall be applicable to all assessable fresh peaches from the beginning of such period; and (3) such period began on April 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable fresh peaches beginning with such date.

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

Dated: June 26, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-9898 Filed 6-28-72;8:52 am]

Title 4—ACCOUNTS

Chapter III—Cost Accounting Standards Board

SUBCHAPTER C—PROCUREMENT PRACTICES

PART 331—CONTRACT COVERAGE

Special Small Business Programs

The purpose of this publication by the Cost Accounting Standards Board is to adopt a modification to § 331.3, *Applicability*, of its rules and regulations. The modification adopted today was initially published in the FEDERAL REGISTER of May 23, 1972 (37 F.R. 10454). Comments regarding that notice of proposed rule making were invited to be submitted to the Board by June 23, 1972.

The prescribed period has passed, and no comment opposing the proposed modification has been received. In view of this and for the reasons set forth in May 23, 1972, FEDERAL REGISTER, modification to § 331.3 of the Board's rules and regulations is adopted and made effective on July 1, 1972.

Section 331.3, Applicability, is modified by designating the present § 331.3 as paragraph (a) and by adding the following paragraph (b):

§ 331.3 Applicability.

* * * * *

(b) The requirements of paragraph (a) of this section shall not be applicable to:

(1) Any contract made pursuant to a special method of procurement known as "Small Business Restricted Advertising";

(2) Any contract made with a small business pursuant to partial small business set-aside procedures; or

(3) Any contract entered into under authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

Effective date. This amendment is effective on July 1, 1972.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.72-9880 Filed 6-28-72;8:51 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

[Docket No. 72-530]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, paragraph (e)(1) relating to the State of Texas is amended to read:

(e) * * *

(1) *Texas.* That portion of the State of Texas comprised of all of Cameron, Dawson, Harris, Hidalgo, Jim Wells, Moore, Nueces, Starr, Webb, and Willacy Counties.

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

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

The amendment quarantines all of Dawson County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

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

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

Done at Washington, D.C., this 23d day of June 1972.

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

[FR Doc.72-9903 Filed 6-28-72;8:52 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[72-727]

PART 563—OPERATIONS

Servicers of Certain Mortgage Loans

JUNE 22, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 563.9 of the rules and regulations for insurance of accounts (12 CFR 563.9) for the purpose of removing the requirement that an approved Federal Housing Administration mortgagee have at least 5 years of business experience before it can act as a servicer of loans for FSLIC-insured institutions under the "Nationwide Lending" program. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 563.9 by revising subdivision (ii)(b) of subparagraph (4) of paragraph (a) thereof, to read as follows, effective June 28, 1972:

§ 563.9 **Loans and investments.**

(a) *General provisions.* * * *

(4) Any insured institution which, at the close of its most recent semiannual period, had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of less than 2.5 percent may, to the extent that it has legal power to do so, make, or invest its funds in, loans serviced by or through (i) an institution the accounts or deposits of which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation or (ii) an approved Federal Housing Administration mortgagee, in an aggregate amount not exceeding 10 percent of such institution's assets, on the security of real estate located outside its normal lending territory but within any State of the United States, subject to the following requirements:

* * * * *

(b) Any such approved Federal Housing Administration mortgagee must furnish to such insured institution documentation showing that it is then approved by the Federal Housing Administration; and

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726 Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.72-9862 Filed 6-28-72;8:49 am]

Chapter VII—National Credit Union Administration

PART 741—REQUIREMENTS FOR INSURANCE

Certified Statements and Premiums

Correction

In F.R. Doc. 72-8521 appearing on page 11317 of the issue for Wednesday, June 7, 1972, the phrase "60 days" in the 13th line of § 741.5(b) should read "30 days".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-151]

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

Alteration of Transition Area

On March 31, 1972, F.R. Doc. 72-4919 was published in the FEDERAL REGISTER (37 F.R. 6572), amending Part 71 of the Federal Aviation Regulations by designating the Elkin, N.C., transition area.

In the amendment, the geographic coordinate for the Zephyr RBN was cited as latitude 36°18'30" N., longitude 80°-43'05" W. and an extension was predicated on the 067° bearing from the RBN.

Subsequent to publication of the rule, the RBN was relocated to latitude 36°18'47" N., longitude 80°43'25" W. which required an extension predicated on the 056° bearing from the RBN. It is necessary to amend F.R. Doc. 72-4919 to reflect these changes. Since these amendments are minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 72-4919 is amended as follows: "* * * 067° bearing from Zephyr RBN (lat. 36°18'30" N., long. 80°43'05" W.) * * *" is deleted and "* * * 056° bearing from Zephyr RBN (lat. 36°18'47" N., long. 80°43'25" W.) * * *" is substituted therefor.

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

Issued in East Point, Ga., on June 21, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-9817 Filed 6-28-72;8:46 am]

[Airspace Docket No. 72-SO-57]

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

Withdrawal of Rule

On June 13, 1972, F.R. Doc. 72-8846 was published in FEDERAL REGISTER (37 F.R. 11721), amending Part 71 of the Federal Aviation Regulations by altering the Elkin, N.C., transition area.

Subsequent to publication of the rule, it was determined that the rule was erroneously issued.

In consideration of the foregoing, the amendment contained in Airspace Docket No. 72-SO-57 (F.R. Doc. 72-8846) is withdrawn.

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

Issued in East Point, Ga., on June 21, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-9818 Filed 6-28-72;8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-746; Amdt. 239-1]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Stay of Effectiveness

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1972.

By Regulation ER-725, adopted March 15, 1972, 37 F.R. 5932, the Board added a new Part 239 to the Economic Regulations (14 CFR Part 239) to establish a system of reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. The rules in Part 239 became effective April 1, 1972, but the first reports required to be filed thereunder will not be due until July 31, 1972—i.e., 30 days after the calendar quarter which commences April 1, 1972.

Schedule A (report of freight loss and damage claims paid) is the basic report required, and the items to be included in this report are specified in § 239.6. Section 239.6(k) requires the reporting of the total amount of freight revenue received for each commodity on which claims were made. The primary purpose of reporting these data is to develop loss-to-revenue ratios and thereby more properly evaluate the claim experience on the various commodities moving in air transport.

Subsequent to the adoption of Part 239, a number of carriers filed with the Board various requests for waivers of the § 239.6(k) reporting provisions. Acting pursuant to his delegated authority,[1] the Director, Bureau of Accounts and Statistics, had granted a number of the waivers requested, but had denied others.

Since receiving these waiver requests, the Board has reexamined the basic question whether the data required to be reported under § 239.6(k), even on a 100-percent basis, will actually serve the primary purpose for which the data were intended. Upon reconsideration, we are now persuaded that it is quite doubtful whether the requirement imposed by that provision will assist us in developing meaningful loss-to-revenue ratios, since not all traffic is identified by commodity, but all claims against that traffic are identified by commodity.[2] To the extent that such disparity exists, the ratio of claims to revenue by commodity will necessarily be of questionable validity.

In light of the foregoing, the Board hereby stays the effectiveness of § 239.6(k) until further notice.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Effective date: June 26, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-9894 Filed 6-28-72;8:53 am]

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[1] Section 385.17(a).

[2] For example, traffic moving under container rates and general commodity rates need not be identified by commodity, and revenue for such traffic is credited to such categories as "Miscellaneous freight shipments"; yet, all claims against such traffic are identified by commodity and are charged to the identified commodity.

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Regulation PR-129; Amdt. 302-13]

PART 302—RULES OF PRACTICES IN ECONOMIC PROCEEDING

Modification or Dissolution of Enforcement Actions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1972.

At its meeting on December 7, 1971, the Administrative Conference of the United States adopted its Recommendation 30—Modification and Dissolution of Orders and Injunctions. Recommendation 30 suggests that each Federal agency which issues a significant number of cease-and-desist orders over which the agency retains jurisdiction, or that obtains a significant number of injunctions from the Federal courts, or issues a significant number of cease and desist orders which are enforced by the Federal courts, should have a procedure available whereby any party to the proceeding in which the order was issued or enforced, or the injunction granted, may request the agency to modify or vacate the order, or may request that the agency join with such party in applying to the court having jurisdiction for modification or vacation of its injunction or, where appropriate, for a remand of the proceeding to the agency. The Administrative Conference believes such a procedure is necessary because of the indefinite duration of these orders and decrees, which, over a period of time, may lose their effectiveness as enforcement devices, and serve only to inconvenience or frustrate legitimate activities.

The Board has the authority under section 1002(c) of the Federal Aviation Act of 1958, as amended, to order compliance with the Act or any requirement established pursuant thereto. Section 1007 of the Act authorizes the Board to seek enforcement of the provisions of the Act, or any rule, regulation, or order thereunder, and of the terms, conditions, or limitations contained in any certificate or permit issued under the Act, in the district courts of the United States, and empowers the courts to "enforce obedience thereto by writ of injunction or other process * * *." The within amendments of the Board's procedural rules in economic enforcement proceedings are thus intended to effectuate said Recommendation 30 with respect to orders and injunctions issued under the Act.

The amendments provide that any party to a proceeding in which the Board has issued an order pursuant to section 1002(c) of the Act or a court of competent jurisdiction has issued an injunction or other form of process pursuant to section 1007 may move the Board to have such order modified or vacated, or to have the Board join in applying to the appropriate court for such action, as the case may be, whenever such party believes that changed conditions of law or fact, or the public interest so require. Among the factors to be considered by

the Board in disposing of such motions are the following: The period of time the order has been in effect, the changed conditions of fact or law relied upon, the extent of compliance with the order of judicial process, the likelihood of further violations of the Act or the Board's rules and regulations, the hardship which the order imposes, the interests of other affected persons or parties, the importance of the order to the Board's overall enforcement program, and the public interest in granting or denying the relief requested.

Since this amendment is procedural in nature, the Board finds that notice and public procedure hereon are not necessary, and that the amendment should be effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Subpart B of Part 302 of its procedural regulations (14 CFR Part 302), effective June 26, 1972, by adding a new paragraph thereto, to read as follows:

1. Amend the table of contents by adding a new § 302.218 under Subpart B—Rules Applicable to Economic Enforcement Proceedings, the table as amended to read as follows:

Sec.
302.218 Modification or dissolution of enforcement actions.

2. Add a new § 302.218, to read as follows:

§ 302.218 Modification or dissolution of enforcement actions.

Whenever any party to a proceeding in which an order of the Board has been issued pursuant to section 1002(c) of the Act, or an injunction or other form of enforcement action has been issued by a court of competent jurisdiction pursuant to section 1007, believes that changed conditions of fact or law, or the public interest, require that said order or judicial action be modified, or set aside, in whole or in part, such party may file with the Board a motion requesting that the Board take such administrative action or join in applying to the appropriate court for such judicial action, as the case may be. The motion shall state the changes desired and the changed circumstances warranting such action, and shall include the materials and argument in support thereof. The motion shall be served on each party to the proceeding in which the enforcement action was taken. Within thirty (30) days after the service of such motion, any party so served may file an answer thereto. The Board shall dispose of the motion by such procedure as it deems appropriate.

(Secs. 204(a) and 1005 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 794, as amended by 73 Stat. 427; 49 U.S.C. 1324 and 1485)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-9895 Filed 6-28-72;8:53 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Reg., Amdt. 40]

EXPORT, INDIVIDUAL VALIDATED, SPECIAL AND REEXPORTS LICENSING GENERAL POLICIES AND PROCEDURES

Parts 370, 371, 372, 373, and 374 are amended to read as set forth below.

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

Effective date: July 3, 1972.

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

PART 370—EXPORT LICENSING GENERAL POLICY

1. In § 370.2(a), subparagraph (37) is amended to read as follows:

§ 370.2 Definitions of terms.

(a) * * *

(37) *Exporting carrier.* Any instrumentality of water, land, or air transportation by which an export is effected, including any domestic air carrier on which any cargo for export is laden or carried.

* * * * *

2. In § 370.3, paragraph (b) is amended to read as follows:

§ 370.3 Prohibited exports.

* * * * *

(b) *Revocation of export licenses and other authorizations.* All export licenses and other authorizations to export or reexport are subject to revision, suspension, or revocation without notice. It may be necessary for the Office of Export Control to stop a shipment or an export transaction at any stage of its progress; e.g., in order to prevent an unauthorized export or reexport. If a shipment is already en route, it may be further necessary to order the return or unloading of such shipment at any port of call in accordance with the provisions of § 386.9 of this subchapter.

3. § 370.8(b), subparagraph (2) is amended to read as follows:

§ 370.8 Shipments via Hong Kong.

(b) * * *

* * * * *

(2) *Contract of carriage for transportation to ultimate destination.* For purposes of this § 370.8, a through bill of lading includes a contract of carriage with a carrier for transportation of the commodities from the United States to the country of ultimate destination named on the authenticated Shipper's Export Declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

PART 371—GENERAL LICENSES

§ 371.21 [Amended]

4. In § 371.21(d), subparagraph (3) is deleted.

PART 372—INDIVIDUAL VALIDATED LICENSES

5. In § 372.3(b), subparagraph (3) is amended to read as follows:

§ 372.3 Parties to the transaction.

* * * * *

(b) * * *

(3) *Intermediate consignee.* The intermediate consignee is the bank, forwarding agent, or other intermediary (if any) who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the export to the ultimate consignee. If the intermediate consignee is unknown at the time of application or none is to be used, this must be stated on the application. If, at the time of filing his application, an exporter is unable to determine at which port the commodities will be unloaded from the exporting carrier, optional intermediate consignees may be shown. Before any shipment is made, the name and address of any intermediate consignee must be ascertained and set forth on the Shipper's Export Declaration, whether or not named on the license application or validated license. However, the intermediate consignee need not be named on the commercial invoice. (See § 372.11(e)(3) regarding amendment of license to add or change intermediate consignees.)

* * * * *

6. Sections 372.4 (f) and (h) are amended to read as follows:

§ 372.4 How to apply for a validated license.

* * * * *

(f) *Partial or periodic shipments.* Where partial or periodic shipments of technical data or of an identical commodity are to be made by the applicant to the same consignee in a foreign country, a single application may be filed covering the entire quantity.

* * * * *

(h) *Emergency clearance.* In case of emergency, the Office of Export Control will authorize clearance by telephone or telegraph. The cost of the telephonic or telegraphic message will be charged to the applicant. In such cases, the license document is sent directly to the licensee. The validity period of a license issued under this emergency procedure ends no later than the last day of the first month following the month during which the license is validated. No extension of the validity period will be granted.

7. In § 372.7, paragraph (a) is amended to read as follows:

§ 372.7 Disclosure of prior action on the shipment.

* * * * *

(a) *Detention of commodities or technical data by customs.* Any person applying for an export license or requesting an amendment[1] to a license, who has reason to believe that the commodities or technical data covered by such license or amendment have been detained by the Office of Export Control or by a customs office, shall disclose this fact to the Office of Export Control at the time of application.

* * * * *

8. In § 372.8(a), subparagraph (5) is amended to read as follows:

§ 372.8 Special types of individual license applications.

(a) * * *

(5) *Destination control state.* A shipment of foreign-origin commodities moving intransit through the United States under a validated license must comply with the destination control provisions of § 386.5. Under these provisions all copies of the intransit Shipper's Export Declaration must contain the destination control statement. In addition, the destination control statement must be shown on all bills of lading or air waybills and commercial invoices in the possession of, or sent to the ultimate consignee or purchaser by, the shipper, exporter, carrier, and agent in the United States.

* * * * *

9. Section 372.10 is amended to read as follows:

§ 372.10 Duplicate license.

Where a license is lost or destroyed, the licensee may obtain a duplicate of such license by submitting a letter to the Office of Export Control (Attention: 854), containing the following information:

(a) That the original license assigned case No. ------ and Export License No. ------ (if known) issued to (name and address of licensee) has been lost or destroyed;

(b) The circumstances under which it was lost or destroyed;

(c) The quantity and value of commodities, if any, that have been shipped under the original license and at what port the license was filed; and

(d) If the original license is found, the licensee agrees to return either the original or duplicate license to the Office of Export Control.

Where partial shipment has been made, the duplicate license will cover only the unshipped balance.

§ 372.11 [Amended]

10. In § 372.11(f) and subparagraph (4) is amended to read as follows:

(4) Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination as shown on the export license, except a change in or addition of an intermediate consignee involving a consolidated shipment (see § 386.4(b)(1)) of this subchapter D.

11. In § 372.11(g)(2), subdivision (iv) is deleted and subdivision (v) is redesignated subdivision (iv).

12. In § 372.11(h)(2), subdivision (ii) is amended to read as follows:

(ii) The licensee shall return the license to the Office of Export Control when submitting an amendment request except requests related to a project license or distribution license.

13. Section 372.11(h)(4) is amended to read as follows:

(4) *Telegraph and telephone requests and clearances.* Under emergency conditions, an amendment request may be made by telegram or telephone instead of Form IA–763. In such instances, the telegram or telephone request shall include the same information as required on a Form IA–763, and, in addition, full information as to the need for emergency service, including deadline dates. If the request is submitted by mail on Form IA–763 but emergency clearance is requested, a letter setting forth the required details shall accompany the amendment request. (For additional information required with an extension request, see § 372.12 (b).) If the amendment is approved, the Office of Export Control will so advise the applicant.

14. Section 372.11(i)(1)(i) is amended to read as follows:

(i) *Action on amendment request—(a) By Office of Export Control—(1) Approved.* The Office of Export Control will validate all copies of an approved Form IA–763 by imprinting, in the space entitled "Validation," a facsimile of the U.S. Department of Commerce seal followed by the letter "D" and a series of numbers indicating the year, month, and day of validation. The triplicate copy will be forwarded to the individual named in the space entitled "Return Copy of Amendment Notice to." If the license accompanies an amendment request and the amendment is approved, the Office of Export Control will either amend the original license or issue a new license and will forward same to the individual named in the space entitled "Return Copy of Amendment Notice to."

15. Section 372.11(i)(2)(i) is amended to read as follows:

(2) *By field office—(i) Approved.* Amendment requests approved by a U.S. Department of Commerce field office will be validated in a different manner than those approved by the Office of Export Control. The facsimile of the U.S. Department of Commerce seal and the name of the field office will be inserted in the space entitled "Validation" by means of a validating machine and plate, and the amending officer will sign and date Form IA–763. A copy will be sent to the party named in the space entitled "Return Copy of Amendment Notice To."

16. In § 372.11(j)(2), subdivision (ii) is amended to read as follows:

(ii) Where a price increase can be justified on the basis of changes in point of delivery, port of export, or as a result of tarnsportation cost, drayage, port charges, warehousing, etc.

17. Section 372.12 (a), (b)(1), and (e) are amended to read as follows:

§ 372.12 Special provisions for an amendment to extend the validity of a license.

(a) *Time for submitting requests.* A licensee may request an extension of the validity period if his export license will expire before shipment can be made. However, requests for extensions of the following types of licenses will not be granted and a new license application is required: Distribution license; periodic requirements license; time limit license; service supply license; or export license authorized under the emergency clearance provisions of § 372.4(h). An extension request shall be submitted sufficiently in advance of the expiration date of the license to permit the Office of Export Control to use regular mail in notifying the licensee of the amendment action before the license would otherwise expire. If unusual circumstances make it impossible for the licensee to request an extension before the normal expiration date, such a request will be considered if received within 1 month after the expiration date shown on the license. If a license does not meet the above qualifications, a new license application shall be submitted in accordance with paragraph (d) of this section.

(b) *Procedure and justification for requesting extension.* A request for extension shall be accompanied by the expiring license, and the applicant shall include the following information on Form IA–763:

(1) In the space entitled "Facts Necessitating Amendment," state why shipment was not or will not be made before the expiration of the license and all circumstances which will assure that shipment can be effected during the requested new validity period.

* * * * *

(e) *Action on extension request.* If granted, an extension will be made in the same manner as other amendments. (See § 372.11(i).)

* * * * *

§ 372.13 [Amended]

18. Section 372.13 is amended by deleting paragraph (c)(1)(iii) and by amending paragraph (e) to read as follows:

(e) *Notification of transfer—(1) Less than 15 licenses.* When a request for the transfer of less than 15 outstanding licenses is approved, the Office of Export Control validates all copies of Form IA–763 by imprinting, in the space entitled "Validation," a facsimile of the U.S. Department of Commerce seal followed by a five-digit number representing the date of validation. A copy forwarded to the individual named in the space entitled "Return Copy of Amendment Notice To." If the request is rejected or returned without action, the reason(s) therefor is indicated on the triplicate copy, which is then returned to the applicant.

[1] See § 372.11 with respect to amendments to licenses and extensions of their validity periods.

(2) *15 or more licenses.* When a request to transfer 15 or more outstanding licenses is approved, the transferor and transferee are notified by letter.

19. In Supplement No. 1 to Part 372, Item 8 is amended to read as follows:

Item 8. The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered. The Postal ZIP Code must be included as it is an integral part of the address. Failure to include ZIP Code on an application may result in delay in mailing of the export license. The license will be transmitted only to the applicant or to the person designated on the license application as the person entitled to receive the license on behalf of the licensee.

PART 373—SPECIAL LICENSING PROCEDURES

§ 373.2 [Amended]

20. In § 373.2(d), subparagraph (3) is deleted and subparagraph (4) is redesignated subparagraph (3) and paragraph (e)(4)(i) is amended to read as follows:

(e) * * *

(4) *Action by Office of Export Control on extensions or amendments to project licenses*—(i) *Approval.* When a request to amend or extend a project license is approved, the Form FC–957 or IA–763 will be validated as described in §§ 372.11 and 372.12 of this subchapter and a copy returned to the licensee. The approved form will show any changes that may have been made in the licensee's request, or any special conditions that may have been added.

§ 373.3 [Amended]

21. In § 373.3 paragraph (e)(2) is deleted and subparagraphs (3) and (4) are redesignated subparagraphs (2) and (3) respectively and paragraphs (h) (1) and (2) are deleted. A new subparagraph (3) is established to read as set forth below, and subparagraphs (3), (4), and (5) are redesignated subparagraphs (1), (2), and (4) respectively.

(h) * * *

(3) *Mail shipments.* Shipments by mail shall be made in accordance with the instructions contained in § 386.1(b) of this subchapter.

22. The preamble to § 373.4(f)(4) is amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(f) * * *

(4) *Special destination control statement.* The U.S. exporter shall enter one of the two following destination control statements on the commercial invoice or air waybill, and bill of lading or air waybill covering exports under the foreign-based warehouse procedure:

* * * * *

§ 373.5 [Amended]

23. Section 373.5(f) is deleted and § 373.5 (g) and (h) are redesignated (f) and (g) respectively.

§ 373.6 [Amended]

24. Section 373.6(e) is deleted and § 373.6(f) is redesigned paragraph (e).

25. Section 373.7 is amended as follows:

a. By amending paragraph (f)(1).

b. In paragraph (g), subparagraph (1) is deleted; subparagraph (2) is redesignated subparagraph (1) and amended to read as set forth below, and subparagraphs (3), (4), and (5) are redesignated (2), (3), and (4) respectively.

§ 373.7 Service Supply (SL) Procedure.

* * * * *

(f) *Action by Office of Export Control on License Applications*—(1) *Approved license applications.* When an application for an SL License is approved, a Form FC–628, Export License, will be issued authorizing, subject to the provisions of the Export Control Regulations and to the terms and provisions of the license, the export of commodities covered during a validity period of 1 year. An approved copy of Form IA–543 will also be issued to the exporter. The SL License will be similar to a validated license described in § 372.9 of this subchapter with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the U.S. Department of Commerce seal, the letter "D" and a series of numbers to indicate the year, month, and day on which the license was validated. An explanation of the coded dates shown on the license is set forth in § 372.9(b) of this subchapter.

(ii) *Service Supply License Number.* Immediately below the validation stamp, the SL License number assigned to the license will be indicated. This license number will be a four-digit number prefixed by the letter "S" and suffixed by a one-letter code indicating the Office of Export Control licensing division to which the license was assigned (that is: "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division).

(iii) *Special conditions.* Special conditions or restrictions may be imposed on the use of an SL License in addition to the general conditions or restrictions set forth in the Export Control Regulations. These conditions or restrictions will be set forth on the license document at the time of issuance, or a separate written notification of these conditions or restrictions will be given to the licensee.

* * * * *

(g) * * *

(1) *License or other approval action.* The license or amendment, however, is not required to be filed with the customs office or postmaster. When exporting by mail, the SL License number shall be entered on the address side of the wrapper on the package. Exports by mail shall be made in accordance with the provisions of § 386.1(b) of this subchapter.

* * * * *

PART 374—REEXPORTS

26. Section 374.3 is amended by amending the note in paragraph (a) and by amending paragraph (c) to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

NOTE: *Optional ports of unlading.* When an export is being made to Country Group T, V, or W under the provisions of General License G–DEST and the exporter does not know, prior to the departure of the exporting carrier, which of several countries is the country of ultimate destination, he may name optional ports of unlading on the Shipper's Export Declaration and bill of lading even when more than one foreign country is involved, as provided in § 386.3(k) of this subchapter.

* * * * *

(c) *Requests for reexport authorization subsequent to submission of license application*—(1) *Before shipment.* If authorization to reexport commodities is requested while the license application is still pending with the Office of Export Control, or if the export license has been issued and the proposed shipment has not been exported, Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile), shall be submitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, in accordance with the procedure described in § 372.11(h) of this subchapter. On Form IA–763, in the "Amend license to read as follows" space, the applicant should state: "Add permission to reexport to (name of countries)." (See paragraph (d) of this section for special provisions for specified countries.)

(2) *After shipment is exported.* If authorization to reexport commodities is requested after the shipment has been exported, Form IA–1145, Request To Dispose of Commodities or Technical Data Previously Exported, accompanied by Form FC–420, Application Processing Card, shall be submitted to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. (See Supplement S–26 for facsimile of form and Supplement No. 1 to this Part 374 on instructions for completing the form.) In addition, if reexport is to be made to any of the countries listed in paragraph (d)(1) of this section, the documentation required by paragraph (d)(1) of this section shall also be submitted with Form IA–1145. If the request is approved, the second copy of the form will be validated and returned to applicant. If disapproved, the applicant will be advised of such action. If Form IA–1145 is not readily available and a letter is submitted, it shall set forth the name and address of the applicant; validated license number (if known); name and address of new ultimate consignee; original ultimate consignee; whether reexport, sale, or other disposition is requested; description of commodities, quantity, and dollar value; and end use by new ultimate consignee.

The applicant shall certify that the above statements are true to the best of his knowledge and belief and that, if authorization is granted, he will be strictly accountable for its use in accordance with the Export Control Regulations and all terms and conditions specified on the authorization. If the request is approved, the Office of Export Control will prepare the second copy of Form IA–1145, validate it, and forward it to the applicant. If disapproved, the applicant will be advised of such action. (See paragraph (d) of this section for special requirements for specified countries.)

* * * * *

27. Section 374.6 is amended to read as follows:

§ 374.6 Presentation of shipper's export declaration to Canadian customs.

When an export to a foreign country is made in transit via Canada, the U.S. exporter shall submit a copy of the U.S. shipper's export declaration to the Canadian Customs authorities at the Canadian port of entry.

[FR Doc.72–9863 Filed 6–28–72;8:49 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33–5259, IC–7220]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Preparation of Forms S–4 and S–5 Including Prospectus for Management Investment Company

Consistent with the Commission's practice of publishing the views of the staff to assist issuers, their counsel, accountants and others concerned in complying with the provisions of the Federal Securities Laws, this release sets forth guidelines prepared by the Division of Corporate Regulation for use in preparation and filing of registration statements pursuant to the Securities Act of 1933 (15 U.S.C. 77a–1 et seq.) for both open-end and closed-end management investment companies on Forms S–4 and S–5 (17 CFR 239.14, 239.15).

On March 11, 1969, the Commission published for comment proposed guidelines for the preparation of Forms S–4 and S–5 (Investment Company Act Release No. 5634, Securities Act Release No. 4953 (34 F.R. 5331)). A considerable number of helpful comments were received in response, and all comments have been carefully considered in the preparation of the definitive version of the guidelines which is attached. Certain changes have been made in the guidelines as a result of the staff's review of the comments and as a result of its further consideration of the various matters involved.

The Commission is today also publishing Investment Company Act Release No. 7221, guidelines for the preparation of Form N–8B–1 (17 CFR 274.11).

The guidelines are not specifically intended for variable annuity companies, which in certain respects present different disclosure problems under the Act. However, to the extent that the Form S–5 calls for disclosures which are also appropriate for variable annuity companies, the guidelines are applicable.

It is anticipated that adherence of these guidelines will substantially expedite the examination by the Division's staff of registration statements on Forms S–4 and S–5. The policies embodied in these guidelines will be changed should experience or altered factual situations require or should the forms be changed. These guidelines are not meant to be a complete guide for the preparation of Form S–4 or S–5, and it is contemplated that additional guidelines will be published from time to time as may be warranted. Interested persons are invited to submit, at any time, suggestions for modifications or for the publication of guidelines covering additional matters. All views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549. All communications will be available for public inspection.

Registrants are advised that while of course, the responses set forth in these guidelines are acceptable, other responses furnished by registrant may be equally acceptable. Further, the Commission wishes to caution that these guidelines may have only limited applicability to companies with unusual features. For example, companies with highly speculative investment policies may require special disclosures in the prospectus.

It should also be noted that the responses now being set forth in the prospectus by some companies may not in all respects meet these guidelines. Accordingly, prospective companies should not rely upon disclosures in existing prospectuses.

The guidelines cover only those items of Forms S–4 and S–5 which the staff believes require further explanation at this time. These guidelines are not rules of the Commission although some may later be incorporated in various rules and forms as experience and need suggest.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The terms used in these guidelines have the same meaning as prescribed in the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) and the Rules thereunder.

The guidelines should be read in conjunction with the Investment Company Act Releases cited herein in the "Compilation of Releases, Commission Opinions, and Other Material dealing with matters frequently arising under the Investment Company Act of 1940" (October 1967), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

NOTE: Copies of the guidelines have been filed with the Office of the Federal Register and are contained in the Commission's Releases No. 33–5259 or IC–7220 and may be obtained, upon request from the Securities and Exchange Commission, Washington, D.C. 20549.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 9, 1972.

[FR Doc.72–9861 Filed 6–28–72;8:50 am]

[Release IC–7221]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Preparation of Form N–8B–1

Consistent with the Commission's practice of publishing the views of the staff to assist issuers, their counsel, accountants, and others concerned in complying with the provisions of the Federal Securities Laws, this release sets forth guidelines prepared by the Division of Corporate Regulation for use in preparation and filing of registration statements for both open-end and closed-end management investment companies on Form N–8B–1 (17 CFR 274.11) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

On March 11, 1969, the Commission published for comment proposed guidelines for the preparation of Form N–8B–1 (Investment Company Act Release No. 5633) (34 F.R. 5339). A considerable number of helpful comments were received in response, and all comments have been carefully considered in the preparation of the definitive version of the guidelines which is attached. Certain changes have been made in the guidelines as a result of the staff's review of the comments and as a result of its further consideration of the various matters involved.

The Commission is today also publishing (Investment Company Act Release

No. 7220, Securities Act Release No. 5259) guidelines for the preparation of Forms S-4 and S-5.

The guidelines are not specifically intended for variable annuity companies, which in certain respects present different registration problems under the Act. However, to the extent that individual items for Form N-8B-1 call for responses which are also appropriate for variable annuity companies, the guidelines are applicable.

It is anticipated that adherence to these guidelines will substantially expedite the examination by the Division's staff of registration statements on Form N-8B-1. The policies embodied in these guidelines will be changed should experience or altered factual situations require or should the Form N-8B-1 itself be changed. These guidelines are not meant to be a complete guide for the preparation of Form N-8B-1, and it is contemplated that additional guidelines will be published from time to time as may be warranted. Interested persons are invited to submit, at any time, suggestions for modification or for the publication of guidelines covering additional matters. All views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549. All communications will be available for public inspection. The guidelines cover only those items of Form N-8B-1 which the staff believes require further explanation at this time.

Registrants are advised that while acceptable responses set forth in these guidelines may be proper for Form N-8B-1, additional information may be desirable. Further, the Commission wishes to caution that these guidelines may have only limited applicability to companies with unusual features. For example, registrants with highly speculative investment policies may require special responses to various items of the form.

It should also be noted that past responses on Form N-8B-1 by some registrants may not in all respects meet these guidelines. Accordingly, prospective registrants should not rely upon replies in existing registrations for examples of acceptable responses.

These guidelines are not rules of the Commission although some may later be incorporated in various rules and forms as experience and need suggest.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The terms used in these guidelines have the same meaning as prescribed in the Investment Company Act of 1940 and the rules thereunder.

The guidelines should be read in conjunction with the Investment Company Act releases cited herein the "Compilation of Releases, Commission Opinions, and Other Material dealing with matters frequently arising under the Investment Company Act of 1940" (October 1967), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—price 55 cents.

NOTE: Copies of the guidelines have been filed with the Office of the Federal Register and are contained in Investment Company Act Release No. 7221 which can be obtained from the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 9, 1972.

[FR Doc.72-9860 Filed 6-28-72;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Arsenamide Sodium Aqueous Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (42-413V) filed by Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141, proposing the safe and effective use of arsenamide sodium aqueous injection, veterinary, in dogs. The application is approved.

To facilitate referencing, the firm is being assigned a code number and is added to the list of sponsors of approved applications in § 135.501 (21 CFR 135.501).

The regulations are also amended as set forth below to add Haver-Lockhart Laboratories to the list of firms which hold approved new animal drug applications to market arsenamide sodium aqueous injection, veterinary, for use in dogs. In addition, the regulations are editorially amended to provide for the listing of these firms by code number rather than by name.

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

1. Part 135 is amended in § 135.501(c) by adding a new code number as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
074 ----------	Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, MO 64141.
* * *	* * *

2. Part 135b is amended in § 135b.21(c) as follows:

§ 135b.21 Arsenamide sodium aqueous injection veterinary.

* * * * *

(c) * * *

(3) See code Nos. 045, 068, and 074 in § 135.501(c) of this chapter.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6-29-72).

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

Dated: June 19, 1972.

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

[FR Doc.72-9839 Filed 6-28-72;8:50 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-245V) filed by Hoffman-La Roche, Inc., Nutley, N.J. 07110 proposing the safe and effective use of sulfadimethoxine injection for the treatment of horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.15 is amended by revising paragraph (a)(3) to read as follows:

§ 135b.15 Sulfadimethoxine injection.

(a) * * *

(3) *Conditions of use.* (i) It is used or intended for use in dogs and cats as follows:

(*a*) For the treatment of respiratory, genitourinary tract, enteric, and soft tissue infections when caused by Streptococci, Staphylococci, Escherichia, Salmonella, Klebsiella, Proteus, or Shigella organisms sensitive to sulfadimethoxine, and in the treatment of canine bacterial enteritis associated with coccidiosis and canine Salmonellosis.

(*b*) It is administered by intravenous or subcutaneous injection at an initial dose of 55 milligrams per kilogram of body weight followed by 27.5 milligrams per kilogram of body weight every 24 hours.

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

(ii) It is used or intended for use in horses as follows:

(*a*) For the treatment of respiratory disease caused by Streptococcus equi (strangles).

(*b*) It is administered by intravenous injection at an initial dose of 55 milligrams per kilogram of body weight followed by 27.5 milligrams per kilogram of body weight every 24 hours until the patient is asymptomatic for 48 hours.

(*c*) Not for use in horses intended for food.

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

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–29–72).

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

Dated: June 19, 1972.

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

[FR Doc.72-9840 Filed 6-28-72;8:51 am]

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

Decoquinate, Zinc Bacitracin; Correction

In F.R. Doc. 71–18603 appearing at page 24114 of the FEDERAL REGISTER for December 21, 1971, § 135e.51 *Decoquinate* is corrected in the table in paragraph (g) by changing the text of the "Indications for use" for subitem a.1 under item 2 to read: "For increased rate of weight gain and improved feed efficiency."

Dated: June 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9838 Filed 6-28-72;8:50 am]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Miscellaneous Amendments; Correction

Part 201 of Chapter II, Title 22 of the Code of Federal Regulations (A.I.D. Regulation 1), published in the FEDERAL REGISTER on April 14, 1971 at 36 F.R. 7095, is corrected as follows:

1. In the Index preceding Subpart A, the reference to "201.86 Continuation in effect of certain prior issuances" is deleted;

2. In § 201.01(w), the reference to "Appendix E" is changed to "Appendix D";

3. In § 201.02(b), the phrase "the transactions" is changed to "of transactions" in line 3;

4. In § 201.11(b)(4), the reference to "U.S.-sovereignty" under Code 940 is changed to "U.S.-associated sovereignty";

5. In § 201.13(b)(3)(ii) line 7, reference to A.I.D." is changed to "AID/W";

6. In § 201.52, the reference to "(c)" is changed to "(b)" before the subsection entitled "Execution of Certificates";

7. In § 201.61(e)(1), the phrase "class or purchaser" is changed to "class of purchaser";

8. In § 201.61(e)(1)(i), the phrase "It is not" is changed to "Is not";

9. In § 201.64(b)(1), "of" in last phrase of first sentence is deleted;

10. In § 201.67(a)(5)(i) the period after "despatch earned" is deleted;

11. In § 201.67(a)(5)(i)(b) the first sentence is changed to read: "At the port of loading or unloading * * *.";

12. In § 201.75, final sentence, the word "band" is changed to "bank";

13. In § 201.80, the phrase "and the continuation in effect of certain prior issuances." is deleted and the comma preceding this phrase is changed to a period;

14. In § 201.51(d)(2)(i)(b), the word "such" is changed to "each".

The document revising Part 201 of Chapter II, Title 22 of the Code of Federal Regulations (A.I.D. Regulation 1), published in the FEDERAL REGISTER on November 4, 1971 at 36 F.R. 21190 is corrected as follows:

15. In the first amendatory paragraph, the comma after "Europe" is deleted in § 201.15, paragraph (a);

16. In the third amendatory paragraph, the reference in § 201.52(a)(2)(iii) is changed from "§ 201.52" to "§ 201.52(a)(4)(i)".

Dated: June 14, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-9865 Filed 6-28-72;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7189]

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

Distribution to Shareholders by Life Insurance Companies

On April 7, 1972, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 815 of the Internal Revenue Code of 1954 to reflect amendments made by sections 2 and 4, Act of September 2, 1964 (Public Law 88–571, 78 Stat. 857), section 4, Act of December 27, 1967 (Public Law 90–225, 81 Stat. 733), and section 907(b) of the Tax Reform Act of 1969 (83 Stat. 715) was published in the FEDERAL REGISTER (37 F.R. 7003). These amended regulations do not reflect the amendment made by section 3(a), Act of September 2, 1964 (Public Law 88–571, 78 Stat. 857). After consideration of all relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

The notice of proposed rule making is changed by the addition of a new paragraph 3. This amended provision reads as set forth below.

(Secs. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: June 23, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 815 of the Internal Revenue Code to reflect amendments made by sections 2 and 4, Act of September 2, 1964 (Public Law 88–571, 78 Stat. 857), section 4, Act of December 27, 1967 (Public Law 90–225, 81 Stat. 733), and section 907(b) of the Tax Reform Act of 1969 (83 Stat. 715) such regulations are amended as follows below. These amended regulations do not reflect the amendment made by section 3(a), Act of September 2, 1964 (Public Law 88–571, 78 Stat. 857).

PARAGRAPH 1. Section 1.815 is amended by revising sections 815 (a), (b), (2)(A)(ii), and (f), by adding new section 815(g), and by revising the historical note. These amended provisions read as follows:

§ 1.815 Statutory provisions; life insurance companies; distributions to shareholders.

Sec. 815. *Distribution to shareholders*—(a) *General rule.* For purposes of this section and section 802(b)(3), any distribution to shareholders after December 31, 1958, shall be treated as made—

(1) First out of the shareholders surplus account, to the extent thereof,

(2) Then out of the policyholders surplus account, to the extent thereof, and

(3) Finally out of other accounts.

(b) *Shareholders surplus account.* * * *

(2) *Additions to account.* * * *

(A) * * *

(ii) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss, reduced (in the case of a taxable year beginning after December 31, 1961) by the amount referred to in clause (i),

* * * * *

(f) *Distribution defined.* For purposes of this section, the term "distribution" includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, but does not include—

(1) Any distribution made by the corporation in its stock or in rights to acquire its stock;

(2) Except for purposes of subsection (a)(3) and subsection (e)(2)(B), any distribution in redemption of stock issued before 1958 which at all times on or after the date of issuance and on and before the date of redemption is limited as to dividends and is callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of the issue price and the amount of any

contribution to surplus made by the original purchaser at the time of his purchase;

(3) Any distribution after December 31, 1963, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and if—

(A) Control was acquired prior to January 1, 1958, or

(B) Control has been acquired after December 31, 1957—

(i) In a transaction qualifying as a reorganization under section 368(a)(1)(B), if the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the controlled corporation, or

(ii) Solely in exchange for stock of the distributing corporation which stock is immediately exchanged by the controlled corporation in a transaction qualifying as a reorganization under section 368(a)(1)(A) or (C), if the controlled corporation has at all times since its organization been wholly owned by the distributing corporation and the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the corporation the assets of which have been transferred to the controlled corporation in section 368(a)(1)(A) or (C) reorganization;

(4) Any distribution after December 31, 1966, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is in control (within the meaning of section 368(c)) of both the distributing corporation and such controlled corporation and if such controlled corporation is a life insurance company of which the distributing corporation has been in control at all times since December 31, 1957; or

(5) Any distribution after December 31, 1968, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is the owner of all of the stock of all classes of both the distributing corporation and such controlled corporation and if, immediately before the distribution, the distributing corporation had been the owner of all of the stock of all classes of such controlled corporation at all times since December 31, 1957.

Paragraphs (3), (4), and (5) shall not apply to that portion of the distribution of stock of the controlled corporation equal to the increase in the aggregate adjusted basis of such stock after December 31, 1957, except to the extent such increase results from an acquisition of stock in the controlled corporation in a transaction described in paragraph (3)(B). If any part of the increase in the aggregate adjusted basis of stock of the controlled corporation after December 31, 1957, results from the transfer (other than as part of a transaction described in paragraph (3)(B)) by the distributing corporation to the controlled corporation of property which has a fair market value in excess of its adjusted basis at the time of the transfer, paragraphs (3), (4), and (5) also shall not apply to that portion of the distribution equal to such excess.

(g) *Certain distributions related to former subsidiaries.* If subsection (f)(5) applied to the distribution by a life insurance company of the stock of a corporation which was a controlled corporation—

(1) Any distribution by such corporation to its shareholders (after the date of the distribution of its stock by the life insurance company), and

(2) Any disposition of the stock of such corporation by the distributee corporation, shall, for purposes of this section, be treated as a distribution to its shareholders by such life insurance company, until the amounts so treated equal the amount of the distribution of such stock which by reason of subsection (f)(5) was not included as a distribution for purposes of this section.

[Sec. 815 as added by sec. 2, Life Insurance Company Income Tax Act of 1959 (73 Stat. 129); amended by sec. 3, Act of October 10, 1962 (Public Law 87-790, 76 Stat. 808); sec. 3(b), Act of October 23, 1962 (Public Law 87-858, 76 Stat. 1136); secs. 2 and 4, Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857); sec. 4, Act of December 27, 1967 (Public Law 90-225, 81 Stat. 733); sec. 907(b), Tax Reform Act, 1969 (83 Stat. 715)]

PAR. 2. Paragraph (c)(1) of § 1.815-2 is amended to read as follows:

§ 1.815-2 Distributions to shareholders.

* * * * *

(c) *Distributions to shareholders defined.* (1) Except as otherwise provided in section 815(f) and subparagraph (2) of this paragraph, the term "distribution", as used in section 815(a) and paragraph (b) of this section, means any distribution of property made by a life insurance company to its shareholders. For purposes of the preceding sentence, the term "property" means any property (including money, securities, and indebtedness to the company) other than stock, or rights to acquire stock, in the company making the distribution. Thus, for example, the term includes a distribution which is considered a dividend under section 316, but is not limited to the extent that such distribution must be made out of the accumulated or current earnings and profits of the company making the distribution. For example, except as otherwise provided in section 815(f) and subparagraph (2) of this paragraph, there is a distribution within the meaning of this paragraph in any case in which a corporation acquires the stock of a shareholder in exchange for property in a redemption treated as a distribution in exchange for stock under section 302(a) or treated as a distribution of property under section 302(d). For special rules relating to distributions to shareholders in acquisition of stock pursuant to a plan of mutualization, see section 815(e) and paragraph (e) of § 1.815-6.

* * * * *

PAR. 3. Section 1.815-3 is amended to read as follows:

§ 1.815-3 Shareholders surplus account.

* * * * *

(b) *Additions to shareholders surplus account.* (1) The amount added to the shareholders surplus account for any taxable year beginning after December 31, 1957, shall be the amount by which the sum of:

(i) The life insurance company taxable income (computed without regard to section 802(b)(3)),

(ii) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss, reduced (in the case of a taxable year beginning after December 31, 1961) by the amount referred to in subdivision (i) of this subparagraph,

(iii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3)), the deductions for dividends received provided by sections 243, 244, and 245 (as modified by section 809(d)(8)(B)), and the amount of interest excluded from gross income under section 103, and

(iv) The small business deduction provided by section 809(d)(10).

Exceeds the taxes imposed for the taxable year by section 802(a), computed without regard to section 802(b)(3).

* * * * *

[FR Doc.72-9892 Filed 6-28-72;8:52 am]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7190]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Tax on Transportation of Property by Air

In order to permit the filing of blanket exemption certificates where it is impracticable for a shipper of property for export to execute a separate exemption certificate for each payment otherwise subject to the tax on transportation of property by air, the temporary regulations relating to such tax are amended as follows:

Section 154.2-1, *Tax on transportation of property by air,* is amended as follows:

PARAGRAPH 1. Paragraph (d)(2) is amended to read as follows:

(d) *Exportation involving two or more modes of transportation.* * * *

(2) (i) Continuous movement in the course of exportation shall be evidenced by (*a*) the execution of either the Export Exemption Certificate, Form 1363, or the Blanket Export Exemption Certificate, Form 1363A, and (*b*) proof that exportation has actually occurred.

(ii) The Export Exemption Certificate, Form 1363, may be used in connection with a separate payment otherwise subject to tax. The certificate shall be executed, in duplicate, by the shipper or other person making the payment subject to tax. Such person shall retain the duplicate with the shipping papers for at least 3 years from the last day of the month during which the shipment was made from the point of origin, and shall file the original with the carrier at the time of payment of the transportation charge. The carrier receiving the original certificate shall retain it along with the document showing payment of the transportation charge, for a period of at least 3 years from the last day of the month

during which the shipment was made from the point of origin.

(iii) The Blanket Export Exemption Certificate, Form 1363A, may be used, with the permission of the district director, by a person who expects to make payments for numerous export shipments over an indefinite period of time and who demonstrates to the satisfaction of the district director that it is impracticable to execute a separate Form 1363 for each payment. Permission to execute the certificate shall be requested, in writing, from the district director for the district in which is located the principal place of business or principal office or agency of the shipper or other person seeking permission. If permission is granted a separate certificate shall be executed in duplicate, by the shipper or other person making the payments, for each air carrier to be used in making export shipments. Such person shall retain the duplicate together with all shipping papers, and shall file the original with the air carrier with or before payment of the first transportation charge to be covered by the certificate. The air carrier shall retain the original certificate together with all documents showing payment of the transportation charges. Permission to execute Form 1363A, if granted, shall remain in force until withdrawn by the person who requested such permission or until withdrawn by the district director who granted such permission. Each person shall retain the certificate for at least 3 years after the last day of the month during which the final shipment covered by the certificate was made from the point of origin. Each person shall retain the shipping and payment documents for at least 3 years after the last day of the month during which the shipment was made from the point of origin.

* * * * *

PAR. 2. The first sentence of paragraph (d)(3) is amended by inserting "or Form 1363A" immediately after "Form 1363".

PAR. 3. The third sentence of paragraph (d)(4) is amended by inserting "or the Blanket Export Exemption Certificate, Form 1363A," immediately after "Form 1363,".

PAR. 4. Paragraph (f)(1) is amended by striking out "U.S. Post Office Department" and inserting in lieu thereof "U.S. Postal Service," and by striking out "Department" and inserting in lieu thereof "Service."

Because the amendment made by this Treasury decision could not operate to the detriment of any taxpayer, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Secs. 4272(b)(2), 7805, Internal Revenue Code of 1954, 84 Stat. 240, 68A Stat. 917; 26 U.S.C. 4272(b)(2), 7805)

JOHNNIE M. WALTERS,
Commissioner.

Approved: June 23, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-9893 Filed 6-28-72;8:51 am]

SUBCHAPTER F—PROCEDURES AND ADMINISTRATION

[T.D. 7188]

PART 301—PROCEDURES AND ADMINISTRATION

Miscellaneous Amendments

On April 1, 1972, a notice of proposed rule making to amend 26 CFR Part 301 was published in the FEDERAL REGISTER (37 F.R. 6689). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice and the amendments as published in the FEDERAL REGISTER are hereby adopted.

Because this Treasury decision merely provides conforming and procedural amendments to 26 CFR Part 301, it is found that it is unnecessary to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on the date of its publication in the FEDERAL REGISTER (6-29-72).

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: June 23, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to (1) conform the regulations to changes in law, (2) provide that the regional counsel shall authorize or sanction forfeiture proceedings, (3) provide for certain functions to be performed by Directors of Service Centers, (4) reflect recent organizational changes, and (5) make other conforming and editorial changes, the regulations in 26 CFR Part 301 are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 301.6091-1, subparagraph (2) of paragraph (a) of § 301.6402-2, and paragraph (c) of § 301.6404-1, and §§ 301.7321-1, 301.7322-1, 301.7328-1, 301.7601-1, and 301.7622-1, are amended by changing "assistant regional commissioner (alcohol and tobacco tax)", wherever it appears, to read "assistant regional commissioner (alcohol, tobacco and firearms)".

PAR. 2. Paragraph (b) of § 301.6091 is revised to reflect changes made in section 6091, I.R.C., by Public Law 89-713. As amended, § 301.6091(b) reads as follows:

§ 301.6091 Statutory provisions; place for filing returns or other documents.

* * * * *

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations.*

(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) at a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) persons who have no legal residence or principal place of business in any internal revenue district,

(ii) citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations.*

(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) at a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) foreign corporations

shall be made at such place as the Secretary or his delegate may by regulations designate.

(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Notwithstanding paragraph (1), (2), (3), or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Public Law 89-713 (80 Stat. 1107)]

PAR. 3. Subparagraph (3) of paragraph (a) of § 301.6311-1 is amended to conform to recent organizational changes and to delete an obsolete reference. As amended, § 301.6311-1(a)(3) reads as follows:

§ 301.6311-1 Payment by check or money order.

(a) *Authority to receive* * * *

(3) *Payment of tax on distilled spirits, wine, beer, cigars, or cigarettes; proprietor in default.* Where a check or money order tendered in payment for taxes on distilled spirits, wines, beer, or rectified products (imposed under chapter 51 of the Code), or cigars or cigarettes (imposed under chapter 52 of the Code) is not paid on presentment, or where a taxpayer is otherwise in default in payment of such taxes, any remittance for such taxes made during the period of such default, and until the assistant regional commissioner (alcohol, tobacco and firearms) finds that the revenue will not be jeopardized by the acceptance of personal checks (if acceptable to the district director under subparagraph (1) of this paragraph), shall be in cash, or shall be in the form of a certified, cashier's, or treasurer's check, drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a money order as described in subparagraph (1) of this paragraph.

* * * * *

PAR. 4. Section 301.6423-1 is amended to reflect changes in law made by Public Law 89-44. As amended, § 301.6423-1 reads as follows:

§ 301.6423-1 Conditions to allowance in the case of alcohol and tobacco taxes.

For regulations under section 6423, see Part 170 of this chapter, relating to distilled spirits, wine, and beer; and Part 296 of this chapter, relating to cigars, cigarettes, and cigarette papers and tubes.

PAR. 5. In § 301.6653, subparagraph (1) of paragraph (c), and paragraph (d) are amended to reflect changes in law made by Public Law 91-172, and the statutory citation is updated. As amended, § 301.6653(c)(1), § 301.6653(d), and the statutory citation read as follows:

§ 301.6653 Statutory provisions; failure to pay tax.

* * * * *

(c) *Definition of underpayment.* * * *

(1) *Income, estate, gift, and chapter 42 taxes.* In the case of a tax to which section 6211 (relating to income, estate, gift, and chapter 42 taxes) is applicable, a deficiency as defined in that section (except that, for this purpose, the tax shown on a return referred to in section 6211(a)(1)(A) shall be taken into account only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing), and

* * * * *

(d) *No delinquency penalty if fraud assessed.* If any penalty is assessed under subsection (b) (relating to fraud) for an underpayment of tax which is required to be shown on a return, no penalty under section 6651 (relating to failure to file such return or pay tax) shall be assessed with respect to the same underpayment.

* * * * *

[Sec. 6653 as amended by sec. 86, Technical Amendments Act 1958 (72 Stat. 1665); secs. 101(j)(50) and 943(c)(6), Public Law 91-172 (83 Stat. 531, 729)]

PAR. 6. Section 301.6805-1 is amended by reflecting changes resulting from the transfer of functions from offices of district directors to service centers and by deleting subparagraph (3) of paragraph (a). As amended, § 301.6805-1 reads as follows:

§ 301.6805-1 Redemption of stamps.

(a) *Authorization.* (1) Upon receipt of satisfactory evidence of the facts by the district director or director of the service center, he may make allowance for or redeem stamps issued under the authority of any internal revenue law if—

(i) The stamps have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or

(ii) The owner of the stamps has no use therefor.

(2) If a stamp has been in use for any period of time, it may not be redeemed under section 6805. Similarly, no allowance shall be made for stamps which have been lost or stolen.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof. Claims for the redemption of or allowance for stamps shall be made on Form 843 and filed with the district director or director of the service center within three years from the date of the purchase of the stamps from the Government. The stamps for which redemption or allowance is claimed shall be submitted with the claim. If the stamps are destroyed or damaged to the extent that they cannot be presented for redemption or allowance, proof satisfactory to the district director or director of the service center that they have been destroyed or so damaged must accompany the claim before allowance or redemption shall be made. In any case where the actual date of purchase of the stamps from the Government cannot be established, it must be definitely shown in the claim whether they were so purchased within three years prior to the date of filing of the claim.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed under this section unless presented within 3 years after the purchase of such stamps from the Government.

(d) *Finality of decisions.* The findings of fact in and the decision of the district director or director of the service center upon the merits of any claim presented under or authorized by this section, shall in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

PAR. 7. Section 301.6806-1 is amended by conforming it with changes made in section 6806, I.R.C., by Public Laws 89-44 and 90-618. As amended, § 301.6806-1 reads as follows:

§ 301.6806-1 Posting occupational tax stamps.

For provisions relating to the posting of specific stamps used with respect to a particular tax, other than a special tax under subchapter B of chapter 35, subchapter B of chapter 36, or subtitle E, see the regulations relating to such tax. For penalties for failure to post occupational tax stamps, see section 7273.

PAR. 8. Section 301.7210 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C. As amended, § 301.7210 reads as follows:

§ 301.7210 Statutory provisions; failure to obey summons.

SEC. 7210. *Failure to obey summons.* Any person who, being duly summoned to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under sections 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), 7602, 7603, and 7604(b), neglects to appear or to produce such books, accounts, records, memoranda, or other papers, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

[Sec. 7210 as amended by sec. 4(h), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(3), Highway Revenue Act 1956 (70 Stat. 396); sec. 202(c)(4), Public Law 89-44 (79 Stat. 139); sec. 207(d)(9), Public Law 91-258 (84 Stat. 249)]

PAR. 9. Section 301.7326 is amended by conforming the section with changes made in section 7326, I.R.C., by Public Laws 89-44 and 91-513; and paragraph (c) of § 301.7326-1 is amended by deleting a reference of § 177.102 and by inserting in lieu thereof a reference to § 178.166. As amended, §§ 301.7326 and 301.7326-1(c) read as follows:

§ 301.7326 Statutory provisions; disposal of forfeited or abandoned property in special cases.

SEC. 7326. *Disposal of forfeited or abandoned property in special cases*—(a) *Coin-operated gaming devices.* Any coin-operated gaming device as defined in section 4462 upon which a tax is imposed by section 4461 and which has been forfeited under any provision of this title shall be destroyed, or otherwise disposed of, in such manner as may be prescribed by the Secretary or his delegate.

(b) [Repealed]

(c) *Firearms.* For provisions relating to disposal of forfeited firearms, see section 5862(b).

[Sec. 7326 as amended by sec. 204(13), Excise Tax Technical Changes Act 1958 (72 Stat. 1429); sec. 601(j), Public Law 89-44 (79 Stat.

155); sec. 1102(f), Public Law 91-513 (84 Stat. 1292)]

§ 301.7326-1 Disposal of forfeited or abandoned property in special cases.

* * * * *

(c) *Firearms.* For regulations relating to the disposal of forfeited firearms or ammunition, see § 178.166 of this chapter (Commerce in Firearms and Ammunition), and § 179.182 of this chapter (Machine Guns, Destructive Devices, and Certain Other Firearms).

PAR. 10. Paragraph (a) of § 301.7401-1 is amended to reflect an organizational change. As amended, § 301.7401-1(a) reads as follows:

§ 301.7401-1 Authorization.

(a) *In general.* No civil action for the collection or recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner (or the Director, Alcohol, Tobacco and Firearms Division, with respect to the provisions of subtitle E of the Code), or the Chief Counsel for the Internal Revenue Service or his delegate authorizes or sanctions the proceedings and the Attorney General or his delegate directs that the action be commenced.

* * * * *

PAR. 11. In § 301.7602-1, paragraphs (b) and (c) are amended by including references to sections 6424(d)(2) and 6427(e)(2), I.R.C., and by updating the title in subparagraph (3) of paragraph (c). As amended, § 301.7602-1 (b) and (c) read as follows:

§ 301.7602-1 Examination of books and witnesses.

* * * * *

(b) *Summons.* For the purposes described in paragraph (a) of this section the officers and employees of the Internal Revenue Service designated in paragraph (c) of this section are authorized to summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of accounts containing entries relating to the business of the person liable for tax or required to perform the act, or any other person deemed proper, to appear before a designated officer or employee of the Internal Revenue Service at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry. The officers and employees designated in paragraph (c) of this section may designate any other employee of the Internal Revenue Service as the individual before whom a person summoned pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall appear. Any such other employee, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons. The authority to issue a summons may not be redelegated.

(c) *Persons who may issue summons.* The following officers and employees of the Internal Revenue Service are authorized to issue a summons pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602—

(1) Regional commissioners and district directors.

(2) Inspection: Assistant Commissioner; director and assistant directors, Internal Security Division; regional inspectors; and all internal security inspectors.

(3) Alcohol, Tobacco and Firearms: Assistant regional commissioners.

(4) Intelligence: Director; assistant director; assistant regional commissioners; executive assistants to assistant regional commissioner; chiefs, Review and Conference Staff; reviewer-conferees; chiefs and assistant chiefs of divisions, branches, and sections; group supervisors; and special agents of the national, regional and district offices.

(5) International Operations: Director; assistant director; chiefs of divisions, branches, and groups; special agents; internal revenue agents; estate tax examiners, revenue service representatives; and assistant revenue service representatives.

(6) Collection: Chiefs and assistant chiefs of divisions; chiefs and assistant chiefs of the Delinquent Accounts and Returns Branches; group supervisors; and revenue officers.

(7) Audit: Chiefs of divisions and branches; group supervisors; internal revenue agents; and estate tax examiners.

PAR. 12. Section 301.7603 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C. As amended, § 301.7603 reads as follows:

§ 301.7603 Statutory provisions; service of summons.

SEC. 7603. *Service of summons.* A summons issued under sections 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall be served by the Secretary or his delegate, by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

[Sec. 7603 as amended by sec. 4(i), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(4), Highway Revenue Act 1956 (70 Stat. 396); sec. 202(c)(4), Public Law 89-44 (79 Stat. 139); sec. 207(d)(9), Public Law 91-258 (84 Stat. 249)]

PAR. 13. Section 301.7603-1 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C., and to reflect changes in organization and position titles. As amended § 301.7603-1 reads as follows:

§ 301.7603-1 Service of summons.

(a) *In general.* A summons issued under section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall be served by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode. The certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

(b) *Persons who may serve summons.* The following officers and employees of the Internal Revenue Service are authorized to serve a summons issued under section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602—

(1) The officers and employees designated in paragraph (c) of § 301.7602-1, and

(2) Alcohol, Tobacco and Firearms: Chiefs; assistant chiefs; chief special investigators; special investigators; area supervisors; chief inspectors; and inspectors.

The authority to serve a summons may be redelegated only by the Assistant Commissioner (Inspection), regional commissioners, assistant regional commissioners (alcohol, tobacco and firearms), district directors, and the Director of International Operations to officers and employees under their jurisdiction.

PAR. 14. Section 301.7608-1 is amended to reflect changes in position titles. As amended, § 301.7608-1 reads as follows:

§ 301.7608-1 Authority of internal revenue enforcement officers.

Any special investigator, agent, or other internal revenue officer by whatever term designated, whom the Commissioner, Assistant Commissioner (Compliance), Director, Alcohol, Tobacco and Firearms Division, regional commissioner, or assistant regional commissioner (alcohol, tobacco and firearms) charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of subtitle E of the Code or any other law of the United States pertaining to the commodities subject to tax under such subtitle for the enforcement of which such officers are responsible, may perform the functions provided in section 7608.

PAR. 15. Paragraph (g) of § 301.7623-1 is amended to refer to the current designation of this Division and of certain officers and employees. As amended, § 301.7623-1(g) reads as follows:

§ 301.7623-1 Rewards for information relating to violations of internal revenue laws.

* * * * *

(g) *Claims involving Alcohol, Tobacco and Firearms Division.* Rewards for information leading to the detection and punishment of persons guilty of violating the internal revenue laws administered by the Alcohol, Tobacco and Firearms Division shall be handled consistently with the provisions of this section, except that—

(1) Assistant regional commissioners (alcohol, tobacco and firearms), under the direction and supervision of the regional commissioners, shall perform all functions delegated to district directors by these regulations, and

(2) The Director, Alcohol, Tobacco and Firearms Division, Washington, D.C. 20224, shall perform all functions delegated to the Director, Intelligence Division, Washington, D.C. 20224, by these regulations.

PAR. 16. In § 301.7652, paragraph (a) (3) is amended to conform it to changes made in section 7652, I.R.C., by Public Law 89–44, and the statutory citation at the end of § 301.7652 is amended. As amended, § 301.7652(a) (3) and the statutory citation read as follows:

§ 301.7652 Statutory provisions; shipments to the United States.

SEC. 7652. Shipments to the United States—(a) *Puerto Rico*—(1) *Rate of tax.*

* * *

(3) *Deposit of internal revenue collections.* All taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

* * * * *

[Sec. 7652 as amended by sec 204 (17), (18), Excise Tax Technical Changes Act 1958 (72 Stat. 1430); sec. 808(b)(3), Public Law 89–44 (79 Stat. 164)]

PAR. 17. Section 301.7652–1 is amended to delete references to tobacco materials and tobacco products. As amended, § 301.7652–1 reads as follows:

§ 301.7652–1 Shipments to the United States.

For regulations under section 7652, see Part 179 of this chapter, relating to machineguns, destructive devices, and certain other firearms; Part 250 of this chapter, relating to liquors and articles from Puerto Rico and the Virgin Islands; and Part 275 of this chapter, relating to cigars, cigarettes, and cigarette papers and tubes.

PAR. 18. Section 301.7653–1 is amended to delete references to tobacco materials and tobacco products. As amended, § 301.7653–1 reads as follows:

§ 301.7653–1 Shipments from the United States.

For regulations under section 7653, see Part 179 of this chapter, relating to machineguns, destructive devices, and certain other firearms; Part 196 of this chapter, relating to stills; Part 252 of this chapter, relating to exportation of liquors; and Part 290 of this chapter, relating to exportation of cigars, cigarettes, and cigarette papers and tubes.

PAR. 19. Paragraph (f) of § 301.9000–1 is amended to include reference to tobacco and explosives cases and to conform it to provisions of 26 CFR 601.702 (d)(12). As amended, § 301.9000–1(f) reads as follows:

§ 301.9000–1 Procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for disclosure of internal revenue records or information.

* * * * *

(f) *State liquor, tobacco, firearms, or explosives cases.* Assistant regional commissioners (alcohol, tobacco and firearms) or the Director, Alcohol, Tobacco and Firearms Division, may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize special investigators and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, firearms, or explosives cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided*, That such production or testimony will not divulge information contrary to section 7213 of the Code, nor divulge information subject to the restrictions in section 5848. See also 18 U.S.C. 1905.

* * * * *

[FR Doc.72–9874 Filed 6–28–72;8:53 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 210—PAYMENT OF DISBURSING OFFICERS' CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES AND SIGNED IN THE NAMES OF DISBURSING OFFICERS BY DESIGNATED EMPLOYEES

PART 226—PURCHASE OF SURETY BONDS TO COVER CIVILIAN OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL IN EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

Revocations

Public Law 91–310, enacted June 6, 1972, repeals the statutory requirements for bonding Federal civilian employees and military personnel in connection with the faithful performance of their official duties. The repeal renders obsolete certain Treasury Department regulations concerning surety bonding. Consequently, the Department finds it necessary to revoke its regulations in §§ 210.4 and 210.5 of Title 31 of the Code of Federal Regulations which provide for the bonding of assistant disbursing officers of the Government, and Part 226 of Title 31, which provides generally for the surety bonding of employees and personnel in the executive branch.

The Department also finds it proper to revoke the remainder of Part 210, which prescribes intra-Government procedures having no public impact.

Part 210 also appears as Treasury Department Circular No. 423, as supplemented, which will be revised and remain as a circular only. Part 226 also appears as Treasury Department Circular No. 969 which, as of this date, is rescinded.

Since the revocations are either legally necessary or concern matters which have no public effect, notice and public procedure respecting these actions are not appropriate or needed.

Accordingly, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revoking Parts 210 and 226.

Dated: June 23, 1972.

[SEAL] JOHN R. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72–9875 Filed 6–28–72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–1—GENERAL POLICIES

Elimination of Role of Office of Procurement and Materiel Management in Disputes Appeals

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to provide for the elimination of the role of the Office of Procurement and Materiel Management, OASAM, in the disputes appeals procedure. Provision is made for the submission of appeals files to the Office of General Counsel (GBA) only.

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

Section 3–1.318 is revised to read as follows:

§ 3–1.318 Contracting officer's decision under a disputes clause.

A copy of each contracting officer's decision shall be furnished to the contractor by certified mail, return receipt requested, or in person, obtaining a receipt therefor.

§ 3–1.318–50 Decision preparation, processing, and modification or withdrawal.

(a) Where a dispute arises under a contract, the contracting officer will prepare a final decision pursuant to the Disputes Clause of the contract. This single document in the format set forth in paragraph (b) of this section should contain a simple and concise statement of: (1) The claim, (2) the decision,

(3) the findings of fact which support the decision, and (4) the reference to the Disputes Clause.

(b) The following format is suggested for use by contracting officers in preparing decisions under the disputes clause, if the contractor's claim is disallowed:

(Date of findings and decision)
Subject: Decision disallowing request of

(Name of contractor)
Under contract No. ---
Date ---
To: ---
(Name and address of contractor)

1. In accordance with the provisions of the above-numbered contract, I have considered your request for (insert factual description of the request to identify clearly its nature and scope).

2. Your request as set forth above is disallowed (in whole or in part, according to the fact) for the following reasons: (Insert the findings of fact upon which the disallowance or allowance is based.)

3. The disputes "Clause" of the contract provides that within 30 days from the date of receipt hereof the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Department of Health, Education, and Welfare. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decision from which the appeal is taken, and be signed by appellant or an officer of appellant organization, or by a duly authorized representative or attorney.

4. The Armed Services Board of Contract Appeals (ASBCA) is the authorized representative of the Secretary for hearing and determining such disputes.

(c) Contracting officers shall refer all proposed final decisions to the Office of General Counsel (GBA), OS, or the Regional Attorney in the HEW Regional Office for the region in which the procuring activity is located, for advice as to legal sufficiency and format before forwarding them to contractors. Contracting officers shall submit a copy of the complete contract file with each proposed final decision.

(d) At any time within the period of appeal, the contracting officer may modify or withdraw his final decision. If an appeal from the final decision has been taken to the ASBCA, the contracting officer will forward his recommended action to the Office of General Counsel (GBA) together with the file required by § 3–1.318–50(c), as supplemented to support the recommended correction or amendment.

§ 3–1.318–51 Disputes appeals.

(a) The Secretary has designated the ASBCA to hear, consider, and determine fully and finally appeals by contractors from decisions of contracting officers or their authorized representatives pursuant to the provisions of contracts requiring his decisions.

(b) Appeals will be governed by the rules set forth in 32 CFR 30.1, Appendix A (Rules of the Armed Services Board of Contract Appeals), except that the following rules will apply instead of Rules 3 and 4 of the ASBCA:

(1) *Rule 3 (HEW). Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the ASBCA with a copy to the Office of General Counsel, HEW. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the Office of General Counsel, will be advised promptly of its receipt, and the contractor will be furnished a copy of these rules and the rules of the ASBCA.

(2) *Rule 4 (HEW). Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that any appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Office of General Counsel, HEW, and to the ASBCA, copies of all documents pertinent to the appeal, including the following:

(i) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued.

(ii) The contract, and pertinent plans, specifications, amendments, and change orders.

(iii) Correspondence between the parties and other data pertinent to the appeal.

(iv) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the ASBCA.

(v) Such additional information as may be considered material. To facilitate use by reviewing officials and the ASBCA, the documents shall be arranged and identified in the above sequence.

(c) The following format is suggested for transmitting appeal files to the ASBCA:

Your reference: ---
(Docket No.)

Mr. GEORGE L. HAWKES,
Recorder, Armed Services Board of Contract Appeals, 3110 Columbia Pike, Arlington, VA 22204.

DEAR MR. HAWKES: Transmitted herewith are documents relative to appeal under contract No. ------ with the ---
(name of contractor)
in accordance with Department of Health, Education, and Welfare procedures under Rule 4. Also enclosed is a copy of our notice to the appellant as to where the file may be examined.

The name and address of the Government Trial Attorney for this case is:

---, Division of Business and Administrative Law, Office of General Counsel, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, telephone IDS Code 13, extension ------.

The request for payment of charges resulting from the processing of this appeal should be addressed to:

(Name and address of cognizant finance office)

The contracting officer shall notify the appellant of the submission of the appeal file to the ASBCA. The following format is suggested:

DEAR ---: An appeal file has been compiled relative to the appeal under contract No. ------. A list of the documents in the appeal file is enclosed.

You may examine the file either at the office of the Armed Services Board of Contract Appeals or at ---
(applicable procurement office)
and may furnish or suggest any additional information deemed pertinent to the appeal.

The ASBCA will provide you with further information concerning this appeal.

After the ASBCA receives the file as it may be augmented at the time of receipt, the ASBCA will promptly advise the parties.

(d) The Office of General Counsel, HEW, is designated as the Government Trial Attorney to represent the Government in the defense of appeals before the ASBCA. Decisions of the ASBCA will be transmitted by the Government Trial Attorney to appropriate contracting officers for action according to ASBCA's decision.

(e) At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Office of General Counsel. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Office of General Counsel, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pretrial conference and the hearing.

(f) Whenever the contractor, subsequent to filing an appeal with the ASBCA, elects nevertheless to accept fully the decision from which appeal was taken or any modification thereof, and gives written notification of such acceptance to the Office of General Counsel or the contracting officer concerned, the Office of General Counsel will notify the ASBCA of the disposition of the dispute in accordance with Rule 27 of the ASBCA.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (6–29–72).

Dated: June 23, 1972.

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

[FR Doc.72–9886 Filed 6–28–72;8:51 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following new Subpart F of Part 57, which relates to the awarding of capitation grants to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine pursuant to section 770 of the Public Health Service Act (42 U.S.C. 295f) because for good cause it has been found that such procedures would be contrary to the public interest in light of the delay in the passage of the amending legislation (Comprehensive Health Manpower Training Act of 1971, Public Law 92-157) and the necessity for early allocation of grant funds.

This program, which replaces the program of "institutional" grants authorized by the Health Manpower Act of 1968 (Public Law 90-490), is intended to provide a dependable support base for the educational programs of health professions schools. Each eligible school will receive annually, as a capitation grant, an amount computed on the basis of a statutory formula which utilizes the full-time enrollment in designated year classes of specified programs of study, and the number of graduates of specified programs of study in the year in which the grant is made.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulations may be presented in writing, in triplicate, to Associate Director, (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5 C 12, Bethesda, Md. 20014. All comments received in response to this regulation will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5 C 36, Bethesda, Md. 20014, on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The regulations set forth below shall become effective on the date of publication in the FEDERAL REGISTER (6-29-72).

Dated: June 19, 1972.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved June 23, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. The table of contents of Part 57 is hereby amended as follows: a new entry is added immediately after "57.409 Minimum standards of construction and equipment." as follows: Subpart F—Grants to Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine for Support of their Educational Programs.

2. A new Subpart F is hereby added to Part 57 immediately after § 57.409 as follows:

Subpart F—Grants to Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine for Support of Their Educational Programs

Sec.

AUTHORITY: The provisions of this subpart F issued under secs. 215, 771(h), 58 Stat. 690, as amended; 85 Stat. 442; 42 U.S.C. 216, 295f.

Subpart F—Grants to Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine for Support of Their Educational Programs

§ 57.501 Applicability.

The regulations in this subpart are applicable to the award of grants under section 770 of the Public Health Service Act (42 U.S.C. 295f) for annual grants to schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, and podiatry for the support of the education programs of such schools.

§ 57.502 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study or a portion thereof which leads respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree and which is accredited as provided in section 775(b)(2) of the Act.

(d) "Full-time student" means a student who is enrolled in a school on a full-time basis, as determined by the school, and is pursuing a course of study leading to a degree specified in paragraph (c) of this section.

(e) "Physicians' assistant or dental therapist student" means a student who is enrolled in a school on a full-time basis, as determined by the school, in a program of a school of not less than one academic year in length (including a formal classroom and clinical component) for the training of physicians' assistants or dental therapists as defined in paragraph (i) of this section.

(f) "Council" means the National Advisory Council on Health Professions Education Assistance (established by section 725 of the Act).

(g) "Construction" means (1) The construction of new buildings or the expansion or acquisition of existing buildings (including related costs such as architects' fees, acquisition of land, offsite improvements, and the initial equipping of such buildings); and (2) the remodeling, alteration and repair of existing buildings.

(h) "Fiscal year" means the Federal fiscal year beginning July 1 and ending on the following June 30.

(i) "Program for the training of physicians' assistants or dental therapists" means a program of a school of medicine, osteopathy, or dentistry, as defined in paragraph (c) of this section, to prepare:

(1) Physicians' assistants to perform, under the supervision and responsibility of physicians, specified functions in a primary-ambulatory care setting, including but not limited to the following:

(i) General history taking;

(ii) Performing physical examinations;

(iii) Performing routine therapeutic procedures such as injections, immunizations, and suturing of wounds;

(iv) Performing routine laboratory procedures such as drawing blood samples, urinalyses, and taking electrocardiographic tracings;

(v) Independent performance of evaluation and treatment procedures essential in life-threatening, emergency situations;

(vi) Delivering such services to patients in homes, nursing homes, extended care facilities, or other appropriate settings; and

(vii) Such other functions as the Secretary may prescribe.

(2) Dental therapists to perform, under the supervision and responsibility

of dentists, specified functions, including but not limited to the following:

(i) Performing preliminary oral examinations;

(ii) Exposing and processing radiographs;

(iii) Performing rubber dam applications;

(iv) Taking preliminary impressions;

(v) Performing pumice prophylaxis;

(vi) Providing oral health instruction;

(vii) Applying topical fluoride;

(viii) Performing matrix placement and removal;

(ix) Placement and removal of temporary restorations;

(x) Placement, carving, and finishing of amalgam restorations;

(xi) Placement and finishing of resin, composite, and silicate restorations; and

(xii) Such other functions as the Secretary may prescribe.

§ 57.503 Eligibility.

To be eligible for a capitation grant under section 770(a) of the Act the applicant shall:

(a) Be a school as defined in § 57.502(c); and

(b) Be located in a State, the District of Columbia, Puerto Rico, Virgin Islands, Canal Zone, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

§ 57.504 Application.

Each school desiring a capitation grant shall submit an application in such form and at such time as the Secretary may require. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

§ 57.505 Assurances required.

(a) With respect to the assurance required by section 770(f)(1)(B) of the Act (relating to the continued expenditure of non-Federal funds), the determination of the amount of non-Federal funds expended during the fiscal year for which the grant is made shall exclude costs of construction as defined in § 57.502(g), and the determination of the amount of non-Federal funds expended during the 3 fiscal years immediately preceeding such fiscal year shall exclude all expenditures of a nonrecurring nature. The determination of the average amount of non-Federal funds expended by a new school during such 3-year period shall be the average for such of the 3 preceding years in which expenditures were actually made in carrying out the functions of the school.

(b) With respect to the assurance required by section 770(f)(1)(A) of the Act (relating to increased enrollment), the school shall, except as otherwise provided in this paragraph, furnish reasonable assurances satisfactory to the Secretary that for the first school year beginning after the close of the fiscal year in which a grant is made, and for each school year thereafter during which such a grant is made, the first-year enrollment of full-time students in such school will exceed the number of such students enrolled in such school on October 15, 1970, (1) by 10 per centum of such number if such number was not more than 100, or (2) by 5 per centum of such number, or 10 students, whichever is greater, if such number was more than 100. Where the applicant has given an assurance under section 721(c)(2)(D) of the Act with respect to a construction grant application, the increase required by this paragraph shall be in addition to the increase of 5 per centum or five students required thereunder. Where a school desires that the Secretary waive, in whole or in part (in accordance with section 770(f)(2) of the Act), the assurance of increased enrollment, it shall so indicate in its application and shall state the reasons why the required increase in first-year enrollment of full-time students in such school cannot, whether because of limitation of physical facilities available to the school for training or because of other relevant factors, be accomplished without lowering the quality of training for such students.

(c) The Secretary may in individual cases require additional assurances where he finds that such additional assurances are necessary to carry out the purposes of section 770 of the Act.

§ 57.506 Determination of number of students and number of graduates.

(a) For purposes of this subpart, the number of full-time students enrolled in a school, or the number of full-time first-year students enrolled in a school, as the case may be, for any year, shall be the number of such students enrolled or to be enrolled, as the case may be, in such school on October 15 of the fiscal year in which the grant is made: *Provided*, That (1) in the case of a school of pharmacy with a course of study of more than 4 years, (i) full-time students shall mean only those students enrolled in the last 4 years of such school, and (ii) full-time first-year students shall mean those students enrolled in the first of such last 4 years; and (2) in the case of a 6-year school of medicine, (i) full-time students shall include only those students enrolled in the last 3 years of such school, and (ii) full-time first-year students shall mean those students enrolled in the first year of such last 3 years: *Provided, furthermore*, That schools which admit first-year classes in course of study leading to a degree specified in § 57.502(c) at time other than early fall may request the Secretary's approval of other official counting dates for purposes of determining first-year enrollment;

(b) For purposes of this subpart, the number of physician's assistant or dental therapist students enrolled in a school shall be the number which the Secretary, on the basis of information relating to the school's enrollment, determines to be the number of such students enrolled in such school on October 15 of the fiscal year in which the grant is made: *Provided*, That schools which admit classes in programs specified in § 57.502(i) at times other than early fall may request the Secretary's approval of other official counting dates for purposes of determining enrollment.

(c) For purposes of this subpart, the number of students who will graduate in the fiscal year in which any such grant is made shall be the number which the Secretary, on the basis of information relating to such school's enrollment and expected rate of attrition, determines to be the number of students to whom such school will, during such year, award degrees specified in § 57.501(c).

(d) The classification of a full-time student as a first-year student, or as a student in a particular year-class in a school, shall be in accordance with the policies of the particular school, except that any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student for purposes of the requirement for bonus enrollment students of section 770(d) of the Act or for purposes of the expansion of enrollment requirements of section 770(e) of the Act.

§ 57.507 Plan requirement.

(a) In the first year in which a school applies for a capitation grant under this subpart, the application must contain or be accompanied by a plan to carry out, or establish and carry out, during the 2-school-year period commencing not later than the first day of the fiscal year following the fiscal year in which the grant is made, specific projects in at least three of the categories specified in section 770(g)(1) of the Act: *Provided, however*, That schools of pharmacy must carry out, or establish and carry out, projects pursuant to section 770(g)(1)(G) of the Act to provide, at schools of pharmacy, for increased emphasis on, and training in, clinical pharmacy, drug use and abuse, and, where appropriate, clinical pharmacology, plus specific projects in at least two other categories specified in section 770(g)(1) of the Act.

(b) The Secretary may make on-site inspections of any school, or require information or data from any school, receiving a capitation grant to determine the extent to which the school is carrying out the specific projects required to be included in the plan submitted by such school pursuant to section 770(g)(1) of the Act.

§ 57.508 Grant awards.

(a) The Secretary shall award a capitation grant to each applicant whose application is found by the Secretary, after consultation with the Council, to meet the requirements of the applicable provisions of the Act, and of this subpart.

(b) The amount of each capitation grant shall be an amount computed in accordance with the formula set forth in sections 770(a) and 770(b) of the Act. If the amount of funds appropriated pursuant to section 770(j)(1) of the Act for any fiscal year is less than the total of the amounts so computed for each school of medicine, osteopathy, and dentistry with an approved application, the grant awarded to each such school shall be reduced proportionately in accordance

with section 770(c) of the Act. If the amount of funds appropriated pursuant to section 770(j)(2) of the Act for any fiscal year is less than the total of the amounts so computed for each school of optometry, pharmacy, podiatry, and veterinary medicine with an approved application, the grant award to each such school shall be reduced proportionately in accordance with section 770(c) of the Act.

§ 57.509 Expenditure of grant funds.

(a) Capitation grant funds may be obligated by the school at any time before the end of the 24-month period specified in the grant award document for any purpose related to the educational program of the school, except as otherwise provided in paragraph (b) of this section. Any funds not so obligated must be refunded to the Federal Government.

(b) Capitation grant funds may not be expended for the following purposes:

(1) Construction (as defined in § 57.502(g)) except that grant funds may be used for alteration and renovation; and

(2) Student assistance.

§ 57.510 Nondiscrimination.

(a) Attention is called to the requirements of section 799A of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VII of the Act to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel or any other entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school, training center or other entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000(d) et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Use of grant funds for remodeling, alterations, or repairs necessary for the educational program of the school shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 F.R. 12319 (Sept. 24, 1965), as amended, relating to nondiscrimination in construction contract employment, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.511 Grantee accountability.

(a) Accounting for grant funds will be in accordance with institutional accounting practices, based on generally accepted accounting principles, consistently applied regardless of the source of funds.

(b) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in § 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

§ 57.512 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.513 Records, reports, inspection and audit.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, and non-Federal funds with which grant funds may have been commingled, as the Secretary may find necessary to carry out the purposes of the applicable provisions of the Act and the regulations. All records shall be retained for 3 years after the close of the period of time during which the funds are available for obligation by the grantee. (See § 57.509 (a).) Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by persons designated by the Secretary and to interviews with the principal staff members and students to the extent that such resources, personnel, and students are, or will be involved in the educational program of the school. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds, and non-Federal funds with which grant funds may have been commingled.

§ 57.514 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the applicable provisions of the Act, the regulations of this subpart, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the applicable provisions of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 57.515 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the grant purposes, the interests of the public health or the conservation of grant funds.

[FR Doc.72-9885 Filed 6-28-72;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Circular 2333]

PART 23—SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS

Reclamation Costs

On page 8676 of the FEDERAL REGISTER of April 29, 1972, there was published a notice and text of a proposed amendment to Part 23 of Title 43, Code of Federal Regulations. The purpose of the amendment is to provide a fund in which moneys collected for surface reclamation purposes under permits or contracts for disposal of minerals will be deposited. There will be no change in the amount of payment required from purchasers.

Interested persons were given until May 30, 1972, within which to submit comments, suggestions, or objections to the proposed amendment. No comments were received.

The proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective June 30, 1972.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 22, 1972.

Paragraph (c) of § 23.2 of Part 23, Title 43, Code of Federal Regulations is revised to read as follows:

§ 23.2 Scope.

* * * * *

(c) When more than one permit or contract is expected to be issued to dispose of materials in a particular deposit or tract of land, such as community pits or common use areas, no requirement for reclamation will be made in such permits or contracts and the burden of reclamation will be assumed by the Government. In such cases where reclamation is not required in the permit or contract, the permittee or contracting party shall, in addition to payment of the sales price required under his permit or contract, make a reasonable contribution, as determined by the authorized officer, to defray the cost to the Government of reclamation of the land. Such contribution will be deposited in a separate account. In computing such added contribution, the authorized officer shall establish the estimated cost of reclamation upon completion of extractive operations for the deposit and the estimated total volume of material to be extracted. The contribution shall be a proportionate share of the estimated cost of reclamation in the same ratio as the material sold under the permit or contract bears to the total estimated volume of the deposit which is expected to be extracted.

* * * * *

[FR Doc.72-9844 Filed 6-28-72;8:47 am]

Chapter II—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5217]

[Arizona 6279]

ARIZONA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. sec. 214 (1970), it is ordered as follows:

1. Public Land Order No. 236 of June 13, 1944, withdrawing the following described lands for use by the War Department (now the Department of the Army), for aviation purposes, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 10 E.,
Sec. 27, SE¼SW¼, S½SE¼, S½NW¼SE¼.

The areas described aggregate 140 acres in Pinal County.

2. All of the described lands remain segregated from appropriation under the public land laws, including the U.S. mining laws, and from leasing under the mineral leasing laws, by the filing of an application, Arizona 997, for withdrawal of the lands for reclamation purposes for the Central Arizona Project (43 CFR 2091.2-5).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 23, 1972.

[FR Doc.72-9845 Filed 6-28-72;8:47 am]

[Public Land Order 5218]

[Riverside 4356]

CALIFORNIA

Partial Revocation of National Forest Administration Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Order of January 18, 1907, withdrawing national forest lands as administrative sites, is hereby revoked so far as it affects the following described land:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Ranger Station No. 5 (Arrowhead) Administrative Site

T. 2 N., R. 3 W.,
Sec. 28, NW¼ of lot 1.

The area contains approximately 10 acres in San Bernardino County.

2. The land shall immediately be made available for a pending Forest Service exchange.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 23, 1972.

[FR Doc.72-9846 Filed 6-28-72;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (6-29-72).

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 12,795 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the Batchtown and Calhoun Divisions of the Mark Twain National Wildlife Refuge extends from August 1, 1972, through October 15, 1972, inclusive.

(2) The open season for hunting squirrels on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from September 1, 1972, through October 15, 1972, inclusive.

(3) The open season for hunting squirrels on the Gardner Division of the Mark Twain National Wildlife Refuge extends from September 1, 1972, through October 15, 1972 inclusive.

(4) A Federal permit is required to enter the public hunting area on the Gardner Division. The free permits may be obtained from the Mark Twain National Wildlife Refuge headquarters in Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1972.

LESLIE F. BEATY,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 21, 1972.

[FR Doc.72-9843 Filed 6-28-72;8:47 am]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 24568; EDR-228]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS

Accounting for Pension Plans

JUNE 22, 1972.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 241 of the Economic Regulations (14 CFR Part 241) to require the submission of a statement of accounting practices and procedures with respect to employee pension plans. The principal features of the proposed rule are set forth in the attached Explanatory Statement, and the proposed amendment is set out in the Proposed Rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1324 and 1377.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 14, 1972, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

An examination of certain financial statement and balance sheet items reported by the carriers on Form 41—particularly Account 57—Employees Benefits and Pensions, and Account 2390—Other Deferred Credits—indicates that during the past several years there has been a significant rise in the level of compensation paid employees of air carriers through the medium of pension benefits. To provide these benefits, most of the carriers have adopted some form of pension plan which, generally speaking, is an arrangement whereby a company provides its retired employees with benefits that can be determined or estimated in advance.

A recent staff analysis shows a lack of comparability in annual pension benefit costs reported by the carriers. In addition, since the expected annual cost of a pension plan is in large measure based on various assumptions as to interest rate levels, administrative expenses, mortality rates and employee turnover, the actual amount expended for pension benefits may fluctuate from year to year for a particular carrier, depending on how well these assumptions are borne out in actual experience. As a result, the Board has been considerably hampered in its effort to evaluate the carriers' charges and accruals for pension benefits for regulatory purposes.

In light of the foregoing, it is believed desirable for the Board to receive from the carriers information concerning their accounting policies and procedures with respect to employee pension plans. Accordingly, we propose to add a new section 2–19 to Part 241, to require each air carrier which has a pension plan (or plans) to file a standard statement, in the format prescribed in Exhibit B attached, showing, with respect to each pension plan covered by the statement, the following information: (1) A copy of the text (or, if there is no such text, a comprehensive outline) of each plan covering pensions other than those required by law; (2) the number and classes of employee groups covered; (3) for each pension fund which forms a part of said plan, a copy of the trust agreement, declaration of trust or other instrument pursuant to which said pension fund has been established, or if there is no such agreement, declaration of trust or other instrument, a description of the arrangement, if any, which requires the payment of any pensions under each plan; and (4) a description of accounting and funding policies for each plan. Said report would be required to be filed with the Board within 30 days after the effective date of any final rule issued in this proceeding, or within 30 days after the adoption of an employee pension plan which is not in effect on such date. In the event of a change in any of the items covered in the carrier's section 2–19 statement, the rule requires a supplemental statement to be filed within 30 days after the effective date of such change showing the item affected, a description of the change, and the estimated effect of the change on the carrier's pension benefit accounts.

In addition, we propose to amend Account 57—Employee Benefits and Pensions, to reflect the requirement that carriers which record expenses for pension benefits in said account must file the standard statement proposed in section 2–19.

We shall also take this occasion to make an editorial amendment correcting an account title in section 7—Chart of Profit and Loss Accounts. Thus, in any final rule which may be issued herein, the title to Account 57 in the aforementioned chart will read "Employee Benefits and Pensions" vice "Insurance-Employee Welfare."

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend the Table of Contents to the Uniform System of Accounts and Reports to insert a reference to a new section 2–19 so that the table, in pertinent part, reads as follows:

Sec.

* * * * *

2–19 Accounting for pension plans.

* * * * *

2. Amend section 2—General Accounting Policies—by adding new section 2–19 to read as follows:

Sec. 2–19 Accounting for pension plans.

(a) Each air carrier which has an employee pension plan or plans shall file with the Civil Aeronautics Board a standard statement showing, with respect to each pension plan covered by the statement, the following information: (1) A copy of the text (or if there is no such text, a comprehensive outline) of each pension plan covering pensions, other than those required by law, to active, retired or former employees or to their representatives or beneficiaries, the cost of which is borne in whole or in part by the carrier; (2) the number and classes of employee groups covered; (3) for each pension fund which forms a part of said plan: a copy of the trust agreement, declaration of trust, or other instrument pursuant to which said pension was established, or if there is no such agreement, declaration of trust or other instrument, a description of the arrangement, if any, which requires the payment of any pensions or benefits under each plan; and (4) a description of accounting and funding policies for each plan.

(b) The standard statement required by paragraph (a) of this section shall be filed within 30 days after the effective date of this section, or within 30 days after the adoption of an employee pension plan which is not in effect on such date.

(c) In the event of a change in any of the items covered in the statement filed pursuant to paragraph (a) of this section, the carrier shall file with the Board, within 30 days after the effective date of said change, a supplemental statement showing: (1) The item affected and a detailed explanation of the change; and (2) the estimated effect of the change on the carrier's pension benefit accounts.

3. Amend section 7—Chart of Profit and Loss Accounts by revising the title of Account 57, the revised chart to read in pertinent part as follows:

PROFIT AND LOSS CLASSIFICATIONS

Section 7—Chart of Profit and Loss Accounts

Objective classification of profit and loss elements	Functions or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
• • •	• • •	• • •	• • •
56 Insurance—Traffic liability.	69	55, 64	55, 62
57 Employee benefits and pensions.	51, 53, 69	51, 53, 55, 64, 67, 68	51, 53, 55, 61, 62, 63, 65, 66, 68
58 Injuries, loss and damage.	51, 53, 69	51, 53, 55, 64, 67, 68	51, 53, 55, 61, 62, 63, 65, 66, 68
• • •	• • •	• • •	• • •

4. Amend section 13—Objective Classification—Operating Expenses by revising the instructions thereunder for Account 57—Employee Benefits and Pensions to read as follows:

57 Employee Benefits and Pensions.

(a) Record here all costs for the benefit or protection of employees including all pension expenses whether for payments to or on behalf of retired employees or for accruals or annuity payments to provide for pensions; and all expenses for accident, sickness, hospital, and death benefits to employees or the cost of insurance or provisions for self-insurance to provide these benefits. Include, also, expenses incurred in medical, educational, or recreational activities for the benefit of employees. Do not include vacation and sick leave pay, or salaries of doctors, nurses, trainees, or instructors, which shall be recorded in the regular salary accounts.

(b) Each air carrier which records pension benefit expenses in the account required by paragraph (a), above, is required to file a standard statement of accounting policies and procedures with respect to pension plans covering the information specified in section 2–19 of this part.

5. Amend paragraph (d) of section 22—General Reporting Instructions—by adding new item (15) to read as follows:

Section 22—General Reporting Instructions

* * * * *

(d) Statements of accounting or statistical procedures * * *

* * * * *

(15) Procedures of accounting for pension plans as prescribed by sections 2–19 and 13–57.

* * * * *

6. Amend paragraph (d) of section 32—General Reporting Instructions—by adding a new item (14) to read as follows:

Section 32—General Reporting Instructions

* * * * *

(d) Statements of accounting or statistical procedures * * *

* * * * *

(14) Procedures of accounting for pension plans as prescribed by sections 2–19 and 13–57.

* * * * *

7. Amend schedule A–1 of Form 41 by adding new item 15, as shown in Exhibit A.[1]

8. The introduction of CAB Form AP–15, as shown in Exhibit B.[1]

[FR Doc.72–9778 Filed 6–28–72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 271]

[Releases 33–5258, IC–7219]

MANAGEMENT INVESTMENT COMPANIES

Proposed Guidelines for Preparation of Forms S–4 and S–5

Concurrently with the publication of this proposed guideline, the Commission is today publishing (Investment Company Act Release No. 7220, Securities Act Release No. 5259) Guidelines for the Preparation of Forms S–4 and S–5 for management investment companies (17 CFR 239.13, 239.15).

Additional or revised suggestions will be published from time to time. While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the proposed guideline disclosures expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The following proposed guideline relating to an investment company's investment adviser are not being published as a part of the Guidelines for the Preparation of Forms S–4 and S–5 because the staff desires the views and suggestions of all interested persons before this guideline is adopted and published in definitive form. All interested persons are invited to submit views and comments on this proposed guideline.

Any views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before July 14, 1972. All such communications will be available for public inspection.

NOTE: Copies of the text of the proposed guideline entitled "Supplemental Guideline No. 1 to the Guidelines For Preparation of Forms S–4 and S–5" have been filed with the Office of the Federal Register and the proposed Guideline is contained in the Commission's Releases Nos. 33–5258 or IC–7219 and the releases may be obtained, upon request, from the Securities and Exchange Commission, Washington, D.C. 20549.

By the Commission.

[SEAL] RONALD H. HUNT, *Secretary.*

JUNE 9, 1972.

[FR Doc.72–9859 Filed 6–28–72;8:50 am]

[1] Exhibits A and B are filed as part of the original document.

DEPARTMENT OF TRANSPORTATION

FEDERAL AIRWAY SEGMENT AND

[14 CFR Part 71]

[Airspace Docket No. 72–SO–44]

FEDERAL AIRWAY SEGMENT AND FEDERAL AIRWAY

Proposed Alteration and Recision

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate a segment of VOR Federal Airway No. 11 and would revoke all of VOR Federal Airway No. 242.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

V–242 extends from Brookley, Ala., to Mobile, Ala., and is proposed to be renumbered V11W. Specifically, it is proposed to redesignate a segment of V–11 to extend from Brookley, Ala., via Greene County, Ala., including a west alternate via Mobile, Ala.; thence to Laurel, Miss., including an east alternate from the INT of Mobile 356° T (351° M) and Greene County, 142° T (137° M) radials via the INT of Mobile 356° T (351°M) and Laurel 109° T (104° M) radials to Laurel. The action proposed is primarily the renumbering of present routes and includes one new route from Brookley direct to Greene County. The new route eliminates the requirement to penetrate the terminal airspace at Bates Field, Ala., and is shorter than the present route.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 23, 1972.

PAUL W. ROBINSON, *Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.72–9819 Filed 6–28–72;8:46 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 1, 8, 10, 13, 14, 16, 18, 141, 142, 143, 144, 151, 152, and 159]

MERCHANDISING DUTIES

Proposed Entry, Examination, Sampling, Testing, Classification, Appraisement and Liquidation

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66) and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to revise the Customs Regulations pertaining to entry of merchandise, examination, sampling, and testing of merchandise, classification, and appraisement of merchandise, and liquidation of duties.

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. The proposed §§ 10.151–10.153 and 10.161–10.166, and proposed Parts 141, 142, 143, 144, 151, 152, and 159 will replace the present Parts 8, 13, 14, 16, and §§ 18.16–18.19 of the Customs Regulations. Corresponding changes in other parts of the Customs Regulations, such as in cross-references to the parts being replaced, will be made at the time of final adoption of the proposed revision.

Changes or additions in language are proposed to clarify some provisions and eliminate inconsistencies, and to incorporate existing administrative interpretations and practices into the Customs Regulations. The principal changes in the requirements and procedures in the proposed parts from those set forth in the present parts are as follows:

1. Proposed § 1.11 sets forth definitions for some of the terms commonly used in the Customs Regulations. More definitions will be added in the course of future revisions.

2. The term "duties" is defined in the proposed § 1.11 to make it clear that the term includes any applicable taxes, except where the context indicates otherwise (e.g., in § 141.102, where a distinction is made between Customs duties and taxes). In the current Customs Regulations, various terms such as "duties," "duties or taxes," "duty and any internal revenue tax," and "duties and taxes assessed upon or by reason of importation" are used interchangeably.

3. The term "importer," which is defined in the proposed § 1.11, is used in place of various terms such as "importer or his agent," "importer or broker," "importer or actual owner," and "consignee or his agent," which are used interchangeably in the present parts.

4. Sections 10.151–10.153, covering importations not over $1 and bona fide gifts not over $10, and §§ 10.161–10.166, covering Philippine articles, are being added to Part 10 since those provisions primarily concern duty-free or reduced-duty status, rather than entry or liquidation. The present § 16.23 is being eliminated, since the application of preferential or other reduced rates of duty for Cuban products has been suspended (see general headnotes 3 (b) and (d), Tariff Schedules of the United States (19 U.S.C. 1202)).

5. In § 141.1(a), the term "Customs territory of the United States," which is defined in general headnote 2 of the Tariff Schedules of the United States, is used instead of the undefined term "limits of the United States" which appear in the present § 8.1(a).

6. Section 141.20 provides that a superseding bond is required when an actual owner's declaration is filed. Under the present § 8.18(d), the actual owner's declaration can be filed without a superseding bond. In many cases a nominal consignee files an actual owner's declaration to relieve himself of the direct liability for payment of any additional duties, without realizing that he remains personally liable as the principal on the entry bond if no superseding bond is filed. The new procedure will protect the nominal consignee by insuring that the full liability for additional duties is transferred to the actual owner.

The last sentence of the present § 8.18(d) has been eliminated as superfluous. It will be unnecessary for a nonresident owner to furnish a bond on Customs Form 7551 or 7553, since the revenue will be protected by the superseding bond on Customs Form 7601.

7. Section 141.46 makes it clear that even though a customhouse broker does not file his power of attorney with a district director, he must obtain the power of attorney before transacting Customs business for a principal. This was stated in the introduction to T.D. 70–224, but does not appear in the text of the present § 8.19(a).

8. Section 141.61(d) shows that Customs Form 5101 is to be filed in three copies, with the carbon paper left in. This is in accordance with current administrative practice.

9. In § 141.83(c), the complex provisions in the present § 8.15(c) have been made simpler and more general in scope, and will cover a wider range of merchandise than the present provisions.

10. Section 141.86(d) sets forth a requirement that the invoice be in English, or have attached an English translation containing adequate information for examination and determination of duties. The current administrative practice is to accept an entry with an invoice in a foreign language, but to withhold examination and release of the merchandise until an English translation is presented. In cases where the district director does not need an English translation, he can waive it under the authority of § 141.92.

11. In § 141.89, the additional information required on invoices of lumber and watch movements have been changed to reflect current administrative requirements.

12. In §§ 141.101–141.105, the provisions governing deposit of estimated duties for the various types of entries have been consolidated into one subpart for easy reference and comparison. Section 141.102(b) is a new provision based on schedule 1, part 12, headnote 3, Tariff Schedules of the United States.

13. In § 141.113(a), the time limit in the present § 8.26(c) has been changed to 20 days after examination instead of 20 days after the appraiser's report of appraisement, since there is no longer a separate appraiser.

14. Section 142.7(b) and the last sentence of § 142.7(a) have been added to the material in the present § 8.59 (i) and (j) to show current administrative practice relating to suspension of immediate delivery privileges.

15. Section 144.14(a) shows that physical deposit in the bonded warehouse is not needed for merchandise which is to be withdrawn immediately. This is shown in the present § 18.17(b) for withdrawals for transportation, but actually applies to other types of withdrawals as well (T.D. 70–43(2)).

16. In §§ 144.36(c) and 144.37(a), the requirement for Customs Form 7512–C is based on current administrative procedure.

17. Section 144.38(c) has been simplified by stating that a warehouse withdrawal shall show "all information for which spaces are provided on the withdrawal form" instead of giving a detailed list of the information and signature requirements.

18. In § 144.38(d), the distinction made in the present § 8.40(a) between deposit of duties for liquidated and unliquidated warehouse entries has been eliminated, since a warehouse entry is not liquidated until the final withdrawal has been made.

19. Sections 144.41 (e) and (h) correct an oversight in the present regulations. The present §§ 8.34 (a) and (b) should refer to §§ 16.3 (c) and (d) as well as to § 16.10(h). Therefore, §§ 144.41 (e) and (h) refer to § 159.7(a), which contains the material in the present §§ 16.3 (c) and (d), as well as § 159.7(b), which contains the material in the present § 16.10(h).

20. In § 151.4(a), the last sentence of the present § 8.5(c) has been eliminated since official action is sometimes taken before entry; e.g., determining that merchandise is prohibited from entry. Reference to merchandise released under a special permit for immediate delivery has been added following T.D. 55039 (1960).

21. In § 151.4(b) and elsewhere in this revision, the term "coal-tar products" has been changed to "benzenoid chemicals or products" to conform with the wording in schedule 4, part 1, Tariff Schedules of the United States.

The last sentence of the present § 8.5 (b) has been eliminated since quota merchandise can be entered for warehouse even if the quota is filled, and withdrawn

from warehouse when the quota is again open.

22. In § 151.23, the term "sugar" has been changed to "raw sugar," since this provision applies only to raw sugar.

23. In § 151.27, the term "sugar and sugar products" has been changed to "sugar, sirup, and molasses" to conform with the wording in the Tariff Schedules of the United States.

The present §§ 13.2 (b) and (c) and 13.6 (a) and (b) have been eliminated as obsolete. Sugar importations are now made in bulk, and the "standard sugar bags" mentioned in § 13.6 have not been used in several years.

Section 13.2(e) has been eliminated as an internal Customs procedure which should be in the Customs Manual rather than the Customs Regulations.

24. In § 151.29, the term "sirup" has been added to make this section comprehensive. This term was apparently left out of the present regulations by inadvertence.

25. In § 151.31(b), the term "raw sugar" has been inserted in the last sentence to clarify the scope of the provision. No provision for the retest of raw sugar is made, since the stated purpose of T.D. 66–258 was to eliminate retests of that product.

26. Section 151.46 uses the ASTM term "water and sediment" as the standard for allowance. The allowable quantities set forth in T.D. 50481(6) (1941) and T.D. 70–88 have been inserted here for easy reference.

27. Section 151.47 is a new provision based on T.D. 71–144.

28. In § 151.51, the term "metal-bearing ores and other metal-bearing materials" is used to conform with the wording in part 1, schedule 6, Tariff Schedules of the United States.

29. In § 151.101, the term "flat glass" is used instead of "cast, rolled, ordinary, colored, or special glass" to conform with the wording in schedule 5, part 3B, Tariff Schedules of the United States.

30. In the rare instances when there is no direct evidence of the date of exportation, § 152.1(c) gives the district director authority to determine that date by the information available to him instead of trying to set rigid standards for acceptable proof as does § 14.3(b).

31. Section 152.11 is a new provision inserted to show the applicability of the Tariff Schedules of the United States. The reference to interpretation by administrative and judicial rulings is taken from general headnote 10(a), Tariff Schedules of the United States.

31a. In § 152.14 (a) and (b), the term "interested party" is used instead of "prospective importer or foreign exporter," in order to permit applications for tariff rulings from all interested persons.

32. The term "administrative" is used in § 152.15(a), as it is in 19 U.S.C. 1315(d), to distinguish this type of change from a change by Congress or by Presidential proclamation.

The reference to reliquidation of warehouse entries has been eliminated. Since warehouse entries are not liquidated until the final withdrawal has been made, there is no need to treat warehouse and consumption entries differently for the purposes of this provision.

33. Section 152.16(c) makes it clear that the principles of a court decision shall be applied to both identical and similar merchandise.

34. Section 152.24 sets forth the conditions under which American selling price applies, and shows all the types of merchandise presently subject to American selling price.

35. Section 152.26 places fewer restrictions than the present section 14.4 on furnishing value information to importers, since accurate value information is needed to make entry.

36. In § 152.31(a), the term "and which are subject to an ad valorem rate or duty" is used since American selling price under schedule 4, part 1, headnote 4, Tariff Schedules of the United States, does not apply to merchandise subject only to free or specific rates of duty.

37. Section 152.33 corrects a mistake in the present § 14.5(j), which erroneously states that the "actual" expenses are deducted from United States value under both sections 402 and 402a, Tariff Act of 1930, as amended.

38. In § 152.36, the term "imported" has been eliminated, since these conditions apply to testing of both imported and domestic products.

39. In § 152.40, the present § 14.5(g) has been eliminated as obsolete.

40. In § 152.41, the term "colors, dyes, stains, and related products" is used since the cited statute provides for publication of standards of strength only for those products, not for all benzenoid products.

41. In § 152.42, the present footnote 12 to Part 14 has been eliminated as obsolete. Classification under the Tariff Schedules of the United States is based on benzenoid structure, so it is irrelevant whether or not a product is derived from coal tar.

42. The term "colors, dyes, stains, and related products," which appears in the Tariff Schedules of the United States, is used in § 152.42(a) and in the title for "Schedule A" in § 152.42(c) in place of the obsolete wording in the present § 14.5(n).

43. The last sentence of § 159.4(a) is based on schedule 1, part 12, headnote 3, Tariff Schedules of the United States, and 26 CFR Part 251, as amended.

44. In § 159.9, the present §§ 16.2(e) and 16.11 have been eliminated since a warehouse entry is not liquidated until the final withdrawal has been made. The first sentence of the present § 16.12(a) has been eliminated since appraisement entries are numbered in the same series and posted on the same bulletin notice as dutiable consumption, warehouse, vessel, and drawback entries.

45. In § 159.21(a), the last sentence of the present § 16.5(a) has been eliminated since a warehouse entry is not liquidated until the final withdrawal has been made.

46. In § 158.22(c), the reference to sugar has been deleted since the present § 13.6 is being deleted (see comment above on § 151.27).

47. In §§ 159.34 and 159.35, the term "certified quarterly rate" and "certified daily rate" are used to show the distinction between the two. The term "certified rate" can refer to either or both, depending on the context.

48. In § 159.36, the term "e.g., official and free" has been added as an illustration, since the term "multiple rates" may be misinterpreted as meaning a quarterly and daily rate for the same currency.

49. In § 159.36(c), "type" of merchandise has been changed to "class" for consistency and to prevent confusion with "type" of rate.

50. In § 159.37, reference to furnishing information helpful "in appraisement and liquidation" has been deleted since appraisement and liquidation are suspended until resumption of certification.

51. Section 159.51, which sets forth restrictions on the suspension of liquidation, is based on T.D. 54387(3) (1957).

52. In § 159.53, a general reference to Part 10 is made since there are several provisions in Part 10 besides § 10.136 which provide for suspension of liquidation (e.g., §§ 10.71(c), 10.98(c), 10.114(d), and 10.121(b)).

Accordingly, it is proposed to amend the Customs Regulations as set forth below:

PART 1—GENERAL PROVISIONS

Part 1 is amended by adding at the end thereof a new § 1.11, reading as follows:

§ 1.11 Definitions.

As used in this chapter, the following terms shall have the meanings set forth, unless: (a) The context in which they are used requires a different meaning, or (b) a different definition is prescribed for a particular part or portion thereof:

Duties. "Duties" means Customs duties and any internal revenue taxes which attach upon importation.

Date of entry. See § 141.68 of this chapter.

Date of exportation. See § 152.1(c) of this chapter.

Date of importation. "Date of importation" means, in the case of merchandise imported otherwise than by vessel, the date on which the merchandise arrives within the Customs territory of the United States. In the case of merchandise imported by vessel, the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade shall be deemed the date of importation of that merchandise as to which there is such intent to unlade.

Entry or withdrawal for consumption. "Entry or withdrawal for consumption" means entry for consumption or withdrawal from warehouse for consumption.

Importer. "Importer" means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The term includes, as appropriate:

(1) The consignee,

(2) The importer of record,

(3) The actual owner if an actual owner's declaration and superseding bond

has been filed in accordance with § 141.20 of this chapter, or

(4) The transferee if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of Part 144 of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Chapter I of title 19, Code of Federal Regulations is amended by deleting Part 8.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Part 10 is amended by adding at the end thereof new center headings and new §§ 10.151–10.153, and 10.161–10.166, reading as follows:

IMPORTATIONS NOT OVER $1 AND BONA FIDE GIFTS NOT OVER $10

§ 10.151 Importations not over $1.

Pursuant to section 321(a)(2)(C), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(C)), the district director shall pass free of duty and tax, and without the preparation of an entry, any importation having a fair retail value in the country of shipment not exceeding $1, unless he has reason to believe that the shipment is one of several lots covered by a single order or contract and that it was sent separately for the express purpose of securing free entry therefor or of avoiding compliance with any pertinent law or regulation.

(Sec. 7, 52 Stat. 1081, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1321, 1498)

§ 10.152 Bona fide gifts not over $10.

Pursuant to section 321(a)(2)(A), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(A)), the district director shall pass free of duty and tax, and without the preparation of an entry, any article sent as a bona fide gift from a person in a foreign country to a person in the United States, provided the aggregate fair retail value in the country of shipment of such articles received by one person on 1 day does not exceed $10. An article is "sent" for purposes of this paragraph if it is conveyed in any manner other than on the person or in the accompanied or unaccompanied baggage of the donor or donee.

(Sec. 7, 52 Stat. 1081, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1321, 1498)

§ 10.153 Conditions for exemption.

Customs officers shall be further guided as follows in determining whether an article or parcel shall be exempted from duty and tax under § 10.151 or § 10.152:

(a) A "bona fide gift" for purposes of § 10.152 is an article formerly owned by a donor (may be a commercial firm) who gave it outright in its entirety to a donee without compensation or promise of compensation. It does not include articles acquired by purchase, barter, promissory exchange, or similar transaction, nor does it include articles said to be "given" in conjunction with a purchase, barter, promissory exchange, or similar transaction, such as a so-called bonus article.

(b) A parcel addressed to a person in the United States from an individual in a foreign country which contains a gift should be clearly marked on the outside to indicate that it contains a gift. Such marking is not conclusive evidence of a gift nor is the absence of such marking conclusive evidence that an article is not a gift. Ordinarily an article not exceeding $10 in fair retail value in the country of shipment sent from a person in a foreign country to a person in the United States will be recognizable as a gift from the nature of the article and the obvious facts surrounding the shipment.

(c) A parcel addressed to a person in the United States from a business firm in a foreign country would ordinarily not contain a gift from a donor in the foreign country. When such a parcel in fact contains an article entitled to free entry under section 10.152, the parcel should be clearly marked to indicate that it contains such a gift and a statement to this effect should be enclosed in the parcel.

(d) Consolidated shipments addressed to one consignee shall be treated for purposes of §§ 10.151 and 10.152 as one importation. The foregoing shall not apply to shipments of bona fide gifts consolidated abroad for shipment to the United States when:

(1) The consolidation for shipment to the United States is in a cargo van or similar containerization which is consigned to a common carrier, freight forwarder, freight handler, or other public service agency for distribution of the gift packages;

(2) The separate gifts not exceeding $10 in fair retail value in the country of shipment included in the consolidated shipment are before shipment individually wrapped and addressed to the donee in the United States;

(3) Each gift package is marked on the outside to indicate that it contains a gift not exceeding $10 in fair retail value in the country of shipment; and

(4) Each gift package is separately listed in the name of the addressee-donee on a packing list, manifest, bill of lading, or other shipping document.

(e) No alcoholic beverage, perfume containing alcohol (except where the aggregate fair retail value in the country of shipment of all merchandise contained in the shipment does not exceed $1), cigars, or cigarettes shall be exempted from the payment of duty and tax under § 10.151 or § 10.152.

(f) The exemptions provided for in § 10.151 or § 10.152 are not to be allowed in respect of any shipment containing one or more gifts having an aggregate fair retail value in the country of shipment in excess of $10, except as indicated in paragraph (d) of this section. For example, an article ordinarily subject to an ad valorem rate of duty but sent as a gift, if the fair retail value is $11, would be subject to a duty based upon its value under the provisions of section 402 or 402(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402), even though the dutiable value is less than $10.

(g) The exemption referred to in § 10.151 is not to be allowed in the case of any merchandise of a class or kind provided for in any absolute or tariff-rate quota, whether the quota is open or closed. In the case of merchandise of a class or kind provided for in a tariff-rate quota, the merchandise is subject to the rate of duty in effect on the date of entry.

(Sec. 7, 52 Stat. 1081, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1321, 1498)

PHILIPPINE ARTICLES

§ 10.161 Evidence required for Philippine articles.

When any total or partial exemption from duty is claimed on the ground that the merchandise consists of "Philippine articles," as defined in general headnote 3(c)(iv), Tariff Schedules of the United States, the claim shall be allowed only if it is established to the satisfaction of the district director concerned. The district director may accept as satisfactory evidence a certificate of origin in the appropriate form specified in section 10.164, subject to any verification he may deem necessary.

§ 10.162 Waiver of certificate.

The district director may waive the production of a certificate of origin if he is satisfied by other reasonable ways and means, taking into consideration the kind and value of the merchandise and the circumstances of importation, that the merchandise consists of "Philippine articles."

§ 10.163 No evidence needed for unconditionally free merchandise.

No evidence of origin shall be required for any Philippine merchandise which is unconditionally free of duty.

§ 10.164 Forms of certificates of origin.

(a) *Philippine article not containing foreign material.* When no material other than that which is the growth, product, or manufacture of the Philippines or of the Customs territory of the United States was used at any stage in the production of the imported article, a certificate in the following form may be accepted as evidence that the commodity is a "Philippine article":

The product covered by the _____ (describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Philippine origin at the time it was subscribed is the growth, product, or manufacture of the Philippines. No foreign materials (other than those which are of the growth, product or manufacture of the Customs territory of the United States) were used at any stage in the production of this product, i.e., either in its immediate production or in the production of any intermediate product used at any stage in the chain of

production in the Philippines which resulted in this product.

(b) *Philippine article containing foreign material.* When any material which is not the growth, product, or manufacture of the Philippines or of the Customs territory of the United States was used at any stage in the manufacture of the imported article, a certificate in the following form may be accepted as evidence that the commodity is nevertheless a "Philippine article":

The product covered by the _____ (describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Philippine origin at the time it was subscribed is the product of the Philippines. There were used in its production in the Philippines _____

_____

(Number of units and description)

of foreign materials (other than those which are of the growth, product, or manufacture of the Customs territory of the United States) valued by the Philippine Customs officers for the purpose of the Philippine Customs laws at _____ (official Philippine Customs value at the time of importation into the Philippines, in terms of pounds, yards, or other applicable unit), plus, if not included in such unit values, _____, the cost per unit of bringing such foreign materials to the Philippines.

(c) *Alternative form for Philippine article containing foreign material.* If the district director is satisfied that the revenue will be protected adequately thereby, he may accept in lieu of the certificate specified in paragraph (b) of this section a certificate in the following form:

The product covered by the _____ (describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Philippine origin at the time it was subscribed is a product of the Philippines. There were or may have been used in its production in the Philippines foreign materials (other than those which are of the growth, product, or manufacture of the Customs territory of the United States).

It is impracticable to ascertain the exact number of units of foreign material, if any, used in its production or the Customs valuation of such material, but to the best of (my) (our) (its) knowledge and belief such foreign materials as were or may have been used would not exceed 20 per centum of the selling price or invoice value of the product covered by this certificate.

§ 10.165 Certificate to show information for each kind of article and material.

If more than one kind of article is covered by a certificate provided for in § 10.164 (a), (b), or (c), the required information shall be shown with respect to each kind. When more than one kind of material of other than Philippine or U.S. origin is used in the production of an article covered by such a certificate, the certificate shall state the number of units, description, and Philippine Customs valuation per unit of each such kind of material.

§ 10.166 Conditions for acceptance of certificate.

A certificate conforming to § 10.164 (a), (b), or (c) shall be accepted as evidence of the facts alleged therein only if:

(a) There is annexed to the certificate a copy of the commercial invoice or bill of lading covering the articles or other documentary matter which identifies the articles to which the certificate pertains;

(b) The certificate is signed by the manufacturer or producer of the articles to which it pertains, or by the person who exported the articles from the Philippines; and

(c) It clearly appears that such copy or other documentary matter was annexed to the certificate when it was signed.

(Gen. hdnte. 3(c), Tariff Schedules of the United States; 19 U.S.C. 1202; R.S. 251, as amended; sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

PART 14—APPRAISEMENT

PART 16—LIQUIDATION OF DUTIES

Chapter I of title 19, Code of Federal Regulations is amended by deleting Parts 13, 14, and 16 thereof.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

WAREHOUSE AND REWAREHOUSE WITHDRAWALS FOR TRANSPORTATION

§ 18.16 Form of withdrawal; time. [deleted]

§ 18.17 Withdrawal procedure. [deleted]

§ 18.18 Forwarding procedure; procedure at destination. [deleted]

WAREHOUSE WITHDRAWALS FOR EXPORTATION OR FOR TRANSPORTATION AND EXPORTATION

§ 18.19 Procedure. [deleted]

Part 18 is amended by deleting §§ 18.16 through 18.19 thereof and the centerheads related thereto.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Chapter I of title 19, Code of Federal Regulations is amended by adding new Parts 141–144, 151, 152, and 159, as follows:

PART 141—ENTRY OF MERCHANDISE

Sec.

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AUTHORITY: The provisions of this Part 141 issued under R.S. 251, as amended, secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759; 19 U.S.C. 66, 1448, 1484, 1624. Subpart B also issued under sec. 483, 46 Stat. 721; 19 U.S.C. 1483. Subpart F also issued under sec. 481, 46 Stat. 719; 19 U.S.C. 1481. Subpart G also issued under sec. 505, 46 Stat. 732, as amended; 19 U.S.C. 1505. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 141.0 Scope.

This part sets forth general requirements and procedures for the entry of imported merchandise, except entries under carnet, and entries for transportation in bond or exportation, for foreign-trade zones, or for trade fairs, which are covered in Parts 114, 18, 146, and 147 of this chapter. More specific requirements and procedures in addition to those in this part are set forth in Parts 143, 144, and 9 of this chapter for consumption, appraisement and informal entries, for warehouse entries, and for mail entries.

Subpart A—Liability for Duties and Requirement To Enter Merchandise

§ 141.1 Liability of importer for duties.

(a) *Time duties accrue.* Duties and the liability for their payment accrue upon imported merchandise on arrival of the importing vessel within a Customs port with the intent then and there to unlade, or at the time of arrival within the Customs territory of the United States if the merchandise arrives otherwise than by vessel, unless otherwise specially provided for by law.

(b) *Personal debt of importer.* The liability for duties, both regular and additional, attaching on importation constitutes a personal debt due from the importer to the United States which can be discharged only by payment in full of all duties legally accruing, unless relieved by law or regulation. It may be enforced notwithstanding the fact that an erroneous construction of law or regulations may have enabled the importer to pass his goods through the customhouse without such payment.

(c) *Prior claim against importer's estate.* The Government's claim for unpaid duties against the estate of a deceased or insolvent importer has priority over obligations to creditors other than the United States.

(d) *Lien against merchandise.* The liability for duties also constitutes a lien upon the merchandise imported which may be enforced while such merchandise is in the custody or subject to the control of the United States.

(e) *States and their instrumentalities.* Neither the States nor their instrumentalities are entitled to any constitutional exemption from the payment of Customs duties.

(f) *Unordered merchandise.* There shall be no liability for the payment of duties on the part of anyone to whom merchandise is consigned without his authority, if he refuses it. Such merchandise shall be treated as unclaimed (see Part 20 of this chapter).

(R.S. 3466, 3467, as amended; 31 U.S.C. 191, 192)

§ 141.2 Liability for duties on reimportation.

Dutiable merchandise imported and afterwards exported, even though duty thereon may have been paid on the first importation, is liable to duty on every subsequent importation into Customs territory of the United States, but this does not apply to the following:

(a) Personal and household effects taken abroad by a resident of the United States and brought back on his return to this country (see §10.17(a) of this chapter);

(b) Professional books, implements, instruments, and tools of trade, occupation, or employment taken abroad by an individual and brought back on his return to this country (see § 10.15 of this chapter);

(c) Automobiles and other vehicles taken abroad for noncommercial use (see §10.42 of this chapter);

(d) Steel boxes, casks, barrels, carboys, bags, quicksilver flasks or bottles, metal drums, or other substantial outer containers exported from the United States empty and returned as usual containers or coverings of merchandise, or exported filled with products of the United States and returned empty or as the usual containers or coverings of merchandise (see § 10.7 (b), (c), (d), and (e) of this chapter);

(e) Articles exported from the United States for repairs or alterations, which may be returned upon the payment of duty on the value of repairs or alterations at the rate or rates which would otherwise apply to the articles in their repaired or altered conditions (see §10.8 of this chapter);

(f) Articles exported for exhibition under certain conditions (see §§10.66 and 10.67 of this chapter);

(g) Domestic animals taken abroad for temporary pasturage purposes and returned within 8 months (see §10.74 of this chapter);

(h) Articles exported under lease to a foreign manufacturer (see § 10.108 of this chapter); or

(i) Any other reimported articles for which free entry is specifically provided.

§ 141.3 Liability for duties includes liability for taxes.

The importer's liability for duties includes a liability for any internal revenue taxes which attach upon the importation of merchandise, unless otherwise provided by law or regulation.

§ 141.4 Entry required.

Entry, as required by section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), shall be made of every importation, whether free or dutiable and regardless of value, except for:

(a) The intangibles listed in general headnote 5, Tariff Schedules of the United States (19 U.S.C. 1202); and

(b) Articles specifically exempted by law or regulations from the requirement for entry.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

§ 141.5 Time limit for entry.

Merchandise for which entry is required shall be entered by the consignee within 5 working days after the entry of the importing vessel or report of the vehicle, or after the arrival at the port of destination in the case of merchandise transported in bond, unless a longer time is authorized by law or regulation, or by the district director in writing. Merchandise for which timely entry is not made shall be treated in accordance with § 4.37 and Part 20 of this chapter.

Subpart B—Right To Make Entry and Declarations on Entry

§ 141.11 Evidence of right to make entry for importations by common carrier.

(a) *Merchandise not released directly to carrier.* Except where merchandise is released directly to the carrier in accordance with paragraph (b) of this section, one of the following types of evidence of the right to make entry shall be filed in connection with the entry of merchandise imported by common carrier:

(1) A bill of lading, presented by the holder thereof, properly endorsed when endorsement is required under the law. A nonnegotiable bill of lading may not be endorsed by the named consignee to give someone else the right to make entry. If the person making entry intends to use the original bill of lading to obtain a duplicate bill of lading or carrier's certificate from the carrier, such exchange shall be made before the entry is filed, and the duplicate bill of lading or carrier's certificate shall be used to make entry in accordance with subparagraph (3) or (4) of this paragraph.

(2) An extract from a bill of lading certified to be genuine by the carrier bringing the merchandise to the port of entry. District directors shall not certify extracts from bills of lading.

(3) A certified duplicate bill of lading, with the carrier's certificate being in substantially the following form:

DUPLICATE BILL OF LADING CERTIFICATE

----------, 19--

The undersigned carrier, bringing the within-described merchandise to this port, hereby certifies that this signed couy of the bill of lading is genuine and may be used for the purpose of making Customs entry as provided for in section 484(1), Tariff Act of 1930.

(Name of carrier)

(Agent)

(4) A carrier's certificate, which may be executed on the official entry form, on Customs Form 7529, or, in appropriate cases, by means of a rubber-stamped or typewriten combined carrier's certificate and release order with one signature on a copy of the bill of lading, airway bill, shipping receipt, or other comparable document. The rubber-stamped or typewritten certificate shall be in substantially the following form, which may be varied to include any of the qualifications on release shown in § 141.111(d):

Date _____

The undersigned carrier, to whom or upon whose order the articles described herein or in the attached document must be released, hereby certifies that the consignee named in this document is the owner or consignee of such articles within the purview of section 484(h), Tariff Act of 1930. In accordance with the provisions of section 484(j), Tariff Act of 1930, authority is hereby given to release the articles covered by the aforementioned statement to such consignee.

_____
(Name of carrier)

_____
(Agent)

(5) A blanket carrier's certificate on an appropriately modified Customs Form 7529, covering any or all shipments which will arrive at the port on the carrier's conveyances during the period specified in the certificate.

(6) A shipping receipt or other document presented in lieu of a bill of lading shall be accepted as authority for making entry only if it bears a carrier's certificate in accordance with subparagraph (4) of this paragraph, or if entry is made by the actual consignee in person or in his name by a duly authorized agent.

(b) *Merchandise released directly to carrier.* Where in accordance with subsection (j) of section 484, Tariff Act of 1930, as amended, merchandise is released from Customs custody (either under immediate delivery procedures in accordance with the provisions of Part 142 of this chapter, or after an entry has been made and estimated duties deposited, where appropriate), to the carrier by whom the merchandise was brought to the port, the delivery of the merchandise by the carrier to the person making entry and depositing the estimated duties shall be deemed to be the certification required by subsection (h), section 484, Tariff Act of 1930. Customs responsibility under this optional entry procedure is limited to the collection of duties, and constitutes no representation whatsoever regarding the right of any person to obtain possession of the merchandise from the carrier. Consequently, no Customs official shall be liable to any person in respect to the delivery of merchandise released from Customs custody in accordance with the provisions of this paragraph.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 141.12 Right to make entry of importations by other than common carrier.

When merchandise is not imported by a common carrier, possession of the merchandise at the time of arrival in the United States shall be deemed sufficent evidence of the right to make entry.

§ 141.13 Right to make entry of abandoned or salvaged merchandise.

Underwriters of abandoned merchandise or salvors of merchandise saved from a wreck who are unable to produce a bill of lading, certified duplicate bill of lading, or carrier's certificate shall produce evidence satisfactory to the district director of their right to act.

§ 141.14 Deceased or insolvent consignees and court-appointed administrators.

The executor or administrator of the estate of a deceased consignee, the receiver or other legal representative of an insolvent consignee, or the representative appointed in any action or proceeding at law to act for a consignee shall not be permitted to make entry unless he shall produce a duly endorsed bill of lading, a carrier's certificate, or a duplicate bill of lading, executed in accordance with subsections (h) or (i) of section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484), showing him to be the consignee for Customs purposes.

§ 141.15 Bond for production of bill of lading.

(a) *When appropriate.* If the person desiring to make entry is unable at that time to present a bill of lading or other evidence of right to make entry in accordance with § 141.11, the district director may accept a bond for the production of a bill of lading under the provisions of section 484(c), Tariff Act of 1930, as amended (19 U.S.C. 1484(c)). The bond shall be for the production of a bill of lading, even if the person making entry intends to produce a carrier's certificate or certified duplicate bill of lading, since section 484(c) does not apply to entries made on a carrier's certificate or certified duplicate bill of lading If the district director is in doubt as to the propriety of accepting entry on a bond for the production of a bill of lading, he shall request authority to do so from the Commissioner of Customs.

(b) *Form.* The bond shall be on Customs Form 7581 and shall run in favor of the district director personally and as district director.

(c) *Documents acceptable to satisfy bond.* A bond given for the production of a bill of lading shall be considered as canceled upon production of a bill of lading, and may be considered as satisfied but shall not be canceled upon the production of a carrier's certificate or certified duplicate bill of lading.

§ 141.16 Disposition of documents.

(a) *Bill of lading.* When the return of the bill of lading to the person making entry is requested in accordance with section 484(j), Tariff Act of 1930, as amended (19 U.S.C. 1484(j)), the district director shall obtain a receipt showing sufficient data from the bill of lading to completely identify it and enable the auditor to verify the production of proper evidence of the right to make entry. The receipt shall also show any freight charges and weights that appear on the bill of lading. The district director shall then return the bill of lading to the person making entry with a notation thereon to the effect that entry has been made for the merchandise.

(b) *Other documents.* When any of the other documents specified in §§ 141.11(a) (2) through (6) is used in making entry, it shall be retained by the district director as evidence that the person making entry is authorized to do so.

§ 141.17 Entry by nonresident consignee.

A nonresident consignee has the right to make entry, but any bond taken in connection with the entry shall have a resident corporate surety or, when a carnet issued under Part 114 of this chapter is used as an entry form, an approved resident guaranteeing association.

§ 141.18 Entry by nonresident corporation.

A nonresident corporation (i.e., one which is not incorporated within the Customs territory of the United States or in the Virgin Islands of the United States) shall not enter merchandise for consumption unless it:

(a) Has a resident agent in the State where the port of entry is located who is authorized to accept service of process against such corporation; and

(b) Files a bond having a resident corporate surety to secure the payment of any increased and additional duties which may be found due.

§ 141.19 Declaration on entry.

(a) *Declaration by consignee.* The consignee in whose name an entry is made under the provisions of section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484), shall execute on the entry form a declaration as specified in section 485(a) of that Act, as amended (19 U.S.C. 1485(a)), except that the declaration need not be under oath. When the consignee is a partnership, any partner may execute the declaration, and when the consignee is a corporation any officer of the corporation may execute the declaration.

(b) *Declaration by agent of consignee—(1) Authorized agent with knowledge of facts.* When entry is made in a consignee's name by an agent who has knowledge of the facts and who is authorized under a proper power of attorney by that consignee to make declarations in accordance with section 485(f), Tariff Act of 1930, as amended (19 U.S.C. 1485(f)), a declaration on the entry form executed by that agent is sufficient and no bond to produce a declaration of the consignee is required.

(2) *Other agents.* When entry is made in a consignee's name by an agent who does not meet the qualifications set forth in subparagraph (1) of this paragraph, a declaration of the consignee on Customs Form 3347–A shall be submitted

with the entry, or a charge for the production of such declaration shall be made against the entry bond. No separate bond of the agent shall be required, since a charge against the entry bond satisfies the requirements of section 485(c), Tariff Act of 1930, as amended (19 U.S.C. 1485(c)).

(3) *Nominal consignee.* A nominal consignee who makes entry in his own name is not considered an agent within the purview of section 485(c), Tariff Act of 1930, as amended (19 U.S.C. 1485(c)), and he shall execute a declaration in accordance with paragraph (a) of this section.

(c) *Books, newspapers, and periodicals.* In the case of successive importations of books, magazines, newspapers, and periodicals within the scope of section 485(b), Tariff Act of 1930, as amended (19 U.S.C. 1485(b)), one declaration filed at the time of arrival of the first importation will be sufficient.

(Secs. 485, 486, 46 Stat. 724, as amended, 725, as amended; 19 U.S.C. 1485, 1486)

§ 141.20 Actual owner's declaration and superseding bond.

(a) *Filing by nominal consignee.* A nominal consignee who has made entry in his own name and who desires under the provisions of section 485(d), Tariff Act of 1930, as amended (19 U.S.C. 1485(d)), to be relieved from liability for the payment of any additional or increased duties shall file with the district director, within 90 days from the date of entry, a declaration of the actual owner of the merchandise on Customs Form 3347 and a superseding bond of the actual owner on Customs Form 7601. The actual owner's declaration and superseding bond shall not be accepted unless they are filed by the nominal consignee or his duly authorized agent.

(b) *Nonresident actual owner.* If the

(c) *Filing is optional.* The filing of the actual owner's declaration and superseding bond by the nominal consignee is optional, and no bond shall be required for their production.

(c) *Filing is optional.* The filing of the actual owner's declaration and superseding bond by the nominal consignee is optional, and no bond shall be required for their production.

(Secs. 485, 623, 46 Stat. 724, as amended, 759, as amended; 19 U.S.C. 1485, 1623)

Subpart C—Powers of Attorney

§ 141.31 General requirements and definitions.

(a) *Limited or general power of attorney.* A power of attorney may be executed for the transaction by an agent or attorney of a specified part or all the Customs business of the principal.

(b) *Sealed instruments.* If a power of attorney is for the execution of sealed instruments, it shall be under seal.

(c) *Minor agents.* A power of attorney to a minor shall not be accepted.

(d) *Definitions of resident and nonresident.* For the purposes of this subpart, "resident" means an individual who resides within, or a partnership one or more of whose partners reside within, the Customs territory of the United States or the Virgin Islands of the United States, or a corporation incorporated in any jurisdiction within the Customs territory of the United States or in the Virgin Islands of the United States. A "nonresident" means an individual, partnership, or corporation not meeting the definition of "resident."

§ 141.32 Form for power of attorney.

Customs Form 5291 may be used for giving powers of attorney to transact Customs business. If a Customs power of attorney is not on a Customs Form 5291, it shall be either a general power of attorney with unlimited authority or a limited power of attorney as explicit in its terms and executed in the same manner as a Customs Form 5291. The following is an example of an acceptable general power of attorney with unlimited authority:

Know all men by these presents, that _____,
(Name of principal)
_____,
(state legal designation, such as corporation, individual, etc.)
residing at _____ and doing business under the laws of the State of _____, hereby appoints _____
(name, legal designation, and address)
as a true and lawful agent and attorney of the principal named above with full power and authority to do and perform every lawful act and thing the said agent and attorney may deem requisite and necessary to be done for and on behalf of the said principal without limitation of any kind as fully as said principal could do if present and acting, and hereby ratify and confirm all that said agent and attorney shall lawfully do or cause to be done by virtue of these presents until and including _____, or until
(date)
notice of revocation in writing is duly given before that date.

Date _____, 19__.

_____
(Principal's signature)

§ 141.33 Alternative form for noncommercial shipment.

An individual (but not a partnership, association, or corporation) who is not a regular importer may appoint another individual as his unpaid agent for Customs purposes by executing a power of attorney applicable to a single noncommercial shipment by writing, printing, or stamping on the invoice, or on a separate paper attached thereto, the following statement:

_____ of
(Name)
_____
(address)
is hereby authorized to execute, as an unpaid agent who has knowledge of the facts, pursuant to the provisions of section 485(f), Tariff Act of 1930, as amended, the consignee's and owner's declarations provided for in section 485 (a) and (d), Tariff Act of 1930, as amended, and to enter on my behalf or for my account the goods described in the attached invoice which contains a true and complete statement of the facts concerning the shipment.

Date _____, 19__.

_____
(Signature of importer)
_____
(Address)

§ 141.34 Duration of power of attorney.

Powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of receipt thereof by the district director. All other powers of attorney may be granted for an unlimited period.

§ 141.35 Revocation of power of attorney.

Any power of attorney shall be subject to revocation at any time by written notice given to and received by the district director.

§ 141.36 Nonresident principals in general.

A power of attorney filed by a nonresident principal shall not be accepted unless the agent designated thereby is a resident and is authorized to accept service of process against such nonresident.

§ 141.37 Additional requirements for nonresident corporations.

A power of attorney executed by a nonresident corporation shall be supported by filing the following documents which, except for the certificate of incorporation, shall be certified as correct by the secretary of the corporation under its corporate seal:

(a) A certificate from the proper public officer of the country showing the legal existence of the corporation;

(b) A copy of that portion of the charter or articles of incorporation which shows the scope of the business of the corporation and the governing body thereof; and

(c) One of the following proofs of the grantor's authority to grant power of attorney for the corporation:

(1) If the authority of the grantor is derived from the charter or articles of incorporation, a copy of that portion thereof which contains such authority; or

(2) If the authority of the grantor is derived from the governing body, a copy of the bylaws or other document which authorizes the governing body to designate others to appoint agents or attorneys, together with a copy of the resolution, minutes, or other document by which the governing body conferred the authority on the grantor.

§ 141.38 Resident corporations.

A power of attorney shall not be required if the person signing Customs documents on behalf of a resident corporation is known to the district director to be the president, vice president, treasurer, or secretary of the corporation. When a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized for such purpose, and shall be supported by a certificate showing the authority of such person to execute the power of attorney. The certificate of authority shall be executed under seal by the secretary, assistant secretary, or other corporate officer, but not by the same person executing the power of attorney, and shall be in the following form:

CERTIFICATE

I, _____, certify that I am the _____ of _____, organized under the laws of the State of _____; that _____, who signed this power of attorney on behalf of the donor, is the _____ of the said corporation; and that said power of attorney was duly signed, sealed, and attested for and in behalf of said corporation, by authority of its governing body as the same appears in a resolution of the Board of Directors passed at a regular meeting held on the _____ day of _____, now in my possession or custody. I further certify that the resolution is in accordance with the articles of incorporation and bylaws of said corporation.

In witness whereof, I have hereunto set my hand and affixed the seal of said corporation, at the city of _____ this _____ day of _____, 19__.

§ 141.39 Partnerships.

(a) *General.* A power of attorney granted by a partnership shall state the names of all members of the partnership. One member of a partnership may execute a power of attorney in the name of the partnership for the transaction of all its Customs business, except the execution of sealed instruments. If the power of attorney is for the execution of sealed instruments, it shall be signed and sealed by each partner.

(b) *Change in partners.* When a new firm is formed by a change in membership, no power of attorney filed by the antecedent firm shall thereafter be recognized for any Customs purpose.

§ 141.40 Trusteeships.

A trustee may execute a power of attorney for the transaction of Customs business incident to the trusteeship.

§ 141.41 Surety on Customs bonds.

Powers of attorney to sign as surety on Customs bonds are subject to the requirements set forth in Part 25 of this chapter.

§ 141.42 Protests.

Powers of attorney to file protests are subject to the requirements set forth in § 174.3 of this chapter.

§ 141.43 Delegation to subagents.

(a) *Resident principals.* Except as otherwise provided for in paragraph (c) of this section, the holder of a power of attorney for a resident principal cannot appoint a subagent except for the purpose of executing shippers' export declarations. A subagent so appointed cannot delegate his power.

(b) *Nonresident principals.* Except as otherwise provided for in paragraph (c) of this section, an agent who has power of attorney for a nonresident principal may execute a power of attorney delegating authority to a subagent only if the original power of attorney contains express authority from the principal for the appointment of a subagent or subagents. Any subagent so appointed must be a resident authorized to accept service of process in accordance with § 141.36.

(c) *Customhouse brokers.* A power of attorney executed in favor of a licensed customhouse broker may specify that the power of attorney is granted to the broker to act through any of its licensed officers or authorized employees as provided in Part 111 of this chapter.

§ 141.44 Designation of Customs districts in which power of attorney is valid.

Unless a power of attorney specifically authorizes the agent to act thereunder in all Customs districts, the name of each district in which the agent is authorized to act thereunder shall be stated in the power of attorney. The power of attorney shall be filed with any district director, in a sufficient number of copies for distribution to each district in which the agent is to act, unless exempted from filing by § 141.46. The district director with whom a power of attorney is filed, irrespective of whether his district is named therein, shall approve it, if it is in the correct form and the provisions of this subpart are complied with, and forward any copies intended for other districts to the appropriate districts.

§ 141.45 Certified copies of power of attorney.

When a power of attorney which is not limited to transactions in a specific Customs district has been filed and it is desired to use it in another district, the district director with whom it is filed, upon request of the district director of the other district or upon request of the person or firm which executed the power, shall forward a certified copy thereof to the district director of the second district. Any expense in connection with the preparation of such documents shall be borne by the parties in interest.

§ 141.46 Power of attorney retained by customhouse broker.

A customhouse broker is required to obtain a valid power of attorney before transacting Customs business for a principal, but is not required to file the power of attorney with a district director. Customhouse brokers shall retain powers of attorney with their books and papers, and make them available to representatives of the Department of the Treasury as provided in subpart C of Part 111 of this chapter.

Subpart D—Quantity of Merchandise To Be Included in an Entry

§ 141.51 Quantity usually required to be in one entry.

All merchandise arriving on one vessel or vehicle and consigned to one consignee shall be included in one entry, except as provided in § 141.52.

§ 141.52 Separate entries for different portions.

Separate entries may be made for different portions of all the merchandise arriving on one vessel or vehicle and consigned to one consignee under any of the following circumstances, if the district director is satisfied that there will be no prejudice to the revenue or to the efficient conduct of Customs business:

(a) Each portion of a consolidated shipment addressed to one consignee for various ultimate consignees may be entered separately under the procedure set forth in § 141.54.

(b) One or more of the enclosed packages in a packed package may be entered separately under any appropriate form of formal or informal entry. No entry is required for an enclosed package which contains merchandise unconditionally free of duty and not exceeding $250 in value. A packed package is an outer package in which are contained inner packages addressed for delivery to two or more different persons, as described in section 484(f), Tariff Act of 1930, as amended (19 U.S.C. 1484(f)). Each outer container shall be marked to indicate that it is a packed package.

(c) The consignee desires to enter different portions under different forms of entry, for transportation to different ports of entry, or for warehousing in separate warehouses.

(d) Appraisement is being withheld upon merchandise of the class or kind for which a separate entry is tendered.

(e) The several portions of the consignment for which separate entries are tendered are covered by separate bills of lading.

(f) The consignment consists of different classes of merchandise which are to be processed by different Customs commodity specialist teams.

(g) The consignment contains merchandise subject to entry under bonds given to assure accounting for final disposition, such as a temporary importation bond.

(h) The consignment consists of different importations which arrived under a consolidated entry for immediate transportation made pursuant to § 18.11(g) of this chapter.

(i) A special application is submitted to the Commissioner of Customs with the recommendation of the district director concerned and is approved by the Commissioner.

§ 141.53 Procedure for separate entries.

When separate entries for one consignment are made in accordance with § 141.52 (b) through (i), the following procedures shall apply:

(a) The entries shall be presented simultaneously when practicable.

(b) A separate consignee's declaration shall be filed for each entry.

(c) Each entry shall cover whole packages or not less than 1 ton of bulk merchandise, except when a portion of the merchandise is entered under a temporary importation bond in accordance with schedule 8, part 5C, Tariff Schedules of the United States.

(d) When separate entries are made for merchandise covered by a single bill of lading, the provisions of § 141.54 shall be complied with, except that the endorsement on the bill of lading required by § 141.54(b) shall read as follows:

As portions of the within-described merchandise will be covered by separate entries, the undersigned consignee expressly waives the right granted by section 484(j), Tariff Act of 1930, as amended, to have this bill of lading returned.

§ 141.54 Separate entries for consolidated shipments.

When separate entries for consolidated shipments are made in accordance with

§ 141.52(a), the following procedures shall apply except where the merchandise is released directly to the carrier in accordance with § 141.11(b):

(a) *Deposit of evidence of right to make entry.* The nominal consignee of a consolidated shipment covering merchandise for various ultimate consignees who desire to make separate entries shall deposit with the district director evidence of the right to make entry as set forth in § 141.11(a), and such evidence shall be permanently retained by the district director.

(b) *Waiver of right to have bill of lading returned.* If a bill of lading is filed, it shall contain the following endorsement signed by the consignee named therein:

As the within-described merchandise belongs to various ultimate consignees who desire to make separate entries therefor, the undersigned consignee thereof hereby expressly waives the right granted by section 484(j), Tariff Act of 1930, as amended, to have this bill of lading returned.

(c) *Certificate by nominal consignee.* Except when an authority to make entry for a portion of a consolidated shipment is executed on the entry form in the space provided therefor, at the time of depositing such bill of lading or other document the consignee named therein shall produce a certificate prepared and signed by him for each portion of the shipment for which separate entry is desired. The authority to make entry carried by such a certificate may be transferred by endorsement. The certificate shall be in the following form.

Port of _____
_____, 19__

AUTHORITY TO MAKE ENTRY

Of merchandise imported at _____ on _____, 19__, per _____, from _____ shipped by _____, consigned to _____, endorsed to _____, covered by [1] _____ dated _____, 19__, at _____ on file with the district director of Customs at _____.

Marks	*Numbers*	*Description*
------	------	----------
------	------	----------
------	------	----------

(We) (I) _____, the consignee in the above-mentioned document covering merchandise for various ultimate consignees, hereby authorize _____ or order to make Customs entry for the above described merchandise.

_____
(Consignee)

(d) *Verification of certificate.* When a certificate on a separate document as described in paragraph (c) of this section is presented, it shall be compared with the supporting document and after being initialed by the ministerial clerk shall be returned to the consignee for transmittal to the person who will make entry. When an entry is received having executed in the space provided thereon an authority to make entry for a portion of a consolidated shipment, such authority shall be compared with the supporting document.

[1] Insert "bill of lading," "certified duplicate bill of lading," "carrier's certificate," or "shipping receipt."

§ 141.55 Single entry for shipments arriving under one transportation entry.

Except in the case of merchandise subject to a quantitative or tariff-rate quota, district directors are authorized to accept an entry for consumption or for warehousing for the entire quantity of merchandise covered by an entry for immediate transportation after the arrival of any part of such quantity at the port of destination or at such place of deposit outside the port as may be authorized in accordance with § 18.11(c) of this chapter.

Subpart E—Presentation of Entry Papers

§ 141.61 Completion of entry papers.

(a) *Preparation.* Entries shall be prepared on a typewriter, or with ink, indelible pencil, or other permanent medium, and all copies presented shall be legible. All entry papers and accompanying documents shall be on the appropriate forms specified by the regulations, and shall clearly set forth all information required by such forms.

(b) *Signing of entry.* The signing of the consignee's declaration on the consumption or warehouse entry in accordance with section 141.19 shall be regarded as a signing of the entry as required by section 484(d), Tariff Act of 1930, as amended (19 U.S.C. 1484(d)).

(c) *Customs Form 6417.* Each entry shall be accompanied by Customs Form 6417 (Summary of Entered Values), the face of which shall be prepared by the importer as a carbon copy of the entry so that it contains the same information as the entry. However, no Customs Form 6417 shall be required or accepted by the district director for importations entitled to immediate delivery under § 10.104(a) of this chapter, which pertains to certain importations by military departments, the General Services Administration, and the Atomic Energy Commission.

(d) *Customs Form 5101.* A Customs Form 5101 (Entry Record) shall be prepared by the importer and all three copies, with carbon paper left in, shall be presented with each dutiable consumption entry, and each warehouse, appraisement, vessel repair, or drawback entry. The importer number shall be reported as follows:

(1) *Generally.* The importer number of the importer of record and the importer number of the ultimate consignee shall be reported for each such entry filed other than a consolidated entry covering the shipment of several ultimate consignees. When the importer of record and the ultimate consignee are one and the same, the importer number shall be entered in both spaces provided on Customs Form 5101.

(2) *When a consolidated entry is filed.* When a consolidated entry is filed, the notation "consolidated" shall be entered in the space for the importer number of the ultimate consignee.

(3) *When refunds, bills, or notices of liquidation are to be mailed to the agent.* If an importer of record desires to have refunds, bills, or notices of liquidation mailed in care of his agent, the agent's importer number shall also be reported on the Customs Form 5101. In such a case, the importer of record shall file, or shall have filed previously, a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

(e) *Statistical information.* Each invoice shall be listed separately on the entry, and for each class of merchandise within each invoice the following shall be shown:

(1) Country of origin;

(2) Quantity;

(3) Description in terms of the Tariff Schedules of the United States Annotated, or in more specific terms that will clearly identify the merchandise and its entered classification;

(4) Aggregate entered value for such classification, except in the case of entry by appraisement;

(5) The seven-digit statistical number, as shown in the Tariff Schedules of the United States Annotated; and

(6) The entered rate of duty and internal revenue tax.

(f) *Value of each invoice.*

(1) *Dutiable, taxable, or conditionally free merchandise.* For each invoice of dutiable, taxable, or conditionally free merchandise covered by the entry and in a conspicuous place among the entry data relating to such invoice, there shall be shown the gross amount of such invoice, the deduction of the aggregate amount of any nondutiable charges included in such amount, the further deduction of the aggregate of any deductions from invoice values to make entered values, and the addition of the aggregate of any dutiable charges not included in the gross amount of the invoice and of any other additions to invoice values to make entered values, so that the final amount in the summary computation represents the aggregate of the entered values of all the merchandise on each invoice covered by the entry.

(2) *Unconditionally free merchandise.* For each invoice of merchandise that is unconditionally free of duty and tax, it will be sufficient if the entry data relating to such invoice includes the entered value, without the detailed computations specified in subparagraph (1) of this paragraph.

(g) *Cotton textiles from Hong Kong.* On each entry covering cotton textiles imported from Hong Kong, the description of merchandise shall include, in addition to the applicable item number of the Tariff Schedules of the United States Annotated, the International Cotton Textile Arrangement Category number appearing on the Comprehensive Certificate of Origin when such a certificate is required (see 31 CFR 500.808).

(h) *Cigars, cigarettes, or cigarette papers and tubes.* On each entry of cigars, cigarettes, or cigarette papers and tubes, as those articles are defined in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part

275), and when subject to such regulations, the separate statement for tax purposes required by 26 CFR 275.81 as to any such article shall be made on the entry form.

§ 141.62 Hours for presentation of entries and withdrawals.

(a) *Normal business hours.* Entry or withdrawal papers shall be presented only when the customhouse is open for the general transaction of business (see § 1.7 of this chapter), except as provided for in paragraph (b) of this section.

(b) *Overtime.* The following types of merchandise may be entered or withdrawn for consumption when the customhouse is not open for the general transaction of business, provided the entry or withdrawal is presented at a time when overtime services of the Customs officers are reimbursable and the person desiring to make the entry or withdrawal has applied for and received authorization for overtime services in accordance with § 24.16 of this chapter:

(1) *Merchandise with duty rates changing each year.* Merchandise subject to a rate of duty which changes each year on fixed dates may be entered or withdrawn for consumption on a Saturday, Sunday, or legal holiday, or after 5 p.m. on a business day, if such day is the last day on which such merchandise may be entered at a lower rate.

(2) *Tariff-rate quota merchandise.* Merchandise subject to a tariff-rate quota which was released under a special permit for immediate delivery at a time when the applicable quota was filled may be entered on a Saturday, Sunday, or legal holiday, or after 5 p.m. on a business day, when midnight of such day is the deadline for making entry as prescribed in § 142.11(b) of this chapter.

§ 141.63 Presentation of entry papers before or after arrival of merchandise.

Formal entry papers may be presented at the customhouse after the merchandise has arrived within the limits of the port of entry, or they may be presented for preliminary examination within such time prior to the arrival of the merchandise as may be fixed by the district director, but estimated duties may not be accepted before the merchandise has arrived within the port limits. The presentation of entry papers for preliminary examination before arrival of the merchandise shall not be applicable to merchandise which is to be released under a special permit for immediate delivery, merchandise subject to a quantitative or tariff-rate quota, merchandise which is to be entered at a Customs station, or any merchandise to be covered by an informal entry.

§ 141.64 Review and correction of entry papers.

When the papers for a formal entry are presented, they shall be reviewed prior to acceptance to insure that all entry requirements are complied with and that the indicated values and rates of duty are correct. If any errors are found, the entry papers shall be returned to the importer for correction.

§ 141.65 Acceptance of entry before review.

If merchandise which has arrived within the port limits is to be entered under a consumption entry, or under a warehouse entry accompanied by a simultaneous withdrawal for consumption, and the importer believes that the review prior to acceptance may delay the completion of the entry until a higher rate of duty is in effect, he may file with the entry papers a written request to deposit the estimated duties before the entry is reviewed. If such request is granted, the rates of duty applicable to the merchandise (including merchandise subject to a tariff-rate quota) shall be the rates in effect when the estimated duties are deposited, except as provided for in § 141.69 (b) for certain merchandise arriving under an immediate transportation entry. Such request shall be granted unless the district director has reason to believe that it is not made in good faith.

§ 141.66 Bond for missing documents.

Unless otherwise prescribed in these regulations, an appropriate bond may be given for the production of any required document which is not available at the time of entry. (See § 141.91 for the procedure applicable to incomplete or missing invoices.)

(Secs. 490, 623, 46 Stat. 726, as amended, 759, as amended; 19 U.S.C. 1490, 1623)

§ 141.67 Recall of entry papers by importer.

The importer may recall the entry papers at any time before the making of the entry has been completed in accordance with § 141.68. The entry shall be deemed canceled, and the invoice and other documents returned to the importer.

§ 141.68 Effective time of entry.

(a) *General.* No entry shall be considered to be "deposited" or "accepted," nor shall the merchandise covered thereby be considered to be entered within the meaning of the law or regulations applicable to the entry of the merchandise, until after the arrival of the merchandise within the limits of the port of entry and the subsequent deposit of estimated duties or subsequent official determination that no deposit is required.

(b) *Informal mail entry.* Entry is made under an informal mail entry (Customs Form 3419 or 5119–A) when the preparation of the entry by a Customs employee is completed.

(c) *Warehouse entry.* Entry is made under a warehouse entry (Customs Form 7502) when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, with the Customs officer designated to receive such entry papers.

(d) *Withdrawal from warehouse for consumption.* A withdrawal from warehouse for consumption, the process preparatory to the issuance of a permit for the release of the merchandise to or upon the order of the warehouse proprietor, is made when Customs Form 7505 is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of withdrawal, with the Customs officer designated to receive such withdrawal, and any duties required to be paid at the time of withdrawal have been deposited with the Customs officer designated to receive such monies. Unless all acts required by this paragraph and by section 315(a), Tariff Act of 1930, as amended (19 U.S.C. 1315(a)), including the deposit of required duties, are completed before the expiration of 60 days from the date of deposit of Customs Form 7505, such form and any related papers shall be deemed abandoned.

(e) *Formal consumption entry, appraisement entry, informal entry, combined entry for rewarehouse and withdrawal for consumption, and entry under carnet.* Entry is made under a formal consumption entry (Customs Form 7501), an appraisement entry (Customs Form 7500), an informal entry (Customs Form 5119–A), a combined entry for rewarehouse and withdrawal for consumption (Customs Form 7519), or an A.T.A. or E.C.S. carnet issued under Part 114 of this chapter when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, with the Customs officer designated to receive such entry papers, and any duties required to be paid at the time of making entry have been deposited with the Customs officer designated to receive such moneys.

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 141.69 Applicable rates of duty.

The rates of duty applicable to merchandise shall be the rates in effect when the making of the entry is completed in accordance with § 141.68, except as otherwise specially provided for and in the following cases:

(a) *Warehouse entries.* Merchandise entered for warehouse is dutiable at the rates in effect when withdrawal from warehouse for consumption is made in accordance with § 141.68(d).

(b) *Merchandise entered for immediate transportation.* Merchandise which is not subject to a quantitative or tariff-rate quota and which is covered by an entry for immediate transportation made at the port of original importation, if entered for consumption at the port designated by the consignee or his agent in such transportation entry without having been taken into custody by the district director for general order under section 490, Tariff Act of 1930, as amended (19 U.S.C. 1490), shall be subject to the rates in effect when the immediate transportation entry was accepted at the port of original importation.

(c) *Overcarried merchandise returned to port of entry.* If merchandise which has been entered for consumption, but not yet released from Customs custody,

is removed from the port or place of intended release because of overcarriage, inaccessibility, strike, act of God, or unforeseen contingency, and is returned to such port or place within 90 days after removal, such merchandise shall be subject to the rates in effect at the time of the original entry, provided the merchandise is identified with the original entry by the usual Customs examination and by any documentary evidence as to its movement between its removal and return which the district director may reasonably require. A new entry shall be required, unless the original entry has not been liquidated and the consignee at the time of original importation and at the time of return is the same person.

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

Subpart F—Invoices

§ 141.81 Invoice for each shipment.

A special Customs invoice or commercial invoice shall be presented for each shipment of merchandise at the time of entry, subject to the conditions set forth in these regulations. Except in the case of installment shipments provided for in § 141.82, an invoice shall not represent more than one distinct shipment of merchandise by one consignor to one consignee by one vessel or conveyance.

§ 141.82 Invoice for installment shipments arriving within a period of 7 days.

(a) *One invoice sufficient.* Installments of a shipment covered by a single order or contract and shipped from one consignor to one consignee may be included in one invoice if the installments arrive at the port of entry by any means of transportation within a period of not to exceed 7 consecutive days.

(b) *Preparation of invoice.* The invoice shall be prepared in the manner provided for in this subpart and, when practicable, shall show the quantities, values, and other invoice data with respect to each installment, the date of shipment of each installment, and the car number or other identification of the importing conveyance in which it was shipped.

(c) *Pro forma invoice.* If the required invoice is not filed with the first entry of an installment series, a pro forma invoice shall be filed with each entry made before the required invoice is produced, and in accordance with section 141.91 a bond shall be given, or charge against a term bond made, for the production of the required invoice. Liquidated damages will accrue in the case of each entry if more than 6 months expire without the production of an invoice for such entry.

(d) *Informal entry.* Any bona fide installment valued at not over $250 may be entered on an informal entry in accordance with subpart C of Part 143 of this chapter, in which case such installment need not be considered in connection with invoice requirements for the balance of the series.

§ 141.83 Type of invoice required.

(a) *Special Customs invoice.* A special Customs invoice (Customs Form 5515) shall be presented for each shipment of merchandise which is subject to a rate of duty dependent in any manner on value (including such merchandise entered under a conditionally free provision) and which is determined by the district director to have an aggregate purchase price over $500, including all expenses incident to placing the merchandise in condition packed ready for shipment to the United States, or in the case of merchandise not imported in pursuance of a purchase or agreement to purchase, an aggregate value over $500 as determined in accordance with § 152.21 of this chapter. However, a special Customs invoice is not required for merchandise which is excepted from the requirements for both a special Customs invoice and a commercial invoice by paragraph (c) of this section. In the case of merchandise entered under a conditionally free provision which is ordinarily subject to a rate of duty dependent on value, and which is not exempted from invoice requirements under paragraph (c)(4) of this section because the free entry documents and evidence are not produced at the time of entry, the bond obligation to produce a special Customs invoice shall be canceled without the payment of liquidated damages if such documents and evidence are produced within 6 months after entry.

(b) *Commercial invoice.* For each shipment of imported merchandise which is not required by paragraph (a) of this section to have a special Customs invoice, and which is not exempted by paragraph (c) of this section from both a special Customs invoice and a commercial invoice, a commercial invoice shall be presented. The commercial invoice shall be prepared in the manner customary in the trade and shall contain the information required by § 141.86 through § 141.89. In lieu of a required commercial invoice, the district director at his discretion may accept a copy thereof. If the copy is other than a photostatic copy, it shall bear a declaration by the foreign seller, shipper, or importer that it is a true copy.

(c) *Special Customs or commercial invoice not required.* Neither a special Customs invoice nor a commercial invoice shall be required in connection with the entry of the merchandise listed hereafter in this paragraph, but the importer shall present any invoice, memorandum invoice, or bill pertaining to the goods which may be in his possession or available to him. If no such invoice or bill is available, a pro forma invoice in accordance with section 141.85 shall be presented, containing adequate information for examination and determination of duties. The merchandise subject to the foregoing requirements is as follows:

(1) Merchandise having an aggregate purchase price or value, as specified in paragraph (a) of this section, of $500 or less.

(2) Merchandise not intended for sale or any commercial use in its imported condition or any other form, and not brought in on commission for any person other than the importer.

(3) Merchandise which is unconditionally free of duty or subject only to a specific rate of duty not dependent on value (including such merchandise entered under a conditionally free provision).

(4) Merchandise which is ordinarily subject to a rate of duty dependent on value but which is entered under a conditionally free provision, and all free entry documents and evidence required to establish the exemption from duty are produced at the time of entry.

(5) Merchandise returned to the United States after having been exported for repairs or alteration under item 806.20 or 806.30, Tariff Schedules of the United States.

(6) Merchandise shipped abroad, not delivered to the consignee, and returned to the United States.

(7) Merchandise exported from continuous Customs custody within 6 months after the date of entry.

(8) Merchandise consigned to, or entered in the name of, any agency of the U.S. Government.

(9) Merchandise for which an appraisement entry is accepted.

(10) Merchandise entered under a temporary importation bond or a permanent exhibition bond.

(11) Merchandise provided for in section 465 or 466, Tariff Act of 1930 (19 U.S.C. 1465 or 1466), which pertain to certain equipment, repair parts, and supplies for vessels.

(12) Merchandise imported as supplies, stores, and equipment of the importing carrier and subsequently made subject to entry pursuant to section 446, Tariff Act of 1930, as amended (19 U.S.C. 1446).

(13) Ballast (not including cargo used for ballast) landed from a vessel and delivered for consumption.

(14) Merchandise, whether privileged or nonprivileged, resulting from manipulation or manufacture in a foreign trade zone.

(15) Screenings contained in bulk importations of grain or seeds.

§ 141.84 Photocopies of invoice for separate entries of same shipment.

(a) *Entries at one port.* If by reason of accident or short shipment a portion of the quantity covered by one invoice fails to arrive, or if for any other reason only a portion of the quantity covered by one invoice is entered under one entry, a photocopy of the original special Customs invoice or commercial invoice used in connection with the first entry, covering the quantity to be entered under another entry, may be used in connection with the subsequent entry of any portion of the merchandise not cleared under the first entry.

(b) *Entries from foreign-trade zone at one port.* A photocopy of the invoice filed with the first entry for consumption from a foreign-trade zone of a portion of the merchandise shown on the invoice will not be required for any subsequent entry for consumption from that zone at the same port of a portion of any merchandise covered by such invoice, if

a pro forma invoice is filed and identifies the entry first made and the invoice then filed.

(c) *Entries at different ports.* When portions of a single shipment requiring a special Customs invoice or a commercial invoice are entered at different ports, the importer may submit to the district director where the original invoice or latest photocopy of the original invoice is on file, two photocopies of the latest of such invoices to be certified as to merchandise previously received, and the official seal affixed thereto.

(d) *Pro forma invoice.* In a case in which a portion of the shipment is entered at the first port on a pro forma invoice, an entry at a subsequent port may be made by means of a new pro forma invoice which may cover only the merchandise then entered.

(e) *Photocopy to satisfy bond for invoice.* A properly certified photocopy of a special Customs invoice or a commercial invoice presented within 6 months after the date of entry may be accepted to cancel the bond given for the production of a special Customs invoice or commercial invoice.

§ 141.85 Pro forma invoice.

A pro forma invoice submitted in accordance with any provision of this chapter shall be in substantially the following form:

PRO FORMA INVOICE

IMPORTERS STATEMENT OF VALUE OR THE PRICE PAID IN THE FORM OF AN INVOICE

Not being in possession of a special or commercial seller's or shipper's invoice I request that you accept the statement of value or the price paid in the form of an invoice submitted below:

Name of shipper _____
address _____.
Name of seller _____
address _____.
Name of consignee _____
address _____.
Name of purchaser _____
address _____.

The merchandise (has) (has not) been purchased or agreed to be purchased by me.

The prices, or in the case of consigned goods the values, given below are true and correct to the best of my knowledge and belief, and are based upon: (Check basis with an "X")

(a) The price paid or agreed to be paid (--) as per order dated _____.

(b) Advices from exporter by letter (--) by cable (--) dated _____.

(c) Comparative values of shipments previously received (--) dated _____.

(d) Knowledge of the market in the country of exportation (--) _____.

(e) Knowledge of the market in the United States (if U.S. Value) (--) _____

(f) Advices of the District Director of Customs (--) _____.

(g) Other (--) _____.

Check which of the charges below are, and which are not included in the prices listed in columns "D" and "E":

	Amount	Included	Not included
Packing			
Cartage			
Inland freight			
Wharfage and loading abroad			
Lighterage			
Ocean freight			
U.S. duties			
Other charges (identify by name and amount)			
Total			

A	B	C	D	E	F	G
Case marks numbers	Manufacturer's Item No. symbol or brand	Quantities and full description	Unit purchase price (currency)	Total purchase price (currency)	Unit foreign value	Total foreign value

Country of origin _____.

If any other invoice is received, I will immediately file it with the District Director of Customs.

_____
(Signature of person making invoice)

_____
(Title and firm name)

Date _____

§ 141.86 Contents of invoices and general requirements.

(a) *General information required by Tariff Act.* Each invoice of merchandise imported into the United States shall set forth the following information required by section 481(a), Tariff Act of 1930 (19 U.S.C. 1481(a)):

(1) The port of entry to which the merchandise is destined;

(2) The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the time when and the person to whom and the person by whom it is shipped;

(3) A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, and symbols under which sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States;

(5) The purchase price of each item in the currency of the purchase, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase;

(6) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item, in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation;

(7) The kind of currency, whether gold, silver, or paper;

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices when the amounts for such charges are unknown to the seller or shipper; and

(9) All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise.

(b) *Nonpurchased merchandise shipped by other than manufacturer.* Each invoice of imported merchandise shipped to a person in the United States by a person other than the manufacturer and otherwise than pursuant to a purchase or agreement to purchase shall set forth the time when, the place where, the person from whom such merchandise was purchased, and the price paid therefor in the currency of the purchase, stating whether gold, silver, or paper.

(c) *Merchandise sold in transit.* In the case of merchandise sold on the documents while in transit from the port of exportation ot the port of entry, the invoice submitted with the entry should reflect the transaction pursuant to which the merchandise actually began its journey to the United States. If entry is made by or for the account of the one who purchased the merchandise while it was in transit, a statement showing the price paid for each item by such purchaser must also be presented at the time of entry.

(d) *Invoice to be in English.* The invoice and all attachments shall be in the English language, or shall have attached thereto an accurate English translation containing adequate information for examination of the merchandise and determination of duties.

(e) *Packing list.* Each invoice shall state in adequate detail what merchandise is contained in each individual package.

(f) *Weights and measures.* If the invoice or entry does not disclose the weight, gage, or measure of the merchandise which is necessary to ascertain duties, the consignee shall pay the expense of weighing, gaging, or measuring prior to the release of the merchandise from Customs custody.

(g) *Discounts.* Each invoice shall set forth in detail, for each class or kind of merchandise, every discount from list or other base price which has been or may be allowed in fixing each purchase price or value.

(h) *Numbering of invoices and pages.*

(1) *Invoices.* When more than one invoice is included in the same entry, each invoice with its attachments shall be numbered consecutively by the importer

on the bottom of the face of each page, beginning with No. 1.

(2) *Pages.* If the invoice or invoices filed with one entry consist of more than two pages, each page shall be numbered consecutively by the importer on the bottom of the face of each page. The page numbering shall begin with No. 1 for the first page of the first invoice and continue in a single series of numbers through all the invoices and attachments included in one entry.

(3) *Both invoices and pages.* When applicable, both the invoice number and the page number shall be shown at the bottom of each page. For example, if an entry covers one invoice of one page and a second invoice of two pages, the numbering at the bottom of the pages shall be as follows:

Inv. 1, p. 1.
Inv. 2, p. 2.
Inv. 2, p. 3.

(i) *Information may be on invoice or attached thereto.* Any information required on an invoice by any provision of this subpart may be set forth either on the invoice or on an attachment thereto.

§ 141.87 Breakdown on component materials.

Whenever the classification or appraisement of merchandise depends on the component materials, the invoice shall set forth a breakdown giving the value, weight, or other necessary measurement of each component material in sufficient detail to determine the correct duties.

§ 141.88 Cost of production statement.

When the district director determines that information as to the cost of production or constructed value is necessary in the appraisement of any class or kind of merchandise, he shall so notify the importer, and thereafter invoices of such merchandise shall contain a verified statement by the manufacturer or producer as to the cost of production or constructed value, as defined in section 402a(f) or 402(d), Tariff Act of 1930, as amended (19 U.S.C. 1402(f) or 1401a(d)).

§ 141.89 Additional information for certain classes of merchandise.

Invoices for the following classes of merchandise shall set forth the additional information specified:

Aluminum and alloys of aluminum classifiable under items 618.02, 618.04, 618.06, or 618.10, Tariff Schedules of the United States (T.D. 53092, 55977, 56143)—Statement of the percentages by weight of any metallic element used as an alloy in the articles.

Ball or roller bearings classifiable under item 680.35, Tariff Schedules of the United States (T.D. 68-306)—(1) Type of bearing (i.e., whether a ball or roller bearing); (2) if a roller bearing, whether a spherical, tapered, or other than a spherical or tapered bearing; (3) whether a combination bearing (i.e., a bearing containing both ball and roller bearings, etc.); and (4) if a ball bearing (not including ball bearing with integral shafts or parts of ball bearings), whether or not radial, the following; (a) Outside diameter of each bearing; (b) net weight of each bearing; and (c) whether or not a radial bearing (the definition of radial bearing is, for Customs purposes, an antifriction bearing primarily designed to support a load perpendicular to shaft axis).

Beads (T.D. 50088, 55977)—(1) The length of the string, if strung; (2) the size of the beads expressed in millimeters; (3) the material of which the beads are composed, i.e., ivory, glass, imitation pearl, etc.

Braids, nonelastic, and other nonelastic braided materials suitable for making or ornamenting headwear, classifiable under item 703.80 or 703.85 (T.D. 49501, 52020, 52114, 55977)—A statement as to whether or not the article has been bleached or colored.

Colors, dyes, stains and related products classifiable under the provisions of schedule 4, part 1C, Tariff Schedules of the United States, except item 406.80 (T.D. 53593, 53688, 56233)—The specifications set forth in "Schedule A" of § 152.42(c) of this chapter are required to be furnished with each invoice of these products on separate sheets of paper under the conditions which follow and with the exceptions noted:

(a) The information is not required for second and successive shipments of identical merchandise of the same name and strength if a reference is given to the date and the port of entry of the first shipment.

(b) The information specified in items 10 through 15 is required only when the Schultz number, item 7, the colour index number, item 8, and U.S. standard number, item 9, are not given.

(c) The following is substituted for items 4 and 5:

4. Name(s) under which sold in country of production.

5. Name(s) of comparable American made product with name of U.S. manufacturer (if none or unknown, so state).

Copper, articles classifiable under the provisions of schedule 6, part 2C, Tariff Schedules of the United States (T.D. 45878, 50158, 55977)—A statement of the weight of articles of copper and a statement of percentage of copper content by weight of articles dutiable on their copper content.

Copper bearing ores and concentrates classifiable under items 602.25, 602.30, 602.31, 603.50, 603.55, or 603.65 (T.D. 45878, 50158, 55977)—Statement as to the weight of the article and the weight of the copper content.

Cotton fabrics classifiable under the following items of the Tariff Schedules of the United States; schedule 3, part 1A—Cotton: items 301.60 thru 301.98, and items 302..., and 303.20; schedule 3, part 3A—Woven fabrics of cotton; all items except item 332.10 and 332.40; schedule 3, part 6A—Handkerchiefs; items 370.24 thru 370.68; schedule 3, part 6B—Mufflers, etc.; item 372.15; schedule 3, part 6C—Hosiery; item 374.40, schedule 3, part 6E—Underwear; item 378.15 (T.D. 49803, 55977)—(1) Marks on shipping packages; (2) Numbers on shipping packages; (3) Date of acceptance of the order by the seller; (4) Customer's call number, if any; (5) Manufacturer's marks, numbers, or symbols under which the merchandise is sold in the home market; (6) Exact width of the merchandise; (7) Detailed description of the merchandise; trade name, if any; whether bleached, unbleached, printed, dyed, or colored; if composed of cotton and other materials, state chief value first and given percentage (value) of each component; (8) Number of single threads per square inch (All ply yarns must be counted in accordance with the number of single threads contained in the yarn; to illustrate, a cloth containing 100 two-ply yarns in 1 square inch must be reported as 200 single threads); (9) Exact weight per square yard, in ounces; (10) Average yarn number (Use this formula:

$$\frac{\text{Number of single threads per square inch} \times 24}{\text{Number of ounces per square yard} \times 35} = \text{Average yarn number});$$

(11) Yarn size or sizes in the warp; (12) Yarn size or sizes in the filling; (13) Number of colors or kinds (different yarn sizes or materials) in the filling; (14) How the cloth was woven (if on plain loom without attachment, indicate (plain); if with eight or more harnesses (0/8H), if with Jacquard (Jacq), if with Swivel (Swiv), if with Lappet (Lpt)). Customs Form 5519 is acceptable for furnishing the additional information required above.

Cotton raw—See § 151.82 of this chapter for additional information required on invoices.

Cotton waste (T.D. 50044)—(1) The name by which the cotton waste is known, such as "cotton card strips"; "cotton comber waste"; "cotton lap waste"; "cotton sliver waste"; "cotton roving waste"; "cotton fly waste"; etc.: (2) Whether the length of the staple of the cotton from which any cotton card strips covered by the invoice were made is less than 1 3/16 inches or is 1 3/16 inches or more; (3) Whether the length of the staple of the cotton from which any cotton comber waste covered by the invoice was made is less than 1 3/16 inches or is 1 3/16 inches or more.

Earthenware or crockeryware composed of a nonvitrified absorbent body (including white granite and semiporcelain earthenware and cream-colored ware, stoneware, and terra cotta, but not including common brown, gray, red, or yellow earthenware), embossed or plain; common salt-glazed stoneware; stoneware or earthenware crucibles; Rockingham earthenware; china, porcelain, or other vitrified wares, composed of a vitrified nonabsorbent body which, when broken, shows a vitrified, vitreous, semivitrified, or semivitreous fracture; and bisque or parian ware (T.D. 53236)—(1) If in sets, the kinds of articles composing each kind of set, and the quantity of each kind of article in each set in the shipment; (2) the exact maximum diameter, expressed in inches, of each size of all plates in the shipment; (3) the unit value for each style and size of plate, cup, saucer, or other separate piece in the shipment.

Fish or fish livers imported in airtight containers classifiable under schedules 1, part 3C, Tariff Schedules of the United States (T.D. 50724, 49640, 55977)—(1) Statement whether the articles contain an oil, fat, or grease which has had a separate existence as an oil, fat, or grease; (2) The name and quantity of any such oil, fat, or grease.

Flax, hemp, and ramie fabrics and articles classifiable under the following items of the Tariff Schedules of the United States, 335.80, 335.90, 355.55, 356.25, 356.70, 356.80, 363.35, 366.30, 366.33, 366.36, 366.48, 366.81, 370.72, 370.76, or 370.80, and tablecloths, table scarves, and table doilies classifiable under items 366.51, or 366.84 (T.D. 50083, 55977, 56503)—(1) Customer's call number, if any; (2) Manufacturer's name and the manufacturer's marks, numbers, or symbols under which the merchandise is sold in the home market; (3) Exact width of the merchandise if in the piece, otherwise the size; (4) If composed of cotton and other materials, state chief value first and give percentage (value) of each component. State also the finish of the fabric or article, e.g., "loom state," "bleached," "commercial or vat dyed"; (5) Actual number of threads contained in the fabric per square inch, in condition exported. Each thread is counted as one whether or not such thread contains two or more single strands of yarn twisted to make a complete thread. To illustrate,

a cloth containing 100 two-ply yarns per square inch must be reported as 100 threads; (6) Exact weight per square yard, in ounces; (7) Whether "hand hemmed," "machine hemmed," "unhemmed," or "in piece." Customs Form 5519 is acceptable for furnishing the additional information required above.

Footwear; classifiable under schedule 7, part 1A, Tariff Schedules of the United States (T.D. 56254, 56297)—

(1) The importer's number (if any).

(2) The manufacturer's number under which the merchandise is sold in the home market.

(3) A detailed description of the merchandise.

(4) Category as listed below:

(a) Huaraches.

(b) McKay—sewed footwear.

(c) Moccasins.

(d) Turn or turned footwear.

(e) Welt footwear.

(f) Footwear with molded soles laced to uppers.

(g) Slippers.

(h) Soled moccasins.

(i) Cement footwear.

(j) Soft sole footwear.

(k) Stitchdown footwear.

(l) Footwear with soles vulcanized to uppers or with soles simultaneously molded and attached to uppers.

(m) Other footwear than listed (a) to (l).

(5) Materials of sole.

(6) Material of chief value of sole.

(7) Materials of upper.

(8) Material of chief value of upper.

(9) Material of chief value of shoe. If the shoe is composed essentially of rubber, state the percent by value of material and percent by value of synthetic rubber (if any).

(10) (a) Percentage of weight of entire shoe for fibers.

(b) Percentage of weight of entire shoe for rubber.

(c) Percentage of weight of entire shoe for plastics.

(11) Percentage of area of materials of exterior surface of upper.

(12) Gender as listed below:

(a) Footwear for men.

(b) Footwear for youths and boys.

(c) Footwear for women.

(d) Footwear for misses.

(e) Footwear for children.

(f) Footwear for infants.

(13) Type as listed below:

(a) Athletic footwear.

(b) Work footwear.

(c) Ski boots.

(d) Casual footwear.

(e) Other types of footwear.

(14) Height of footwear:

(a) Oxford height.

(b) Other height.

(15) The number of pairs of each number shipped.

(16) The unit price per pair in the currency of purchase.

(17) The total value for quantity invoiced. Discount, if any, may be deducted at foot of invoice.

(18) If such (the same) or similar merchandise is sold, at wholesale, for home consumption, the current unit price in home currency.

Customs Form 5523 may be used for furnishing the additional information required above.

Fur products and furs (T.D. 53064)—(1) Name or names (as set forth in the Fur Products Name Guide (16 CFR 301.0) of the animal or animals that produced the fur, and such qualifying statements as may be required pursuant to section 7(c) of the Fur Products Labeling Act (15 U.S.C. 69e(c)); (2) a statement that the fur product contains or is composed of used fur, when such is the fact; (3) a statement that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (4) a statement that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (5) name and address of the manufacturer of the fur product; (6) name of the country of origin of the furs or those contained in the fur product.

Glassware and other glass products classifiable under schedule 5, part 3C, Tariff Schedules of the United States, when imported in sets (T.D. 53079, 55977)—Statement of the separate value of each component article in the set.

Grain or grain and screenings (T.D. 51284)—Statement on Customs invoices for cultivated grain or grain and screenings that no screenings are included with the grain, or, if there are screenings included, the percentage of the shipment which consists of screenings commingled with the principal grain.

Hats or headwear classifiable under item 702.37 or 702.40 (T.D. 52114, 55977)—Statement as to whether or not the article has been bleached or colored.

Iron or steel, articles of, classifiable under schedule 6, part 2B, Tariff Schedules of the United States (T.D. 53092, 55977)—Statement of the percentages by weight of any metallic element used as an alloy in the articles.

Iron oxide (T.D. 49989, 50107)—For iron oxide to which a reduced rate of duty is applicable, a statement of the method of preparation of the oxide, together with the patent number, if any.

Jewelry (T.D. 51676)—(1) Design or motif; (2) component material of chief value; (3) whether or not the metal in the article is plated with platinum, gold, or silver, or is colored with gold lacquer.

Lumber, rough, dressed, or worked, classifiable under schedule 2, part 1B, Tariff Schedules of the United States, and dutiable on the basis of board measure (T.D. 50498, 51906, 55977)—Quantity in board feet of the rough lumber before dressing.

Machine parts (T.D. 51616)—Statement specifying the kind of machine for which the parts are intended, or if this is not known to the shipper, the kind or kinds of machines for which the parts are suitable.

Maderia embroideries (T.D. 49988)—(1) With respect to the materials used, furnish: (a) Country of production; (b) width of the material in the piece; (c) name of the manufacturer; (d) kind of material, indicating manufacturer's quality number; (e) landed cost of the material used in each item; (f) date of the order; (g) date of the invoice; (h) invoice unit value in the currency of the purchase; (i) discount from purchase price allowed, if any; (2) with respect to the finished embroidered articles, furnish: (a) Manufacturer's name, design number, and quality number; (b) importer's design number, if any; (c) finished size; (d) number of embroidery points per unit of quantity; (e) for each item, the cost of embroidery labor and the cost of sewing, if any, per unit of quantity; (f) total for overhead and profit added in arriving at the price or value of the merchandise covered by the invoice.

Metal-Working Machine Tools classifiable under items 674.32 and 674.35, Tariff Schedules of the United States (TSUS) (T.D. 70-1)—Type of machine tools in accordance with the following definitions:

Numerically controlled machines are machines whose motions are controlled by devices such as tape, computers, or punched cards.

Drilling machines are machines designed for the primary purpose of cutting an initial hole in a workpiece using a rotation tool.

Radial drilling machines consist of a base, vertical cylindrical column, radial arm, and spindle headstock. The radial arm supports the spindle headstock which can be positioned at varying distances from the column; the arm can be moved up or down on the column and rotated around the column.

Upright single-spindle drilling machines consist of a base, table, vertical column, and spindle head. The spindle head is mounted on the column and moves only in the vertical direction. The worktable and/or base is located below the spindle.

Milling machines are machines designed for the primary purpose of removing metal by multiple tooth cutters mounted on rotating arbors or spindles.

Profile and duplicating milling machines consist of any milling machine equipped with a tracing device for controlling the path of the milling cutter.

Knee-type milling machines consist of a base, vertical column, knee, horizontal table, and spindle. A spindle driving the cutter is mounted horizontally or vertically in or on the column. A horizontal movable table which holds the workpiece is mounted on a knee, which projects from the column. The knee can be raised or lowered on the column.

Bed-type milling machines consist of a base (bed), vertical column, horizontal, or vertical spindle and table. The table moves horizontally on the bed. The spindle is fixed or moves vertically on the column.

Boring machines are machines designed for the primary purpose of enlarging or finishing an existing hole in a workpiece by means of a rotating single-point tool.

Vertical boring machines, including vertical turret lathes consist of one or two ram (or turret) heads mounted on a cross rail supported by a column or columns. The cutting tool or tools traverse against the work as the work revolves on a circular table. One or two horizontally opposed side heads are also provided.

Combination boring, drilling, and milling machines, horizontal spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a horizontally mounted headstock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Combination boring, drilling, and milling machines, vertical spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a vertically mounted headstock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Metal-cutting machine tools are metal-working machine tools which shape or surface-work metal by removing metal either in the form of chips, dust, swarf, or similar forms, or by electrical or chemical erosion techniques.

Engine lathes consist of a bed, headstock, tailstock, and carriage. The workpiece is held between a center on the tailstock and an appropriate work-holding device on the headstock spindle. The tool is secured to a cross slide which is mounted on a carriage that moves longitudinally along the bed of the machine.

Turret lathes consist of a bed, headstock, cross slide, and turret. The workpiece is held in the collet, chuck, face plate, or fixture which is attached to the spindle. The tools

on the turret are positioned and fed into the workpiece.

Single-spindle automatic bar or chucking machines consist of a bed, headstock, cross slides, and turret. The workpiece is held in the collet, chuck, face plate, or fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece. All machining motions are preselected and are automatically controlled.

Multiple-spindle automatic bar or chucking machines have two or more drive spindles in order that two or more workpieces can be rotated simultaneously. Automatic units are designed to hold the workpiece in each of a number of spindle collets or chucks, which index clockwise from station to station in order to present the workpiece successively to a series of cutting tools. All machining motions are preselected and are automatically controlled.

Grinding machines are machines other than honing or lapping machines designed for the primary purpose of removing metal from a workpiece with abrasives.

External cylindrical grinders consist of a base, table, headstock, footstock, and wheelhead. The table is mounted on the base. The headstock and footstock are mounted on the table and are used to support and rotate the workpiece. The rotating abrasive wheel is mounted on the wheelhead spindle. The wheel is fed against the rotating workpiece.

Internal cylindrical grinders consist of a base, table wheelhead, and headstock. The table is mounted on the base. The headstock is fixed to the base. The wheelhead is mounted on the table. The rotating abrasive wheel is mounted on the wheelhead spindle and is fed into the workpiece bore which is also rotating.

Surface (flat) grinders consist of a base, table, column, and wheelhead. The table is mounted on the base. The wheelhead is attached to the column. The axis of the wheelhead spindle is horizontal. The workpiece which is mounted on the table reciprocates under the rotating abrasive wheel which is mounted on the wheelhead spindle.

Sawing machines are designed primarily for parting or cutting-off operations by a tool referred to as a saw, which could be in the form of a blade, band, or disc.

Electrical discharge machines are machines designed to remove metal by means of an electrical discharge spark erosion.

Metal-forming machine tools are metalworking machine tools other than metalcutting machine tools.

Punching and shearing machines pierce, blank, notch, or shear workpieces by utilizing a power-driven ram to force punches or blades through work that is supported by the table of the machine.

Mechanical presses, open back inclinable consist of a base (legs), "C" frame, and ram. The C frame is mounted on a pivot point connected in the base (legs). The ram is mounted in the C frame. The principal identifying characteristic of the press is its ability to tilt back on its base (legs).

Needlework tapestries classifiable under schedule 3, part 5C, Tariff Schedules of the United States (T.D. 50369, 55977)—A statement of the separate cost of each fiber used.

Newsreel films (T.D. 44703, 44938, 55977)—(1) Statement of footage and title of each subject; (2) declaration of shipper, cameraman, or other person with knowledge of the facts identifying the films with the invoice and stating that the basic films were to the best of his knowledge and belief exposed abroad and returned for use as newsreel; (3) declaration of importer that he believes the films entered by him are the ones covered by the preceding declaration and that the films are intended for use as newsreel.

Oils or products of such oils, classifiable under schedule 4, part 8A, Tariff Schedules of the United States, and subject to a specific rate of duty (T.D. 49640, 55977)—State if the article is derived from coconut, palmkernel, palm oil, or other.

Paper and paper products (other than books, newspapers, and periodicals which are not fashion periodicals) bearing printing of any kind, whether or not the printing was done by a lithographic process (T.D. 53056)—Statement of the process employed in printing the paper or paper products.

Screenings or scalpings of grains or seeds (T.D. 51096)—(1) Whether the commodity is the product of a screening process; (2) if so, whether any cultivated grains have been added to such commodity; (3) if any such grains have been added, the kind and percentage of each.

Sugar in liquid form, and articles composed in part of beet or cane sugar (T.D. 49400)—(1) Statement for each lot of sugar in liquid form showing the percentage by weight of total soluble solids (or Brix) and the percentage by weight of total sugars; (2) statement for each kind or class of articles composed in part of cane or beet sugar showing the percentage by weight of total sugars derived from sugar beets or sugarcane.

Sugar, manufactured, articles containing 10 percent or more by weight of, as defined in I.R.C. section 4502(3) (T.D. 49867, 50106)—(1) If it is conceded that the component material of chief value in an article is manufactured sugar, a statement to that effect should be made on the invoice with a statement of the percentage of total sugars in the finished product; (2) if manufactured sugar is not conceded to be the component material of chief value, the invoice must be accompanied by a statement in the following form containing the data indicated therein in accordance with the appended instructions:

UNITED STATES CUSTOMS SERVICE

Information as to commodities containing 10 percent or more by weight of manufactured sugar, as defined in I.R.C. section 4502(3), for use of U.S. Customs authorities.

Name of manufacture _____.

Address _____.

1. Kind and brand of product shipped to United States: _____.

2. Quantity produced in one manufacturing lot or batch (A): _____.

3. Sugar used in producing one lot or batch:

Kind of manufactured sugar	Quantity	First cost	Additional costs	Total cost
	(A)	(B)	(C)	(D)

4. Other materials used in producing one lot or batch:

Kind	Quantity	First cost	Additional costs	Total cost
	(A)	(B)	(C)	(D)

I certify that the above information is correct.

_____
(Signature)

Date _____.

_____
(Title or position)

Instructions for compiling data to be shown on form:

1. Describe the product in terms used on invoices, giving name, brand, quality, number, etc. Use a separate form for each kind.

2. Show quantity produced in one typical batch or lot, recently manufactured, as to which cost records have been maintained.

3. Manufactured sugar is defined in section 4502(3) of the Internal Revenue Code as follows: The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and, which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6 per centum of the total soluble solids and except also sirup of cane juice produced from sugarcane grown in continental United States. The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar much, raw sugar, sirups, molasses, and sugar mixtures.

4. It is preferable to show each kind of material used in addition to manufactured sugar. Several materials of relatively insignificant value may be grouped together, such as "Flavoring materials," "Coloring materials," "Seasoning materials," or "All other."

A. Show unit in pounds, as well as total quantity.

B. "First Cost" is the full cost of the material laid down at the manufacturing plant, at current domestic prices, without any deduction for any drawback or refund of import duties which may have been allowed or may be allowable. The amounts of any drawback or refund of import duties which have been allowed or which are allowable by reason of exportation should be stated separately.

C. "Additional costs" include all costs of storing, examining, handling, and preparing, up to the point where the materials are ready to be combined in the manufacturing process. Manufacturing costs and general expenses, occurring thereafter, should not be included, nor should profit.

D. "Total cost" is the total of "first cost" ex factory and "Additional costs."

5. When the additional information outlined above has been furnished once by an importer with an invoice of a recognized brand or brands of merchandise, it need not be furnished again for shipments entered by him for consumption or for warehousing at the same port in the same calendar year under the same brand name, provided the formula or method of manufacture of the brand has not changed. An invoice not accompanied by such additional information should identify the last shipment entered at that port by the importer for which such additional information was furnished. If the additional information was furnished in connection with an entry at one port, and the importer can secure from the district director at such port a certified copy of the invoice and additional information there filed, he may file them to fulfill the additional invoice requirement elsewhere. However, district directors shall not furnish copies of invoices except to, or with the consent of, and

at the expense of the importer or his authorized agent.

Textile fiber products (T.D. 55085)—(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product; (2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content; (3) The name, or other identification issued and registered by the Federal Trade Commission, of the manufacturer of the product or one or more persons subject to section 3 of the Textile Fiber Products Identification Act (15 U.S.C. 70a) with respect to such product; (4) The name of the country where processed or manufactured.

Tobacco (including tobacco in its natural state) (T.D. 44854, 45871)—(1) Specify in detail the character of the tobacco in each bale by giving (a) Country and province of origin, (b) year of production, (c) grade or grades in each bale, (d) number of carrots or pounds of each grade if more than one grade is packed in a bale, (e) the time when, place where, and from whom purchased, (f) price paid or to be paid for each bale or package, or price for the vega or lot if purchased in bulk, or if obtained otherwise than by purchase state the actual market value per bale; (2) If an invoice covers or includes bales of tobacco which are part of a vega or lot purchased in bulk, the invoice must contain or be accompanied by a full description of the vega or lot purchased; or if such description has been furnished with a previous importation, the date and identity of such shipment; (3) Packages or bales containing only filler leaf shall be invoiced as filler; when containing filler and wrapper but not more than 35 percent of wrapper, shall be invoiced as mixed; and when containing more than 35 percent of wrapper, shall be invoiced as wrapper.

Toys classifiable under item 737.25 or 737.30, Tariff Schedules of the United States (T.D. 49859, 50107, 52160, 55977)—Specify the actual overall height of each stuffed figure of an animate object not having a spring mechanism.

Watch movements, and time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments, having 17 or less jewels, and dutiable under schedule 7, part 2E, Tariff Schedules of the United States, but not including movements designed for clocks and so stated on the invoice unless and until such time as the Commissioner of Customs issues a decision applicable to such movements (T.D. 54286, 55977, 56468)—For all commercial shipments of such articles, there shall be required to be shown on the invoice, or on a separate sheet attached to and constituting a part of the invoice, such information as will reflect with respect to each group, class, category, type, or model of instrument in the shipment, the following:

(A) The commercial description (ebauche calibre number and ligne size) and style of each class of watch movement, time-keeping mechanism, device, or instrument covered by the invoice.

(B) The name of the manufacturer or assembler of the exported articles, and also the name of the supplier when the manufacturer or assembler is not the supplier.

(C) As to watch movements, time-keeping mechanisms, device, or instruments, after the complete instruments were first assembled:

	Yes	No
(1) Were they tested or observed at different temperatures?	------	------
(2) Were they tested or observed for uniformity in rate as the mainspring runs down?	------	------
(3) Were corrections made to eliminate or reduce the differences in rates revealed by the tests in (1) and (2)?	------	------
(4) Were they tested or observed for 24 hours or more in more than two positions and was there a prescribed tolerance of not more than 15 seconds of perfect time in 24 hours in such positions?	------	------
(5) Were they marked with a number of position adjustments different from the number of positions (at least three) in which so tested or observed and in which a tolerance of not more than 15 seconds of perfect time in 24 hours was met?	------	------

(D) If the answers are "yes" to questions (3) or (5), under (C) immediately above, and the instruments are marked unadjusted, or are marked with a lesser number of position adjustments than the number of positions in which tested for 24 hours or more, and in which a tolerance of not more than 15 seconds of perfect time in 24 hours was met, explain in detail. However, when the foregoing information has been filed once directly with the Bureau of Customs, Washington, D.C. 20226, in quadruplicate, with one additional copy for each port of entry at which entries may be filed, invoices covering shipments of that item to the ports named in the original statement or in subsequent statements filed for additional ports need only identify the item and the statement already filed. This information will then be acceptable until the facts about the item change, at which time a new statement is necessary.

Wool, boiled classifiable under item 307.30 or 307.18, Tariff Schedules of the United States. (T.D. 69–236). A certification in the following form signed by a government official of the country of exportation having actual knowledge of the pertinent facts:

I hereby certify that the wool in the shipment described below consists of wool fibers recovered by means of a sulfuric acid boil from (raw) (tanned) (raw and tanned) sheepskin scrap.

Date _____

_____
(Signature)

_____
(Title or position)

Number of bales _____
Marks and numbers _____
Other identification _____

Wool products, except carpets, rugs, mats, and upholsteries, and wool products made more than 20 years before importation (T.D. 50388, 51019)—(1) The percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (a) wool; (b) reprocessed wool; (c) reused wool; (d) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (e) the aggregate of all other fibers; (2) the maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter; and (3) the name of the manufacturer of the wool product, except when such product consists of mixed wastes, residues, and similar merchandise obtained from several suppliers or unknown sources.

Wool and hair—See § 151.62 of this chapter for additional information required on invoices.

§ 141.90 Notation of tariff classification and value on invoice.

(a) *To be approved by district director.* The entered tariff classification, rate of duty, value, and estimated duties shall be as approved by the district director.

(b) *Classification and rate of duty.* The appropriate item number of the Tariff Schedules of the United States and the rate of duty shall be noted by the importer in the left-hand portion of the invoice, next to the articles to which they apply.

(c) *Value.* The importer shall show in clear detail on the invoice or on an attached statement the computation of all deductions from total invoice value, such as nondutiable charges, and all additions to invoice value which have been made to arrive at the aggregate entered value. In addition, the entered unit value for each article on the invoice shall be shown where it is different from the invoiced unit value.

(d) *Importer's notations in blue or black ink.* All notations made on the invoice by the importer or broker shall be in blue or black ink.

(Sec. 487, 46 Stat. 725, as amended; 19 U.S.C. 1487)

§ 141.91 Entry without required invoice.

If a required invoice is not available in proper form at the time of entry and a waiver in accordance with § 141.92 is not granted, the entry shall be accepted only under the following conditions:

(a) The district director is satisfied that the failure to produce the required invoice is due to a cause beyond the control of the importer;

(b) The importer files—

(1) A written declaration that he is unable to produce such invoice, and

(2) Any seller's or shipper's invoices available to him or, if none are available, a pro forma invoice in accordance with § 141.85;

(c) The invoices and other documents presented with the entry contain information adequate for the examination of the merchandise and the determination of estimated duties; and

(d) The importer gives an appropriate bond for the production of the required invoice within 6 months after the date of entry.

§ 141.92 Waiver of invoice requirements.

(a) *When waiver may be granted.* The district director may waive production of a required invoice when he is satisfied that either:

(1) The importer cannot by reason of conditions beyond his control furnish a complete and accurate invoice; or

(2) The examination of merchandise and final determination of duties can be properly effected without the production of such an invoice.

(b) *Documents to be filed by importer.* As a condition to the granting of a waiver, the importer shall file the following documents with the entry:

(1) Any invoice or invoices received from the seller or shipper;

(2) A statement pointing out in exact detail any inaccuracies, omissions, or other defects in such invoice or invoices;

(3) An executed pro forma invoice in accordance with § 141.85; and

(4) Any other information required by the district director for appraisement or classification of the merchandise.

(c) *Satisfaction of bond liability.* The liability under the entry bond for the production of a correct invoice shall be deemed satisfied when a waiver has been granted pursuant to this section.

Subpart G—Deposit of Estimated Duties

§ 141.101 Time of deposit.

Estimated duties shall be deposited with the Customs officer designated to receive such monies at the time of making entry, except in the following cases:

(a) *Warehouse entry.* In the case of merchandise entered for warehouse, deposit of estimated duties shall be made at the time the withdrawal for consumption is presented.

(b) *Informal mail entry.* In the case of merchandise entered under an informal mail entry, duties shall be paid to the postal employee at the time he delivers the merchandise to the addressee (see Part 9 of this chapter).

(c) *Appraisement entries.* In the case of merchandise entered under an appraisement entry, deposit of estimated duties shall be made immediately after notification by the appropriate Customs officer of the amount of duties due.

(d) *Entry for transportation or under bond.* No deposit of estimated duties is applicable in the case of merchandise entered for transportation or under a temporary importation bond, permanent exhibition bond, trade fair bond, or other similar bond.

§ 141.102 When deposit of estimated duties not required.

Entry or withdrawal for consumption in the following situations may be made without depositing the estimated Customs duties, or estimated taxes, or both, as specifically noted:

(a) *Cigars and cigarettes.* A qualified dealer or manufacturer may enter or withdraw for consumption cigars, cigarettes, and cigarette papers and tubes without payment of internal revenue tax in accordance with § 11.2(a) of this chapter.

(b) *Bulk distilled spirits transferred to Internal Revenue bonded premises.* An importer may transfer distilled spirits in bulk to the bonded premises of a distilled spirits plant under the provisions of section 5232(a), Internal Revenue Code of 1954, as amended (26 U.S.C. 5232(a)), and 26 CFR Part 251, by filing an approved original copy of Internal Revenue Form 2609 with the entry or withdrawal for consumption, in lieu of depositing taxes.

(c) *Deferral of payment of taxes on alcoholic beverages.* An importer may pay on a semimonthly basis the estimated internal revenue taxes on all the alcoholic beverages entered or withdrawn for consumption during that period, under the procedures set forth in § 24.4 of this chapter.

(d) *Government entries.* If a shipment is entered or withdrawn for consumption by a U.S. Government department or agency, or an authorized representative thereof, no deposit of estimated Customs duties or taxes shall be required if a stipulation is furnished in lieu of any bond provided for in Part 25 of this chapter. The proper department or agency will then be billed after liquidation of the entry for any duties or charges due. The stipulation shall be in the following form:

I, ----------, ----------,
(title)
a duly authorized representative of the ----

(name of U.S. Government department or agency)
stipulate and agree on behalf of such department or agency that all applicable provisions of the Tariff Act of 1930, as amended, and the regulations thereunder, and of all other laws and regulations, relating to -----
----
(type of entry)
----
entry No. ------, of ---------- will be
(date)
observed and complied with in all respects.

(Signature)

§ 141.103 Amount to be deposited.

Estimated duties shall be deposited in an amount deemed necessary by the district director to sufficiently cover the prospective duties on each item being entered or withdrawn.

§ 141.104 Computation of duties.

In computing estimated duties, fractional parts of dollars and quantities shall be rounded off in accordance with § 159.3 of this chapter.

§ 141.105 Voluntary deposit of additional duties.

If either the importer of record or the actual owner whose declaration and superseding bond have been filed in accordance with § 141.20 desires, he may estimate, on the basis of information contained in the entry papers or obtainable from the District director, the probable amount of unpaid duties which will be found due on the entire entry and deposit them in whole or in part with the district director. The deposit shall be tendered in writing in the following form in the number of copies required for the purposes of local administration, and an official receipt shall be given for the deposit:

Date----------

To the District Director of Customs, ----------

Tender is hereby voluntarily made of $------ as a supplemental deposit of estimated duties and taxes on ----------, entry No. ------, dated ----------, in the name of ----------. Please provide an official receipt.

(Importer of record) or (actual owner)

(Street address)

(City) (State)

Subpart H—Release of Merchandise

§ 141.111 Carrier's release order.

(a) *When required.* Except where release is made directly to the carrier in accordance with § 141.11(b), no merchandise shall be released from Customs custody until a release order has been executed by the carrier, or, in the case of merchandise in a bonded warehouse, by the warehouse proprietor.

(b) *Form of release.* The release order may be executed on any of the following documents:

(1) Customs Form 7529, if a carrier's certificate is used in making entry;

(2) The official entry form;

(3) A combined carrier's certificate and release order issued in accordance with § 141.11(a)(4); or

(4) If a certified duplicate bill of lading is used for entry purposes in accordance with § 141.11(a)(3), the carrier's release order may be endorsed thereon in substantially the following form:

In accordance with the provisions of section 484(j), Tariff Act of 1930, authority is hereby given to release the articles covered by this certified duplicate bill of lading to:

(c) *Blanket release order.* Merchandise may be released to the person named in the bill of lading in the absence of a specific release order from the carrier, if the carrier concerned has filed a blanket order authorizing release to the consignee in such cases. The release order at the bottom of Customs Form 7529 may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's certificate issued under § 141.11(a)(5).

(d) *Qualified release order.* In the case of merchandise which is entered for warehousing, for transportation in bond, or for exportation, the release order may be qualified as follows:

(1) "For transfer to the bonded warehouse designated in the warehouse entry," if the merchandise is entered for warehousing;

(2) "For transfer to the bonded carrier designated in the transportation entry," if the merchandise is entered for transportation in bond; or

(3) "For transfer to the carrier designated in the export entry," if the merchandise is entered for exportation.

§ 141.112 Liens for freight, charges, or contribution in general average.

(a) *Definitions.* The following are general definitions for the purposes of this section:

(1) *Freight.* "Freight" means the carrier's charge for the transportation of the goods from the place of shipment in the foreign country to the final destination in the United States.

(2) *Charges.* "Charges" means the charges due to or assumed by the claimant of the lien which are incident to the shipment and forwarding of the goods to the destination in the United States, but does not include the purchase price, whether advanced or to be collected, nor

other claims not connected with the transportation of the goods.

(3) *General average.* "General average" means the liability to contribution of the owners of a cargo which arises when a sacrifice of a part of such cargo has been made for the preservation of the residue or when money is expended to preserve the whole. It only arises from actions impelled by necessity.

(b) *Notice of lien.* A notice of lien for freight, charges, or contribution in general average pursuant to section 564, Tariff Act of 1930, as amended (19 U.S.C. 1564), shall be filed with the district director on Customs Form 3485, signed by the authorized agent of the carrier and certified by him.

(c) *Preliminary notice of lien for contribution in general average.* When the cargo of a vessel is subject to contribution in general average, a preliminary notice thereof may be filed with the district director and individual notices of lien filed thereafter. Upon receipt of a preliminary notice, the district director shall withhold release of any merchandise imported in the vessel for 2 days (exclusive of Sunday and holidays) after such merchandise is taken into Customs custody, unless proof is submitted that the claim for contribution in general average has been paid or secured.

(d) *Merchandise entered for immediate transportation.* A notice of lien upon merchandise entered for immediate transportation shall be filed by the carrier with the district director at the destination.

(e) *Limitations on acceptance of notice of lien.* A notice of lien shall be rejected and returned with the reason for rejection noted thereon if it is filed after any of the following actions have been taken concerning the merchandise:

(1) Release from Customs custody;

(2) Forfeiture under any provision of law;

(3) Sale as unclaimed or abandoned merchandise under section 491 or 559, Tariff Act of 1930, as amended (19 U.S.C. 1491 or 1559); or

(4) Receipt and acceptance of a notice of abandonment to the Government under section 506(1) or 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1506(1) or 1563(b)).

(f) *Forfeited or abandoned merchandise.* The acceptance of a notice of lien shall not in any manner affect the order of disposition and accounting for the proceeds of sales of forfeited and abandoned property provided for in §§ 20.6, 23.20, and 158.10 of this chapter.

(g) *Bond may be required.* When any doubt exists as to the validity of a lien filed with the district director, he may exact a bond of indemnity to save him harmless from any personal liability which may result from withholding the release of the merchandise.

(h) *Satisfaction of lien.* The district director shall not adjudicate any dispute respecting the validity of any lien, but when the amount of such lien depends upon the quantity or weight of merchandise actually landed, the district director shall hold the lien satisfied upon the payment of an amount computed upon the basis of the official Customs report of quantity and weight. In all other cases, proof that the lien has been satisfied or discharged shall consist of a written release or receipt signed by the claimant and filed with the district director, showing payment of the claim in full.

(Sec. 564, 46 Stat. 747, as amended; 19 U.S.C. 1564)

§ 141.113 Recall of merchandise release from Customs custody.

(a) *Not legally marked.* If merchandise is found to be not legally marked, the district director may demand that any of the merchandise which has been released shall be returned to Customs custody for the purpose of requiring it to be properly marked or labeled. The demand shall be made not later than 20 days after the date of examination for marking required by any of the following provisions:

(1) Section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), pertaining to marking with country of origin;

(2) Textile Fiber Products Identification Act;

(3) Wool Products Labeling Act;

(4) Fur Products Labeling Act; and

(5) Schedule 7, part 2E, headnote 4(c), Tariff Schedules of the United States, pertaining to special marking for watch and clock movements, cases, and dials.

(b) *Other merchandise not entitled to admission.* If at any time after entry the district director finds that any merchandise contained in an importation is not entitled to admission into the commerce of the United States for any reason not enumerated in paragraph (a) of this section, he shall promptly demand the return to Customs custody of any such merchandise which has been released.

(c) *Request for samples or additional examination packages not complied with by importer.* If the importer has not promptly complied with a request for samples or additional examination packages made by the district director pursuant to § 151.11 of this chapter, the district director may demand the return of the necessary merchandise to Customs custody.

(d) *Demand to importer of record or actual owner.* A demand for the return of merchandise to Customs custody shall be made on the importer of record, except that it shall be made on the actual owner if an actual owner's declaration and superseding bond have been filed in accordance with § 141.20 before the date of the demand.

(e) *Form of demand.* A demand for the return of merchandise to Customs custody shall be made on Customs Form 4647 or other appropriate form, or by letter. One copy, with the date of mailing or delivery noted thereon, shall be retained by the district director and made part of the entry record.

(f) *Time limitation.* A demand for the return of merchandise to Customs custody shall not be made after the liquidation of the entry covering such merchandise has become final.

(Secs. 499, 623, 46 Stat. 728, as amended, 759, as amended; 19 U.S.C. 1499, 1623)

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

AUTHORITY: The provisions of this Part 142 issued under R.S. 251, as amended, secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759; 19 U.S.C. 66, 1448, 1484, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 142.0 Scope.

This part sets forth requirements and procedures relative to special permits for immediate delivery of merchandise prior to entry, as authorized by section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448(b)).

Subpart A—Application for Special Permit and Release of Merchandise

§ 142.1 Merchandise eligible for special permit for immediate delivery.

A special permit for immediate delivery prior to entry may be issued for perishable merchandise and any other merchandise for which delivery can be permitted with safety to the revenue, when immediate release of such merchandise is necessary to avoid unusual loss or inconvenience to the importer or to the carrier bringing the merchandise to the port, or more effectively to utilize Customs manpower or to eliminate or reduce congestion on docks, at airports, or other places. Merchandise intended for either formal or informal entry may be released under a special permit, since the term "formal entry" as used in section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448(b)), refers to the process of making entry and does not specify a kind of entry.

§ 142.2 Application for special permit for immediate delivery.

(a) *Form.* Applications for special permits for immediate delivery shall be made in duplicate on Customs Form 3461, and shall be supported by evidence satisfactory to the district director of the right of the applicant to make entry of the merchandise.

(b) *Merchandise from Canada or Mexico.* In the case of merchandise arriving from Canada or Mexico when the customhouse is closed and destined to places other than the port of arrival, the application and the evidence of the right to make entry may be submitted to the chief Customs officer on duty and a special permit may be issued for immediate release, provided the applicant has on file in the customhouse a term bond in accordance with § 142.4 (b) or (c).

§ 142.3 Term special permit.

(a) *Conditions for issuance.* If the district director is satisfied that circumstances warrant such action, a term special permit for immediate delivery may be issued for a class or classes of merchandise particularly described in the application for such permit, to be imported during a period not to exceed 1 year.

(b) *Notation of value for each shipment.* When applying for the release of a shipment of merchandise under a term special permit for immediate delivery, the importer shall note a value for the shipment on the document presented. The value so noted shall not be less than the invoice value.

§ 142.4 Bond.

No special permit for immediate delivery shall be issued until there has been filed a bond with approved corporate surety, of one of the following types:

(a) A single entry bond on Customs Form 7551, with the amount of the bond determined in accordance with § 25.4(a) (9) of this chapter. When any of the imported merchandise is subject to a tariff-rate quota and is to be released at a time when the applicable quota is filled, the full rates shall be used in computing the estimated duties to determine the amount of the bond.

(b) A term bond on Customs Form 7553, with the amount of the bond determined in accordance with § 25.4(a) (10) of this chapter. One term bond may be filed in connection with several applications for special permits to be filed during a period of not more than 1 year, or in connection with an application for a term special permit.

(c) A general term bond on Customs Form 7595.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 142.5 Simultaneous presentation of entry papers allowed.

If there is available sufficient information as to the quantities and values of the merchandise for a proper estimation of the duties and taxes which will be payable, there may be deposited with the application for a special permit all the papers, including an entry bond, in proper form for making entry for consumption. However, deposit of estimated duties shall not be permitted until after the merchandise has arrived within the limits of the port of entry, and such deposit shall be made only during the hours in which an entry could be presented in accordance with § 141.62 of this chapter.

§ 142.6 Examination and release of merchandise.

(a) *Invoice required for examination.* Examination and release of merchandise under a special permit for immediate delivery shall not be made unless the examining officer has been furnished an invoice, waybill, or other satisfactory document setting forth an adequate description of the merchandise and the quantities thereof, together with the values or approximate values thereof when values are needed for the purpose of examination. If the merchandise is to be released under a term special permit, such invoice or other document shall also show the term special permit number.

(b) *Examination required before release.* No merchandise shall be released under a special permit for immediate delivery until it has been examined, or until adequate samples have been taken in the case of merchandise which is to be classified and appraised by means of samples.

§ 142.7 Suspension of immediate delivery privileges.

(a) *For failure to make timely entry.* The district director may discontinue allowing the immediate delivery of merchandise for an importer who has repeatedly failed to make timely entry without sufficient justification, or who has not taken prompt action to settle a claim for liquidated damages issued under § 142.15 for failure to make timely entry. "Prompt action" means that the importer shall, within the time specified in the claim for liquidated damages, petition for relief or pay the amount claimed, and in appropriate cases shall also file entry (including deposit of estimated duties).

(b) *For failure to pay Customs bills.* Immediate delivery privileges may be suspended for an importer who is substantially or habitually delinquent on Customs bills issued him, in accordance with the following procedures:

(1) The importer shall be advised in writing of the suspension action and the reasons for such action.

(2) The suspension may be either for a specified period of time or until the importer has paid all his outstanding Customs bills.

(3) Brokers or other parties acting as agents for the importer shall not be permitted to circumvent the suspension by applying for immediate delivery of the suspended importer's merchandise in their name and under their bond.

Subpart B—Entry of Merchandise Released Under Special Permit

§ 142.11 Time limit for making entry after release of merchandise.

(a) *Usual limit.* Except as otherwise provided for certain quota merchandise in paragraphs (b) and (c) of this section, entry shall be made (including deposit of estimated duties) within 10 days after the day on which the merchandise or any portion thereof is first released under a special permit.

(b) *Tariff-rate quota merchandise.* Merchandise subject to a tariff-rate quota, which is released at a time when the applicable quota is filled, must be entered (including deposit of estimated duties) not later than midnight on the last day before the applicable quota again opens. No extension beyond that midnight shall be granted.

(c) *Absolute quota merchandise.* When merchandise is subject to an absolute (quantitative) quota which is nearing fulfillment and the approval of the Commissioner of Customs is required in accordance with § 12.50(e) of this chapter before release of the merchandise, the entry shall be made (including deposit of estimated duties) within 5 days after the date of the Commissioner's approval.

(d) *Computing time limits.* In computing the 10-day and 5-day limits in paragraphs (a) and (c) of this section, the day of release, Saturday, Sunday, and holidays shall be excluded.

§ 142.12 Examination invoice to be filed with entry.

When an invoice was furnished for use by the examining officer in accordance with § 142.6(a), such invoice shall be returned after examination to the importer who shall use it to make entry.

§ 142.13 Entry permit not required.

No entry permit on Customs Form 7501–A or 5119–A is required to accompany an entry for merchandise released under a special permit for immediate delivery.

§ 142.14 Entry not required for merchandise found to be prohibited.

(a) *Exportation or destruction of prohibited merchandise.* If merchandise imported under a special permit for immediate delivery is found to be prohibited, entry under § 142.11 is not required, provided that either:

(1) The merchandise is exported or destroyed under Customs supervision within the time limit for entry specified in § 142.11, or

(2) An entry for exportation or application to destroy is made within such time limit and the exportation or destruction is promptly accomplished.

(b) *Procedures for exportation or destruction.* Exportation or destruction of prohibited merchandise in accordance with paragraph (a) of this section shall be made under the same procedures as exportation or destruction of prohibited merchandise covered by a consumption entry with remission or refund of duties (see §§ 158.41 and 158.45(c) of this chapter).

(c) *Notation on exportation entry.* A direct export or transportation and exportation entry made for prohibited merchandise for which no formal or informal entry for consumption has been filed shall be conspicuously stamped or imprinted with the legend:

PROHIBITED MERCHANDISE; NO OTHER ENTRY FILED.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

§ 142.15 Failure to make timely entry.

If entry, when required, is not timely made, the district director shall make an

immediate demand for liquidated damages in the entire amount of the bond in the case of a single entry bond. When the transaction has been charged against a term bond, the demand shall be for the amount that would have been demanded if the merchandise had been released under a single entry bond. Any application for cancellation of liquidated damages incurred shall be made in accordance with Part 172 of this chapter.

§ 142.16 Other procedures applicable.

Merchandise released under a special permit for immediate delivery is subject to the same procedures as all other imported merchandise, execpt where more specific procedures are set forth in this part.

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

Sec.

AUTHORITY: The provisions of this Part 143 issued under R.S. 251, as amended, secs. 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 729; 19 U.S.C. 66, 1484, 1498, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 143.0 Scope.

This part sets forth requirements and procedures for the clearance of imported merchandise under consumption, appraisement, and informal entries, which are in addition to the general requirements and procedures for all entries set forth in Part 141 of this chapter. More specific requirements and procedures are set forth elsewhere in this chapter; for example, in Part 9 for importations by mail, and in Part 10 for merchandise conditionally free of duty or subject to a reduced rate.

Subpart A—Consumption Entry

§ 143.1 Form of consumption entry.

(a) *Customs Form 7501.* Entry for consumption shall be made on Customs Form 7501, except where a different form is prescribed elsewhere in this chapter (for example, certain free merchandise may be entered on a Customs Form 3311 in accordance with § 10.1 (d) or (e) of this chapter). A Customs Form 7501 shall be filed in triplicate for dutiable entries and in duplicate for free entries.

(b) *Extra copy for Internal Revenue.* An additional legible copy of the entry, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry of cigarettes, cigars, or cigarette papers or tubes, when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and tax is payable to Customs upon release of such article, or if they are to be released without payment of tax under § 11.2(a) of this chapter.

(c) *Other extra copies.* The district director may require additional copies of the entry where the intended use has been specifically approved by the Commissioner of Customs.

§ 143.2 Deposit of estimated duties.

Estimated duties shall be deposited in accordance with subpart G of Part 141 of this chapter.

§ 143.3 Release of merchandise.

Merchandise which has been entered for consumption shall not be released from Customs custody until an appropriate bond has been filed or the entry has been liquidated, as follows:

(a) *Bond.* Merchandise which has not been designated for examination shall be released to or upon the order of the carrier if a bond on Customs Form 7551, 7553, or other appropriate form has been filed. Merchandise designated for examination shall be released under the same bond after examination has been completed if it has been found to be truly and correctly invoiced, is entitled to admission into the commerce of the United States, and its release is not precluded by any law or regulation. In the case of shipments entered by a U.S. Government department or agency, the stipulation prescribed in § 141.102(d) of this chapter shall be accepted in lieu of a bond.

(b) *After liquidation.* If a bond has not been filed in accordance with paragraph (a) of this section, none of the merchandise shall be released before:

(1) The entry has been liquidated, and the full amount of all duties and taxes due, including dumping or other special duties and charges, have been paid or the right to free entry established;

(2) The district director determines that the merchandise has the right to admission into the commerce of the United States; and

(3) All documents relating to the merchandise which are required by law or regulation have been filed.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

Subpart B—Appraisement Entry

§ 143.11 Merchandise eligible for appraisement entry.

(a) *Without Commissioner's approval.* An application for entry by appraisement may be approved by the district director without securing the approval of the Commissioner of Customs for any of the following merchandise:

(1) Merchandise damaged on the voyage of importation, by fire or through marine casualty or any other cause, without fault on the part of the shipper;

(2) Merchandise recovered from a wrecked or stranded vessel;

(3) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

(4) Articles sent by persons in foreign countries as gifts to persons in the United States;

(5) Tools of trade of a person arriving in the United States;

(6) Personal effects of citizens of the United States who have died in a foreign country; and

(7) Any of the following articles, which are deemed in accordance with section 498(a)(10), Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(10)), to be articles the value of which cannot be declared:

(i) Articles which are secondhand;

(ii) Articles which have become deteriorated or damaged before importation otherwise than as specified in subparagraph (1) of this paragraph;

(iii) Articles which are not the subject of a commercial transaction; and

(iv) So-called overages or dock accumulations which cannot be identified with any particular shipment.

(b) *With Commissioner's approval.* Entry by appraisement for merchandise not provided for in paragraph (a) of this section shall be allowed only with the approval of the Commissioner of Customs. Each request for such approval shall be filed in triplicate with the district director and shall state in detail the reasons for the request for entry by appraisement.

(c) *Merchandise not eligible.* An application for an entry by appraisement shall not be approved after the merchandise has been appraised or released from Customs custody, nor for damaged merchandise when the damage occurs after importation.

§ 143.12 Form of entry.

Application for an entry by appraisement shall be made in triplicate on Customs Form 7500.

§ 143.13 Documents to be presented with entry.

The importer shall in all cases present:

(a) Any bills or statements of cost relating to the merchandise which may be in his possession; and

(b) A declaration that he has no other information as to the value of the articles and is unable to obtain such information or to determine the value of the articles for the purpose of making formal entry thereof.

§ 143.14 Payment of additional expenses.

Any additional expense for cartage, storage, or labor occasioned by reason of an entry by appraisement shall be borne by the importer.

§ 143.15 Deposit of estimated duties and taxes.

Estimated duties shall be deposited in accordance with subpart G of Part 141 of this chapter before the merchandise is released from Customs custody.

§ 143.16 Substitution of warehouse entry.

The importer may substitute an entry for warehouse at any time within 1 year from the date of importation, provided the merchandise has remained in continuous Customs custody.

Subpart C—Informal Entry

§ 143.21 Merchandise eligible for informal entry.

The following types of merchandise may be entered under informal entry:

(a) Shipments of merchandise not exceeding $250 in value;

(b) Any installment, not exceeding $250 in value, of a shipment arriving at different times, as described in § 141.82 of this chapter;

(c) A portion of one consignment, when such portion does not exceed $250 in value and may be entered separately pursuant to § 141.51 of this chapter;

(d) Household or personal effects or tools of trade entitled to free entry under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202);

(e) Household effects used abroad and personal effects whether or not entitled to free entry, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

(f) Household and personal effects described in paragraph (e) of this section when entered under item 806.20, Tariff Schedules of the United States, and the value of the repairs and alterations thereto does not exceed $250;

(g) Personal effects not exceeding $250 in value of citizens of the United States dying abroad; and

(h) Books and other articles classifiable under item 270.25, 273.10, 273.35, 765.03, 850.10, Tariff Schedules of the United States, imported by a library or other institutions described in item 850.10 or 851.10, Tariff Schedules of the United States.

§ 143.22 Formal entry may be required.

The district director may require a formal consumption or appraisement entry for any merchandise if he deems it necessary for the protection of the revenue. Individual shipments for the same consignee, when such shipments are valued at $250 or less, may be consolidated on one such entry.

§ 143.23 Form of entry.

Merchandise to be entered informally shall be entered on a Customs Form 5119–A, except for the following types of merchandise which may be entered on the forms indicated:

(a) Articles in passengers' baggage which may be cleared on a baggage declaration in accordance with §§ 10.19–10.21 of this chapter;

(b) Products of the United States being returned for which clearance on Customs Form 3311 is prescribed by § 10.1 of this chapter;

(c) Personal effects and tools of trade for which clearance on Customs Form 3299 is prescribed by § 10.20 of this chapter; and

(d) Shipments not exceeding $250 in value which are either (1) unconditionally free of duty and not subject to any quota or internal revenue tax, or (2) conditionally free and all conditions for free entry are met at the time of entry, which may be released upon the filing by the importer on Customs Form 7523, in duplicate, supported by evidence of the right to make entry.

§ 143.24 Preparation of Customs Form 5119–A.

The nonserially-numbered Customs Form 5119–A may be prepared by importers or their agents or by Customs officers when it can be presented to a Customs cashier or acting cashier for payment of duties and taxes and for numbering of the entry before the merchandise is examined by a Customs officer. Where there is no Customs cashier or acting cashier, serially-numbered forms must be used, and they shall be prepared by a Customs officer unless such forms can be prepared under his control by the importers or their agents for immediate use in clearing merchandise under the informal entry procedure. The conditions for the preparation of nonserially-numbered Customs Form 5119–A by importers or their agents, as described in the first sentence of this section, do not apply to the acceptance of these entries for shipments not exceeding $250 in value released under a special permit for immediate delivery in accordance with Part 142 of this chapter.

§ 143.25 Information on entry form.

Each Customs Form 5119–A shall contain an adequate description of the merchandise and the item number of the Tariff Schedules of the United States under which the merchandise is classified.

§ 143.26 Additional copy for Internal Revenue.

An additional copy of the Customs Form 5119–A, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering cigars, cigarettes, or cigarette papers, or tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and tax is payable to Customs upon release of such articles. The separate statement for tax purposes required by 26 CFR 275.81 shall be made on the entry form. However, no extra copy or statement is required for cigars or cigarettes imported solely for the personal consumption of the importer or for disposition as his bona fide gift.

§ 143.27 Invoices.

No special Customs invoice is required for merchandise entered informally but, in the case of merchandise imported pursuant to a purchase or agreement to purchase or intended for sale, the importer shall produce the commercial invoice covering the transaction or, in the absence thereof, an itemized statement of value.

§ 143.28 Deposit of duties and release of merchandise.

The estimated duties and taxes, if any, shall be deposited at the time the entry is presented and accepted by a Customs officer, whether at the customhouse or elsewhere. If upon examination of the merchandise further duties or taxes are found due, they shall be deposited before release of the merchandise by Customs. When the entry is presented elsewhere than where the merchandise is to be examined, the permit copy shall be delivered through proper channels to the Customs officer who will examine the merchandise.

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Sec.

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AUTHORITY: The provisions of this Part 144 issued under R.S. 251, as amended, secs. 484, 557, 559, 624, 46 Stat. 722, as amended, 744, as amended, 759; 19 U.S.C. 66, 1484, 1557, 1559, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 144.0 Scope.

This part contains regulations pertaining to the entry and withdrawal of merchandise under the provisions of section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), which among other things provides that articles subject to duty may be entered for warehousing and deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee, and withdrawn from warehouse for consumption upon payment of duties and charges. The requirements and procedures set forth in this part are in addition to the general requirements and procedures for all entries set forth in Part 141 of this chapter. Regulations pertaining to manipulation in warehouse, manufacturing warehouses, and smelting and refining warehouses are set forth in Part 19 of this chapter.

Subpart A—General Provisions

§ 144.1 Merchandise eligible for warehousing.

(a) *Types of merchandise.* Any merchandise may be entered for warehousing except for perishable merchandise, explosive substances (other than firecrackers), and unconditionally free merchandise. Dangerous and highly flammable merchandise, though not classified as explosive, shall not be entered for warehouse without the written consent of the insurance company insuring the warehouse in which the merchandise is to be stored.

(b) *Conditionally free merchandise.* Conditionally free merchandise, for which the right to free entry has not been established because of the absence of required documents or other cause, may be entered for warehouse and be withdrawn under the appropriate provision of law within the warehousing period.

(c) *Merchandise previously entered.* If merchandise has been entered under other than a warehouse entry and has remained in continuous Customs custody, a warehouse entry may be substituted for the previous entry. If estimated duties were deposited with the superseded previous entry, that entry shall be liquidated for refund of the estimated duties without awaiting liquidation of the warehouse entry. All copies of the warehouse entry shall bear the following notation: This entry is in substitution of _____ entry No. _____, dated _____.

§ 144.2 Liability of importers and sureties.

The importer of merchandise entered for warehouse is liable for the payment of all unpaid duties not only as principal on the entry bond, but also by reason of his personal liability as consignee. Under the conditions of the warehouse entry bond, the sureties on the bond shall be held liable for the payment of duties and Customs charges not paid by the principal on the bond, whether such duties and charges are finally ascertained before the merchandise is withdrawn from Customs custody or thereafter. Liability may be transferred in part along with the right to withdraw the merchandise, in accordance with subpart C of this part.

§ 144.3 Allowance for damage.

No abatement or allowance of duties shall be made on account of damage, loss, or deterioration of the merchandise while in warehouse, except as provided for by law (see Part 158 of this chapter).

(Sec. 563, 46 Stat. 746, as amended; 19 U.S.C. 1563)

§ 144.4 Allowance for abandoned, destroyed, or exported merchandise.

Allowance in duties shall be made for merchandise in warehouse which is abandoned or destroyed in accordance with § 158.43 of this chapter or exported in accordance with § 144.37.

§ 144.5 Period of warehousing.

Merchandise may not remain in a bonded warehouse beyond 3 years from the date of importation unless the 3-year period is extended in accordance with § 144.6.

§ 144.6 Extension of warehousing period.

(a) *Extensions of 1 year each.* Pursuant to the authority contained in Proclamation No. 2948, issued by the President on October 12, 1951 (16 F.R. 10589; T.D. 52896), the initial 3-year period for warehousing prescribed in sections 557 and 559, Tariff Act of 1930, as amended (19 U.S.C. 1557 and 1559), shall be extended for successive periods of 1 year each upon compliance with paragraph (b) of this section. If the application is submitted after expiration of the 3-year period or the latest extension thereof, the new extension shall be retroactive to the expiration of the previous period. An extension shall not be granted if the merchandise has been disposed of by the Government as abandoned.

(b) *Documents required for extension.* The following documents shall be presented to the district director each time an extension is requested:

(1) The written application of the importer for extension.

(2) A statement of the proprietor of the warehouse in which the merchandise is stored consenting to the extension, or certifying that all charges or amounts due or owing to the proprietor for storage or handling of the merchandise concerned up to the date of the beginning of the requested period of extension have been paid. A statement shall not be required if the principal on the agreement or new bond submitted in accordance with subparagraph (3) of this paragraph is the proprietor of the warehouse in which the merchandise is stored.

(3) The agreement of the principal and the sureties on the entry bond to remain bound under the terms and conditions of that bond, in the form set forth in paragraph (c) of this section. In the case of merchandise covered by a warehouse entry bond on Customs Form 7555, the principal on the bond may furnish in lieu of such agreement a new bond on Customs Form 7555, but with the words "3 years" appearing in conditions (1) and (2) of the form changed to read "4 years" or "5 years" and so forth, as the case may require.

(c) *Form for extension of bond.*

(1) *Warehouse entry bond.* In the case of merchandise covered by a warehouse entry bond on Customs Form 7555, the agreement to extension of the bond required under paragraph (b)(3) of this section shall be in the following form:

EXTENSION OF WAREHOUSE ENTRY BOND

Whereas, in Treasury Decision No. 52896, of December 28, 1951, issued pursuant to authority contained in the President's Proclamation No. 2948, dated October 12, 1951, the 3-year warehousing period for imported merchandise prescribed in sections 557 and 559, Tariff Act of 1930, as amended, was extended for 1 year and further extended for additional periods of 1 year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case the principal on the entry bond shall furnish the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension has been granted, and

Whereas, the warehouse entry bond described below was furnished in connection with the warehouse entry indicated, and it is now desired to extend the liability under such bond for a period of 1 year from the date of maturity of the bond: [1]

Port of _____,
bond No. _____ dated _____,
warehouse entry No _____,
description of merchandise _____,
date of importation _____;

Now, therefore, this is to certify that _____, principal and _____, and _____, sureties, on the warehouse entry bond referred to above, hereby stipulate and agree that their liability under said bond [1] shall continue unchanged and in full force and effect to the same extent as if no extension had been granted for a period of 1 year from the date of maturity of the bond.[1]

Witness our hands and seals this _____ day of _____, 19__.

Signed, sealed, and delivered in the presence of—

_____
(Name) (Address)
_____ (SEAL)
(Principal)

_____
(Name) (Address)
By _____
(Name and official title)

_____
(Name) (Address)
_____ (SEAL)
(Surety)

_____
(Name) (Address)
By _____
(Name and official title)

_____
(Name) (Address)
_____ (SEAL)
(Surety)

_____
(Name) (Address)
By _____
(Name and official title)

(2) *General term bond or blanket smelting and refining bond.* In the case of merchandise covered by a general term bond on Customs Form 7595, or a blanket smelting and refining bond in

[1] Here insert the word "as extended" if a previous extension has been allowed.

the form prescribed in Treasury Decision 50267, as modified by Treasury Decision 52403, the agreement to extension of the bond required under paragraph (b)(3) of this section shall be in the following form, in a sufficient number of copies to permit the filing of one copy at each of the ports where the entries involved were filed:

EXTENSION OF GENERAL TERM BOND FOR ENTRY OF MERCHANDISE [1]

Whereas, in Treasury Decision No. 52896, of December 28, 1951, issued pursuant to authority contained in the President's Proclamation No. 2948, dated October 13, 1951, the 3-year warehousing period for imported merchandise prescribed in sections 557 and 559, Tariff Act of 1930, as amended, was extended for 1 year and further extended for additional periods of 1 year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case the principal on the entry bond shall furnish the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension has been granted, and

Whereas, the bond described below was furnished by _____ (name of principal on bond) and accepted by the Government of the United States to cover, among other things, the entry of imported merchandise for warehouse or rewarehouse at the port(s) of _____, during the period beginning on _____, 19__, and ending on _____, 19__; [2]

General Term Bond for Entry of Merchandise [1] in the sum of _____, executed by _____, as principal, and _____ and _____, as sureties, under date of _____, 19__, and approved by the Bureau of Customs under date of _____, 19__; and

Whereas, certain imported merchandise was entered for warehouse or rewarehouse at the ports and under the entries indicated below and such entries were charged against the bond described above:

Name of port	*Entry No.*	*Date of entry*
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

and

Whereas, _____ (name of principal on the bond) desires, as to such merchandise, to obtain an extension of the period during which it may remain in warehouse for 1 year from and after the expiration of the 3-year period prescribed in sections 557 and 559, Tariff Act of 1930, as amended, or to obtain a further extension for an additional period of 1 year from and after the expiration of any immediately preceding extension which may have been granted, and to continue the liability therefor under the bond for such 3-year period and to extend the liability under the bond to cover such extension or further extension of 1 year.

Now, therefore, this is to certify that _____, principal, and _____ and _____, sureties, on the bond described above, hereby stipulate and agree that, in consideration of the granting of an extension or further extension of 1 year of the 3-year period during which the merchandise may remain in warehouse, their liability under the bond as to such merchandise shall cover such 1-year extension or further extension, together with the original 3-year period.

Witness our hands and seals this _____ day of _____, 19__.

Signed, sealed, and delivered in the presence of—

_____
(Name) (Address)
_____ (SEAL)
(Principal)

_____
(Name) (Address)
By _____
(Name and official title)

_____
(Name) (Address)
_____ (SEAL)
(Surety)

_____
(Name) (Address)
By _____
(Name and official title)

_____
(Name) (Address)
_____ (SEAL)
(Surety)

_____
(Name) (Address)
By _____
(Name and official title)

(Sec. 318, 46 Stat. 696; 19 U.S.C. 1318)

§ 144.7 Disposition of merchandise after expiration of warehousing period.

Merchandise remaining in a bonded warehouse after the expiration of the warehousing period, including any extensions granted under § 144.6, shall be disposed of in accordance with § 20.3 of this chapter.

Subpart B—Requirements and Procedures for Warehouse Entry

§ 144.11 Form of entry.

(a) *CF 7502.* Entry for warehouse shall be executed in duplicate on Customs Form 7502. The district director may require an extra copy or copies of Customs Form 7502–A (Warehouse or Rewarehouse Permit) for use in connection with the delivery of the merchandise to the bonded warehouse.

(b) *Designation of warehouse.* The importer shall designate upon the entry the bonded warehouse in which he desires his merchandise deposited and the bonded cartman or lighterman by whom he wishes the goods transferred.

(c) *Specification list.* When packages which are not uniform in contents, quantities, values, or rates of duties are grouped together as one item on an entry, a specification list (original only) shall be furnished with the entry, showing separately opposite the marks or numbers of each package the quantity of each class of merchandise therein, the entered value of each class, and the rates of duty claimed for each. However, a specification list is not needed if one withdrawal is to be filed for all the merchandise covered by the entry.

[1] Substitute the words "Blanket Smelting and Refining Bond" if the merchandise was charged against such a bond.

[2] If the merchandise was charged against a Blanket Smelting and Refining Bond, delete the words "during the period beginning on _____, 19__, and ending on _____, 19__," and substitute therefor the words "on and after _____, 19__."

§ 144.12 Estimated duties.

The entry shall show the value, classification, and rates of duty as approved by the district director at the time of entry. However, no deposit of estimated duties shall be required until the merchandise is withdrawn for consumption.

§ 144.13 Bond.

A bond on Customs Forms 7555, 7595, or other appropriate form shall be required for each warehouse entry.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 144.14 Removal to warehouse.

When the warehouse entry and bond have been filed, the merchandise shall be sent to the bonded warehouse, except for:

(a) Merchandise for which an immediate dock withdrawal is filed, or

(b) Packages designated for examination elsewhere than at the warehouse, which shall be sent to the warehouse after examination.

Subpart C—Transfer of Right To Withdraw Merchandise From Warehouse

§ 144.21 Conditions for transfer.

Under the provisions of section 557(b) Tariff Act of 1930, as amended (19 U.S.C. 1557(b)), the right to withdraw all or part of merchandise entered for warehouse may be transferred by appropriate endorsement on the withdrawal form, provided that the transferee files an appropriate bond. Upon the deposit of the endorsed form, properly executed, and the transferee's bond with the Customs officer designated to receive such form and bond, the transferor and his sureties shall be relieved from all undischarged liability for the payment of Customs duties and taxes, charges, and exactions with respect to the merchandise transferred, but shall remain bound by all other obligations of their bond which are not assumed in the bond filed by the transferee.

§ 144.22 Endorsement of transfer on withdrawal form.

Transfer of the right to withdraw merchandise entered for warehouse shall be established by an appropriate endorsement on the withdrawal form by the person primarily liable for payment of duties before the transfer is completed, i.e., the person who made the warehouse or rewarehouse entry or a transferee of the withdrawal right of such person. Endorsement shall be made on whichever of the following withdrawal forms is applicable:

(a) Customs Form 7506 for merchandise to be withdrawn as vessel or aircraft supplies and equipment under § 10.60(b) of this chapter;

(b) Customs Form 7512 for merchandise to be withdrawn for transportation in accordance with § 144.36; or

(c) Customs Form 7505 for all other merchandise.

§ 144.23 Endorsement in blank.

If the transferor wishes to do so, he may endorse the withdrawal form to authorize the right to withdraw the merchandise specified thereon but leave the space for the name of the transferee blank. A holder of a withdrawal form so endorsed and otherwise fully executed may insert his own name in the blank space, deposit such form and his transferee's bond with the Customs officer designated to receive such form and bond, and thereby establish his right to withdraw the merchandise.

§ 144.24 Transferee's bond.

A transferee's bond shall be on Customs Forms 7555, 7595, or other appropriate form, and shall include an obligation to pay, with respect to the merchandise the subject of the transfer, all unpaid regular, increased, and additional duties, all unpaid taxes imposed upon or by reason of importation, and all unpaid charges and exactions.

§ 144.25 Deposit of forms.

Either the transferor or the transferee may deposit the endorsed withdrawal form and transferee's bond with the Customs officer designated to receive such form and bond.

§ 144.26 Further transfer.

The right of a transferee to withdraw the merchandise may not be revoked by the transferor but may be retransferred by the transferee.

§ 144.27 Withdrawal from warehouse by transferee.

At any time within the warehousing period, a transferee who has established his right to withdraw merchandise may withdraw all or part of the merchandise covered by the transfer by filing any authorized kind of withdrawal from warehouse in accordance with subpart D of this part.

§ 144.28 Protest by transferee.

(a) *Entries on or after January 12, 1971.* A transferee of merchandise entered for warehouse on or after January 12, 1971, shall have the right to file a protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), to the same extent that such right would have been available to the transferor.

(b) *Entries prior to January 12, 1971.* A transferee of merchandise entered for warehouse prior to January 12, 1971, shall have no right to file a protest, except under the conditions set forth in section 557(b), Tariff Act of 1930, as amended (19 U.S.C. 1557(b)), prior to the amendments made thereto by Public Law 91-685, effective January 12, 1971 (T. D. 71-55).

Subpart D—Withdrawals from Warehouse

§ 144.31 Right to withdraw.

Withdrawals from bonded warehouse may be made only by the person primarily liable for the payment of duties on the merchandise being withdrawn, i.e., the importer of record on the warehouse entry, the actual owner if an actual owner's declaration and superseding bond have been filed in accordance with § 141.20 of this chapter, or the transferee if the right to withdraw the merchandise has been transferred in accordance with subpart C of this part. No new declaration of the consignee or agent is required.

§ 144.32 Statement of quantity.

(a) *On each withdrawal.* Each withdrawal filed shall have indicated thereon, preferably in the lower part of the left-hand margin if there is no space designated on the form for such information, a summary statement of the account to which it is related. The statement shall indicate: (1) The quantity (i.e., the number of outer containers, or tons, etc.) in the warehouse account before the withdrawal; (2) the quantity being withdrawn; and (3) the quantity remaining in warehouse after the withdrawal. The quantity in each instance may be shown as a cumulative total even though it may include a group of varied units such as boxes, cases, or cartons, and may consist of more than one commodity, such as distilled spirits, chinaware, etc.

(b) *Transferred merchandise.* When all or a portion of an original lot has been transferred to a new owner in accordance with subpart C of this part, each withdrawal by the transferee shall show only the quantity on hand in the transferee's name before the withdrawal, the quantity being withdrawn by the transferee, and the transferred quantity remaining in the warehouse after the withdrawal. The quantity retained by the original importer and the quantity transferred shall be treated as separate accounts.

§ 144.33 Minimum quantities to be withdrawn.

Unless by special authority of the Commissioner of Customs, merchandise shall not be withdrawn from bonded warehouse in quantities less than an entire bale, cask, box, or other package, or, if in bulk, in quantities less than 1 ton in weight or the entire quantity imported, whichever is smaller.

(Sec. 562, 46 Stat. 745, as amended; 19 U.S.C. 1562)

§ 144.34 Transfer to another warehouse.

(a) *At the same port.* With the concurrence of the proprietors of the delivering and receiving warehouses, merchandise may be transferred from one bonded warehouse to another at the same port under Customs supervision and at the expense of the importer upon his written request to the district director, who shall issue an order for such transfer on Customs Form 6043. All charges shall be paid before merchandise is transferred from a warehouse of class 1 (see § 19.1 of this chapter for classes of warehouses).

(b) *At another port.* Merchandise may be transferred to a warehouse which is under the jurisdiction of another port by withdrawing the merchandise for transportation in accordance with § 144.36 and entering it for rewarehouse in accordance with § 144.41 upon arrival at destination. All charges shall be paid before merchandise is transferred from a warehouse of class 1 (see § 19.1 of this chapter for classes of warehouses).

§ 144.35 Withdrawal of vessel and aircraft supplies and equipment.

Supplies and equipment for vessels and aircraft may be withdrawn from warehouse under the procedures set forth in this subpart and in §§ 10.59 through 10.65 of this chapter.

§ 144.36 Withdrawal for transportation.

(a) *Time limit.* Merchandise may be withdrawn from warehouse for transportation to another port of entry if withdrawal for consumption or exportation can be accomplished at the port of destination before the expiration of the warehousing period, including any lawful extension thereof.

(b) *Physical deposit in warehouse not needed.* All or any part of the merchandise covered by a warehouse entry may be withdrawn for transportation without deposit in a bonded warehouse and may be permitted to remain on the vessel or other vehicle or on the pier in a constructive warehouse status pending examination. When any such merchandise not deposited in a warehouse is not forwarded under the withdrawal for transportation on account of damage or other cause, the importer shall be required to withdraw such merchandise immediately for consumption or exportation, or designate a warehouse to which it may be sent and, upon his failure to do so, it shall be treated as unclaimed.

(c) *Form.* A withdrawal for transportation shall be filed on Customs Form 7512 in five copies, accompanied by Customs Form 7512-C in duplicate. An extra copy or copies of the Customs Form 7512 may be required for use in connection with the delivery of the merchandise to the bonded carrier and, in the case of alcoholic beverages, two extra copies shall be required for use in furnishing the duty statement to the district director at destination.

(d) *Information required.* In addition to the statement of quantity required by § 144.32, the Customs Form 7512 shall show the following information for the merchandise being withdrawn:

(1) The original warehouse entry number, date of entry, and port at which filed. When the withdrawal is made from a rewarehouse entry, the rewarehouse entry number, date, and port at which filed shall also be shown;

(2) The name of the consignee at the port of destination;

(3) Any ascertained weight, gage, or measure;

(4) The entered value of the merchandise; and

(5) The estimated duty.

(e) *Duty on samples withdrawn.* The duty on any samples withdrawn at the original port from a shipment covered by a withdrawal for transportation shall be collected at such port and a notation thereof made on the withdrawal form. No separate invoice or extract from the original invoice shall be required to cover such samples.

(f) *Forwarding procedure.* The merchandise shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of this chapter).

(g) *Procedure at destination.* Upon arrival at destination, the merchandise may be:

(1) Entered for rewarehouse in accordance with § 144.41;

(2) Entered for combined rewarehouse and withdrawal for consumption in accordance with section 144.42;

(3) Exported in accordance with paragraph (h) of this section; or

(4) Forwarded to another port or returned to the port of origin in accordance with § 18.5 (c) or (d) of this chapter.

(h) *Exportation.* A consignee of merchandise withdrawn for transportation who desires to export the merchandise upon arrival at destination shall so advise the district director at destination in writing. The district director shall then permit the exportation of the merchandise under Customs supervision in the same manner as a withdrawal for indirect exportation under § 144.37.

§ 144.37 Withdrawal for exportation.

(a) *Form.* A withdrawal for either direct or indirect exportation shall be filed on Customs Form 7512 in five copies, or on Customs Form 7506 in three copies for merchandise being exported under cover of a TIR carnet, accompanied by Customs Form 7512–C in duplicate. The district director may require an extra copy or copies of Customs Form 7512 or 7506 for use in connection with the delivery of the merchandise to the carrier.

(b) *Procedure for indirect exportation.*

(1) *Forwarding.* Merchandise withdrawn for indirect exportation (transportation and exportation) shall be forwarded to the port of exportation in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of this chapter).

(2) *Splitting of shipments.* If any part of a shipment is not exported or if a shipment is divided at the port of exportation, extracts in duplicate from the manifest on file in the customhouse shall be made on Customs Form 7512 for each portion, one copy to be sent to the discharging inspector and the other to the lading inspector to be used as report of exportation. The splitting up for exportation of shipments arriving under warehouse withdrawals for indirect exportation shall be permitted only when various portions of a shipment are destined to different destinations, when the export vessel cannot properly accommodate the entire quantity, or in other similar circumstances. In the case of merchandise moving under cover of a TIR carnet, if the merchandise is not to be exported or if the shipment is to be divided, appropriate entry shall be required and the carnet discharged. The provisions of §§ 18.23 and 18.24 of this chapter concerning change of destination or retention of merchandise on the dock shall also be followed in applicable cases.

(3) *Conversion to withdrawal for consumption.* A withdrawal for indirect exportation may be converted to a withdrawal for consumption upon request to the district director at the port where the withdrawal for indirect exportation was made.

(c) *Exportation by mail.* Merchandise may be withdrawn from warehouse for exportation by mail in accordance with the provisions of § 9.11 of this chapter.

(d) *Marks on packages.* The exportation shall be made under the original marks of importation. Port marks may be added by authority of the district director under Customs supervision. The original and port marks shall appear in all Customs papers pertaining to the exportation.

(e) *Weight, gage, or measure.* Merchandise in bulk and packaged articles which are customarily bought and sold by weight, gage, or measure may be withdrawn for exportation or transportation only at the actual quantities ascertained at the time of the original entry for warehouse, except as otherwise provided for by law. In any case, the district director may require a special report of weight, gage, or measure of the merchandise being exported if he deems it necessary.

(f) *Merchandise not laden.* Merchandise withdrawn for exportation but not laden shall be sent to general order unless other disposition is prescribed by the district director.

(Sec. 562, 46 Stat. 745, as amended; 19 U.S.C. 1562)

§ 144.38 Withdrawal for consumption.

(a) *Form.* Withdrawals for consumption of merchandise in bonded warehouses shall be filed on Customs Form 7505 in triplicate.

(b) *Extra copy for Internal Revenue.* An additional copy of Customs Form 7505, marked or stamped "For Internal Revenue Purposes," shall be presented for each withdrawal for consumption of cigars, cigarettes, or cigarette papers or tubes, when the release from Customs custody of these articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to Customs.

(c) *Information to be shown on withdrawal.* Each withdrawal shall show all information for which spaces are provided on the withdrawal form, and shall also show the separate value of each package and the total dutiable value of the merchandise being withdrawn. In the case of merchandise in packages which are uniform in kind, quantity, value, and duty, the number of each package to be withdrawn need not be shown on the withdrawal if the lowest and highest numbers in the number series of such packages are shown. In the case of merchandise subject to quota, or textiles and textile products subject to levels of restraint, the description shall reflect any correction thereof reported after the filing of the warehouse entry. Additionally, on each withdrawal of cigars, cigarettes, or cigarette papers or tubes subject to internal revenue tax, the statement for tax purposes required by § 275.81 of the regulations of the Internal Revenue Service (26 CFR 275.81) shall be made on the withdrawal form.

(d) *Deposit of estimated duties.* Estimated duties on the merchandise being withdrawn shall be deposited in accordance with subpart G of Part 141 of this chapter. The district director may increase or decrease the amount of estimated duties to be deposited on the final withdrawal to bring the aggregate amount of duties deposited into balance with the amount which he estimates will be finally due upon liquidation.

(e) *Permit for release of merchandise.* When the duties and other charges have been paid, a permit on Customs Form 7505–A shall be issued and delivered to the person making the warehouse withdrawal. When the permit is presented to the Customs warehouse officer, he shall release the merchandise to or upon the order of the warehouse proprietor in accordance with § 19.6 of this chapter, unless the person making the withdrawal requests, by endorsement on the permit, that release be withheld until he presents to the Customs warehouse officer an order to release on Customs Form 7505–B, or until the expiration of the warehouse bond period (see § 20.3(c) of this chapter). If partial release is desired, the order may cover only part of the merchandise specified in the permit, but not less than an entire package or, if in bulk, 1 ton in weight. Proprietors may be permitted to make copies of permits and orders to release.

Subpart E—Rewarehouse Entries

§ 144.41 Entry for rewarehouse.

(a) *Applicability.* When merchandise which has been withdrawn from warehouse for transportation to another port has arrived at the port of destination, it may be entered for rewarehouse by the consignee named in the withdrawal.

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7502. The district director may require an extra copy or copies of Customs Form 7502–A (Warehouse or Rewarehouse Permit) for use in connection with the delivery of the merchandise to the warehouse. No declaration is required on the entry.

(c) *Combining separate shipments.* Separate shipments consigned to the same consignee and received under separate withdrawals for transportation shall not be combined in one rewarehouse entry unless the warehouse withdrawals are from the same original warehouse entry.

(d) *Bond.* A bond on Customs Form 7555 or other appropriate form shall be filed before a permit is issued on Customs Form 7502–A for sending the merchandise to the bonded warehouse. However, no entry bond shall be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry, or if it is entered by a transferee who has established his right to withdraw the merchandise and has filed a

bond in accordance with subpart C of this part.

(e) *Value and classification.* The duties determined at the port where the original warehouse entry was filed shall be the duties chargeable under the rewarehouse entry, except in the cases provided for in §§ 159.7 (a) and (b) of this chapter, which pertain to certain classes of merchandise excluded from the liquidation of the original warehouse entry and merchandise on which rates of duty or tax are changed by an act of Congress or by a proclamation by the President.

(f) *Examination.* Any examination necessary for identification of the merchandise, determination of shortages, or other purposes shall be made.

(g) *Failure to enter.* If the merchandise is not entered before the expiration of 5 days after its arrival, it shall be sent to the general order warehouse but shall not be sold or otherwise disposed of as unclaimed until the expiration of the original warehouse entry bond period.

(h) *Protest.* A protest may be filed at the port where the rewarehouse entry is made against a liquidation made at that port under §§ 159.7 (a) or (b) of this chapter, or against a refusal of the district director of that port to liquidate pursuant to said sections. In all other cases, any protest shall be filed against the original warehouse entry.

§ 144.42 Combined entry for rewarehouse and withdrawal for consumption.

(a) *Applicability.* If the consignee of merchandise withdrawn for transportation wishes to pay duty and obtain possession of the merchandise immediately upon arrival at destination, he may make a combined entry for rewarehouse and withdrawal for consumption.

(b) *Procedure for entry.* The procedures set forth in § 144.41 are applicable to this type of entry, with the following exceptions:

(1) *Form of entry.* A combined entry for rewarehouse and withdrawal for consumption shall be made on Customs Form 7519 in four copies, one copy to be used as the permit. No declaration is required on the entry;

(2) *Extra copy for Internal Revenue.* An additional copy of Customs Form 7519, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry of cigars, cigarettes, or cigarette papers or tubes, when the release from Customs custody of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to Customs; and

(3) *Deposit of duties.* Estimated Customs duties, taxes, and other charges, as set forth in subpart G of Part 141 of this chapter, shall be deposited upon presentation of the combined entry. The district director shall then issue a permit for release on Customs Form 7519.

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

AUTHORITY: The provisions of the Part 151 issued under R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (gen. hdnotes. 11, 12 Tariff Schedules of the United States), 1624. Subpart A also issued under sec. 499, 46 Stat. 726, as amended; 19 U.S.C. 1499. Subpart D also issued under sch. 6, pt. 1, hdnotes. 1–6, Tariff Schedules of the United States; 19 U.S.C. 1202. Subpart E also issued under sch. 3, pt. 1C, hdnote. 6, Tariff Schedules of the United States; 19 U.S.C. 1202. Subpart F also issued under sch. 3, pt. 1A, hdnote. 3, Tariff Schedules of the United States; 19 U.S.C. 1202. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 151.0 Scope.

This part sets forth general provisions governing the examination and sampling of imported merchandise, as well as specific provisions governing the examination, sampling, and testing of certain particular types of merchandise.

Subpart A—General

§ 151.1 Merchandise to be examined.

The district director shall examine such packages or quantities of merchandise as he deems necessary for the determination of duties and for other Customs purposes.

§ 151.2 Quantities to be examined.

(a) *Minimum quantities.* Not less than one package of every 10 packages of merchandise shall be examined, unless a special regulation permits a less number of packages to be examined. District directors are specially authorized to examine less than one package of every 10 packages, but not less than one package of every invoice, in the case of any merchandise which is:

(1) Imported in packages the contents and values of which are uniform, or

(2) Imported in packages the contents of which are identical as to character although differing as to quantity and value per package.

(b) *Nonprivileged foreign merchandise from foreign-trade zone.* When a portion of a zone lot of nonprivileged foreign merchandise, covered by one invoice, the contents and value of packages

of which are uniform or the merchandise is identical as to character although differing as to quantities and value per package, has been entered and packages or quantities have been examined, the district director may, if he considers further examination unnecessary, permit subsequent entries for consumption from such zone lot of merchandise to be made by the same importer at the same port of entry on the basis of the first examination. Each subsequent portion of such a zone lot of merchandise shall identify the first consumption entry made by the importer of a portion of the lot.

(c) *Additional quantities.* Paragraphs (a) and (b) of this section shall not be construed to prevent the district director from examining more than the minimum number of packages required if he deems it necessary.

§ 151.3 Disclosure of examination packages.

Information as to the particular packages which will be examined shall not be made available to the importer, his agent, or any person other than Customs officers necessarily concerned, until the merchandise has arrived within the limits of the port of entry.

§ 151.4 Time of examination.

Imported merchandise shall not be opened, examined, or inspected until it has been entered under some form of entry for consumption or warehouse, except in the following cases:

(a) *Official Government examination and sampling.* Authorized employees of the Customs Service, Food and Drug Administration, Agricultural Research Service, Public Health Service, or other Government agency may for official purposes examine or take samples of merchandise for which entry has not been filed, including merchandise being released under a special permit for immediate delivery.

(b) *Perishable merchandise, benzenoid chemicals, and merchandise received without an invoice.* An application by the importer to examine merchandise, whether or not covered by an entry for transportation in bond or for exportation, may be granted by the district director, under the conditions listed in § 151.5, in the following cases:

(1) Examination of perishable merchandise is desired solely to determine its condition. This is not limited to a single examination, and there is no objection to incidental display to prospective buyers during the examination.

(2) The importer desires to sample benzenoid chemicals or products in accordance with § 152.35 of this chapter prior to making an entry for consumption or warehouse.

(3) The importer has been unable to obtain the required documents or information to make the necessary entry, and examination of the merchandise is required to obtain information for the preparation of a pro forma invoice to be used in making entry.

(c) *Examination of merchandise entered for transportation under bond or for exportation.*

(1) *Examination, sampling, weighing, or emergency operation.* As a bona fide incident to exportation or further transportation, the importer of merchandise entered or withdrawn for transportation under bond or for exportation may, upon written application to the district director supported by a valid business reason for the request, be permitted to examine, sample, weigh, or subject his merchandise to an operation required by reason of an emergency, provided that any operation performed on the merchandise does not constitute a manufacture, and that § 151.5 is complied with. For conditions governing transshipment and emergency access to the shipment by the carrier, see § 18.3 of this chapter.

(2) *Nonemergency operation.* In cases not involving an emergency, an operation not constituting a manufacture may be permitted under the conditions listed in subparagraph (1) of this paragraph if neither the protection of the revenue nor the proper conduct of Customs business requires that the operation be done in a Customs bonded warehouse, provided that the importer's written application for such operation is approved by both the district director and the Commissioner of Customs.

§ 151.5 Conditions for examination prior to entry.

Examination, sampling, weighing, or operation upon merchandise at the importer's request prior to entry for consumption or warehouse, as provided for in § 151.4 (b) and (c), shall be subject to the following conditions:

(a) The operation permitted shall be executed under Customs supervision;

(b) If the merchandise is in possession or joint possession of a carrier or container station operator, the concurrence of such carrier or operator shall be obtained; and

(c) The Government shall be reimbursed for the compensation, computed in accordance with § 19.5(b) of this chapter, and other expenses of the Customs officer or employee supervising the action permitted.

§ 151.6 Place of examination.

Inflammable, explosive, or dangerous merchandise, or any other merchandise which cannot be examined conveniently at the public stores shall be examined at the place of arrival, the importer's premises, or other suitable place. All other merchandise shall be examined at the public stores, unless examination at a place other than the public stores is approved in accordance with § 151.7.

§ 151.7 Importer's request for examination at other than public stores.

The importer may request examination at a place other than the public stores, such as at the wharf or other place of arrival or at the importer's premises. The request may be made on the entry or other appropriate document and if approved shall be subject to the following conditions:

(a) *Sealing of packages.* If examination is to be made at the importer's premises or other place not under control of a Customs officer, the district director may require the packages to be corded and sealed by a Customs officer before the packages are removed from the place of arrival. The packages shall be opened only in the presence of the Customs officer authorized to examine their contents.

(b) *Opening and closing packages.*

(1) *At place of arrival within port limits.* When the examination is to be performed at the place of arrival, such as a pier, dock, or terminal, within the port limits, the importer shall arrange with the operator of the pier, dock, terminal, or other facility for the opening and closing of examination packages, unless other arrangements satisfactory to the district director are made.

(2) *Other.* When the examination is to be performed outside the port limits, or at any place within the port limits other than at the public stores or at the place of arrival within the meaning of subparagraph (1) of this paragraph, the importer shall arrange to open and close the examination packages.

(c) *Reimbursement of expenses outside port limits.* If the place of examination is not located within the limits of a port of entry or a Customs station at which a Customs officer is permanently located, the importer shall pay any additional expense, including actual expenses of travel and subsistence but not the salary of the examining officer. However, no collection shall be made if the total amount chargeable against one importer for one day amounts to less than 50 cents. If the total amount chargeable amounts to 50 cents or more but less than $1, a minimum charge of $1 shall be made.

(d) *Bond for removal from Customs custody.* Before permitting the removal of merchandise for examination elsewhere than at the public stores, wharf, or other place in charge of a Customs officer, the district director shall require the importer to execute a bond on Customs Forms 7551, 7553, or other appropriate form, containing a condition for the return of the merchandise if demand for return is made after its release from Customs custody upon the completion of examination. The bond shall contain added conditions that:

(1) The importer shall hold the merchandise at the place to which it has been removed for examination until it has been released from Customs custody;

(2) If such merchandise has been corded and sealed, the cords and seals shall be kept intact until removed by Customs officers; and

(3) The importer shall transfer the merchandise at any time before such release to such place as the district director may require.

§ 151.8 Examination after assembly.

(a) *Application by importer.* Upon application by the importer, machinery, altars, shrines, and other articles which must be set up or assembled prior to examination may be examined at the mill, factory, or other suitable place after being assembled.

(b) *Conditions applicable.* The importer shall comply with the conditions set forth in § 151.7 (b) through (d). The district director may also require that a

deposit be made of the estimated additional expense. The packages need not be corded and sealed in accordance with § 151.7(a), but the district director may make such preliminary examination as he deems necessary to identify the merchandise with the invoice.

(c) *Removal of merchandise and notification of assembly.* After the bond required by § 151.7(d) has been filed and any necessary preliminary examination has been made, the district director may permit the merchandise to be removed to the place at which it is to be assembled for examination. Within 90 days after such removal, unless an extension has been applied for and granted by the district director, the importer shall notify the district director that the merchandise has been assembled and is ready for examination, whereupon final examination shall be made.

§ 151.9 Immediate transportation entry delivered outside port limits.

When merchandise covered by an immediate transportation entry has been authorized by the district director to be delivered to a place outside a port of entry as provided for in § 18.11(c) of this chapter, the provisions of § 151.7 shall be complied with to the same extent as if the merchandise had been delivered to the port of entry, and then authorized to be examined elsewhere than at the public stores, wharf, or other place where a Customs officer is stationed.

§ 151.10 Sampling.

When deemed necessary, the district director may obtain samples of merchandise or appraisement, classification, or other official Customs purposes. Representative samples shall be selected by a Customs sampler or other authorized Customs officer, and shall be properly marked to insure identification and retained as long as the district director shall deem necessary.

§ 151.11 Request for samples or additional examination packages after release of merchandise.

If the district director requires samples or additional examination packages of merchandise which has been released from Customs custody, he shall send the importer a written request, on Customs Form 5561 or other appropriate form, to submit the necessary samples or packages. If the request is not promptly complied with, the district director may make a demand under the appropriate bond for the return of the necessary merchandise to Customs custody in accordance with § 141.113 of this chapter.

§ 151.12 Benzenoid chemicals and products.

Additional procedures for sampling and testing of benzenoid chemicals and products are set forth in subpart D of Part 152 of this chapter.

Subpart B—Sugars, Sirups, and Molasses

§ 151.21 Definitions.

The following are general definitions for the purposes of this subpart in applying schedule 1, part 10, Tariff Schedules of the United States:

(a) *Degree.* "Degree" or "sugar degree" means the percentage of sucrose contained in the sugar as shown by direct polarimetric estimation.

(b) *Total sugars.* "Total sugars" means the sum of the sucrose (Clerget), the raffinose, and the reducing sugars.

§ 151.22 Estimated duties on raw sugar.

Estimated duties shall be taken on raw sugar on the basis of not less than 96° polariscopic test unless the invoice shows that the sugar is of a lower grade than that of the ordinary commercial shipment.

§ 151.23 Allowance for moisture in raw sugar.

Inasmuch as the absorption of sea water or moisture reduces the polariscopic test of sugar, there shall be no allowance on account of increased weight of raw sugar importations due to unusual absorption of sea water or other moisture while on the voyage of importation. Any portion of the cargo claimed by the importer to have absorbed sea water or moisture on the voyage of importation shall be weighed, sampled, and tested separately. No such claim shall be considered if made after the sugar claimed to have been damaged has been weighed.

§ 151.24 Unlading facilities for bulk sugar.

When dutiable sugar is to be imported in bulk, a full description of the facilities to be used in unlading the sugar shall be submitted to the Commissioner of Customs as far as possible in advance of the date of importation, and special instructions will be issued as to the methods to be applied in weighing and sampling such sugar.

§ 151.25 Mixing classes of sugar.

No regulations relative to the weighing, taring, sampling, classifying, and testing of imported sugar shall be so construed as to permit mixing together sugar of different classes, such as centrifugal, beet, molasses, or any sugar different in character from those mentioned, for the purpose of weighing, taring, sampling, or testing.

§ 151.26 Molasses in tank cars.

When molasses is imported in tank cars, the importer shall file with the district director a certificate showing whether there is any substantial difference either in the total sugars or the character of the molasses in the different cars.

§ 151.27 Weighing and sampling done at time of unlading.

Sugar, sirup, and molasses requiring either weighing or sampling shall be weighed or sampled at the time of unlading. When such merchandise requires both weighing and sampling, these operations shall be performed simultaneously.

§ 151.28 Gaging of sirup or molasses discharged into storage tanks.

(a) *Plans of storage tank to be filed.* When sirup or molasses is imported in bulk in tank vessels and is to be pumped or discharged into storage tanks, before the discharging is permitted there shall be filed with the district director a certified copy of the plans and gage table of the storage tank showing all inlets and outlets and stating accurately the capacity in United States gallons per inch of height of the tank from an indicated starting point.

(b) *Settling before gaging.* After the discharge is completed, all inlets to the tank shall be carefully sealed and the sirup or molasses left undisturbed for a period not to exceed 20 days to allow for settling before being gaged. When a request for immediate gaging is made in in writing by the importer, it shall be allowed by the district director.

§ 151.29 Expense of unlading and handling.

No expense incidental to the unlading, transporting, or handling of sugar, sirup, or molasses for convenient weighing, gaging, measuring, sampling, or marking shall be borne by the Government.

§ 151.30 Sugar closets.

Sugar closets for samples shall be substantially built and secured by locks furnished by Customs. They shall be conveniently located as near as possible to the points of discharge they are intended to serve. They shall be provided by the owner of the premises on which they are located and shall be so situated that sugar, sirup, and molasses stored therein shall not be subjected to extremes of temperature or humidity.

§ 151.31 Review of tests of sugar, sirup, and molasses.

(a) *Notification to importer.* When the test of the sugar has been determined by the Customs laboratory for an importation of sugar, sirup, or molasses, the district director shall immediately send the importer a copy of the Laboratory Report, Customs Form 6415, showing the average test of the importation and the quantity and test of each lot from which such average test is obtained.

(b) *Review of test of raw sugar.* If the importer, within 2 days, exclusive of Saturdays, Sundays, and holidays, after notification of a test on raw sugar has been sent to him, claims an error in the test so reported, he may request a review of the average test, submitting such evidence that may be in his possession to support his claim. Settlement tests of the sugar in question together with any other information required by the district director shall be furnished by the importer. The district director shall arrive at a final determination based upon a review of the information available. In no instance shall a request for review be granted when the difference between the Customs average test and the settlement test of raw sugar is less than 0.4° S.

(c) *Review and retest of sirup or molasses.* If the importer claims an error in the test of sirup or molasses, the review procedures set forth in paragraph (b) of this section shall be followed. If the information in the district director's possession indicates a strong probability of an error, and the difference between the Customs test and the settlement test is not less than 2 percent total sugars, a

retest shall be granted. The district director shall arrive at a final determination based upon a review of the information submitted and the retest.

Subpart C—Petroleum and Petroleum Products

§ 151.41 Information on entry.

On entry for petroleum or a petroleum product in bulk, the importer shall show the API gravity at 60° Fahrenheit, and the group to which the product belongs, in accordance with the Petroleum Measurement Tables (American Edition), published by the American Society for Testing Materials (1952). The abridged table (Table No. 7) shall be used in the reduction of volume to 60° F. If the exact quantity cannot be determined in advance, entry may be made for "_____ U.S. gallons, more or less." The information required by this section shall also be shown on the permit and summary sheet.

§ 151.42 Controls on unlading and gaging.

Each district director shall establish for his district controls and checks on the unlading and shore tank gaging of petroleum and petroleum products imported by vessel. Depending on local conditions, the district director may employ any of the following methods of control:

(a) Complete and continuous supervision by a Customs officer when other methods are not considered adequate, or when the importer requests continuous supervision;

(b) Use of reports of licensed public gagers approved by the Commissioner of Customs in accordance with § 151.43;

(c) Use of positive displacement meters at installations where provided by the importer;

(d) Use of turbine-type meters at installations where provided by the importer;

(e) Sealing of all valves when practical; and

(f) Taking of vessel ullages before and after the discharge.

§ 151.43 Licensed public gagers.

(a) *Acceptance of quantity reports.* Subject to such controls and checks as may be deemed necessary, the district director may accept the reports of quantities of imported petroleum and petroleum products made by licensed public gagers who have been approved for Customs purposes by the Commissioner of Customs in accordance with this section.

(b) *Application.* Any licensed public gager desiring approval shall submit an application, which may be in the form of a letter, to the Commissioner of Customs, Washington, D.C. 20226. The application shall contain or be accompanied by the following items:

(1) A statement of the applicant's qualifications in detail, his principal place of business, and the Customs district(s) for which approval is requested.

(2) A written agreement to avoid conflict-of-interest situations and comply with operating requirements prescribed by Customs, reading substantially as follows:

As one of the conditions for the approval of this application, I undertake and agree to have no financial interest in or other connection (except for acceptance of the usual fees for gaging services) with any business or other activity which might be considered to affect the unbiased performance of my duties as a public gager for Customs purposes in accordance with the standards and procedures approved by the Commissioner of Customs. I further agree to comply with the operating requirements set forth in § 151.43 (e), Customs Regulations (19 CFR 151.43 (e)), and with any procedures prescribed by the district director of Customs pursuant to § 151.43(f) thereof.

(3) A bond in the amount of $10,000 to insure that the gaging will be in conformance with the approved standards and procedures, and with such procedures as may be prescribed by the district director pursuant to paragraph (f) of this section. The form of the required bond will be available from any district director.

(c) *Investigation of applicant.* The Commissioner shall direct the Customs Agency Service to make such investigation as he deems necessary to determine the applicant's fitness and reputation, and to verify the correctness of the statements made in the application.

(d) *Notice of approval, disapproval, or revocation.* When the investigation is completed, the applicant will be advised of the approval of his application, or, if disapproved, of the reasons for such action. An approval may be revoked by the Commissioner of Customs for failure to comply with any of the provisions of this section. Notice of approvals or revocations of approval will be published from time to time in the weekly Customs Bulletin.

(e) *Requirements for operations.* To be approved for Customs purposes, a licensed public gager's operations shall conform to the following requirements:

(1) All measuring and testing devices in use shall be maintained in first-class condition. Each device shall be calibrated before the first use, and checked at regular intervals thereafter, against standards whose accuracy is traceable to standards issued by the National Bureau of Standards. In making calibrations and checks, the applicable methods of the American Society for Testing and Materials or the American Petroleum Institute shall be used;

(2) All gaging, testing, and sampling procedures shall be in conformance with published industry standards, such as those of the American Petroleum Institute or the American Society for Testing and Materials, and shall conform to such specific procedures as may be required by the district director in accordance with paragraph (f) of this section;

(3) All gagers who are authorized to sign gaging reports shall have a minimum of 6 months on-the-job training and experience; and

(4) The licensed public gager shall promptly investigate any apparent irregularities, procedural difficulties, or indications of systematic bias called to his attention by the district director and shall immediately take corrective measures, where indicated.

(f) *Procedures prescribed by district director.* The district director is authorized to prescribe general or specific procedures to be followed by each approved licensed public gager at each of the discharging facilities in the district.

§ 151.44 Storage tanks.

(a) *Plans and gage tables.* When petroleum or petroleum products subject to duty at a specific rate per gallon are imported in bulk in tank vessels and are to be transferred into shore storage tanks, both the plans of each shore tank showing all outlets and inlets and the gage table for each tank showing its capacity in U.S. gallons per inch or fraction of an inch of height shall be certified as correct by the proprietor of the tank. One set of these plans and gage tables so certified shall be kept on file at the plant of the oil company and shall be available at all times to Customs officers. Another certified set of the shore tank plans and gage tables shall be filed with the district director for use in verifying the Customs officers' reports. The district director may require such additional sets of shore tank plans, including subsidiary pipeline plans, and gage tables as he may deem necessary.

(b) *Tags required on valves.* The inlet and outlet valves of each tank shall have tags of a permanent type affixed thereto by the proprietor or lessee indicating the use of the valves.

(c) *Verification of gage tables.* Whenever practicable, the district director may require the measurements and calibrations as shown on the gage tables to be verified by a Customs officer.

§ 151.45 Storage tanks bonded as warehouses.

(a) *Application.* Tanks for the storage of imported petroleum or petroleum products in bulk may be bonded as warehouses of class 2 if to be used exclusively for the storage of petroleum or petroleum products belonging or consigned to the owner or lessee of the tank. In addition to the documents and bonds required to be filed with the application to bond (see § 19.2 of this chapter), the certified plans and gage tables required by § 151.43 shall be filed.

(b) *Removal of nonbonded petroleum.* If a bonded tank is not empty at the time the first importation of bonded petroleum or petroleum products is to be stored therein, the amount of nonbonded petroleum or petroleum products in the tank shall be withdrawn by the proprietor as soon as possible. The request to withdraw shall be in the form of a letter and no formal withdrawal need be filed. Domestic or duty-paid petroleum or petroleum products shall not thereafter be stored in the tank as long as the tank remains bonded.

(c) *Information on warehouse withdrawal.* Warehouse withdrawals of petroleum or petroleum products from bonded tanks shall show the information specified in § 151.41, as well as the designation

of the tank from which the merchandise is to be withdrawn. Such withdrawals may be made for "_____ U.S. gallons, more or less."

§ 151.46 Allowance for excessive water and sediment.

Allowance for excessive moisture or other impurities in imported petroleum or petroleum products shall be made in accordance with § 158.13 of this chapter for the quantity of water and sediment established to be in excess of that usually found in such merchandise. In the case of importations of the following merchandise, allowance shall be made only for water and sediment in excess of the quantities shown:

Merchandise	Quantity	Treasury decision
	Percent	
Crude petroleum	0.3	70-88
Heavy distillate fuel oils 18/22° A.P.I.	0.5	50481(6)
Diesel and gas oils 22/30° A.P.I.	0.3	50481(6)
Diesel and gas oils above 30° A.P.I.	0.0	50481(6)
Gasoline, kerosene, and heating oil above 30° A.P.I.	0.0	50481(6)

§ 151.47 Entered quantities of crude petroleum released under immediate delivery.

(a) *Optional entry of net quantity.* As an alternative to entering the total quantity of crude petroleum released under the immediate delivery procedures in Part 142 of this chapter, the importer may file entry for the net quantity of crude petroleum landed. The net quantity shall be determined by deducting the quantity of sediment and water present in excess of 0.3 percent, as reported in a laboratory test made by an independent commercial laboratory which has been approved by the Commissioner of Customs. The commercial laboratory report shall be filed with the entry.

(b) *Approval of independent commercial laboratories.* Applications of independent commercial laboratories for approval of the use of their tests in determining the net landed quantity of crude petroleum shall be sent to the Commissioner of Customs, Washington, D.C. 20226. For the purposes of this section, the approval of a licensed public gager by the Commissioner of Customs in accordance with § 151.43 shall constitute approval of the commercial laboratories operated by the licensed public gager as a part of the services rendered by him for his customers.

(c) *Use of Customs laboratory tests for liquidation.* Where there is a difference between the quantity reported by the Customs laboratory and the quantity reported by the approved independent commercial laboratory, the results of the Customs laboratory test shall be used in the liquidation of the entry and in determining the quantity chargeable against the importer's oil import license, unless the difference is within the limits set forth in paragraph (d) of this section.

(d) *Use of commercial laboratory tests for liquidation.* The quantity reported by the approved independent commercial laboratory shall be used in the liquidation of the entry and in determining the quantity chargeable against the importer's oil import license if the difference between the commercial laboratory test and the Customs laboratory test do not exceed the differences set forth in the following table (adapted from ASTM Designation D1796, Fig. 3):

Percentage of water and sediment found by Customs laboratory	*Maximum percentage difference allowable*
0.05 to 0.50	0.1
0.51 to 1.50	0.2
More than 1.50	0.3

Subpart D—Metal-Bearing Ores and Other Metal-Bearing Materials

§ 151.51 Sampling requirements.

(a) *General.* Except as provided in paragraph (b) of this section, when metal-bearing ores and other metal-bearing materials which are classifiable under schedule 6, part 1, Tariff Schedules of the United States, are entered for consumption or warehousing at the port of first arrival, they shall be sampled for assay and moisture purposes in accordance with § 151.52. If proper facilities for weighing or sampling are not available at the port of entry, the merchandise shall be transported under bond to the place of sampling. The sampling or weighing of metal-bearing ores or materials at any place other than the port of entry shall be at the expense of the parties in interest.

(b) *Ores of low metal content.* When, on the basis of invoice information, the nature of any available sample, knowledge of prior importations of similar materials, and other data, the district director is satisfied that metal-bearing ores entered under item 601.66, Tariff Schedules of the United States, as containing less than 1 percent of metals dutiable under items 602.10, 602.20, 602.28, or 602.30, Tariff Schedules of the United States, are properly entered, he may liquidate the entry on the basis of the assay information contained in the entry papers. However, the sampling and testing procedures prescribed in §§ 151.52 and 151.54 shall be followed at random intervals for verification purposes.

§ 151.52 Sampling procedures.

(a) *Commercial samples taken under Customs supervision.* Representative commercial moisture and assay samples shall be taken under Customs supervision for testing by the Custom laboratory. The samples used for the moisture test shall be representative of the shipment at the time the shipment is weighed for Customs purposes. When a shipment is made up of a number of lots a composite sample of the shipment shall be drawn for assay, providing composite sampling is feasible and assays of the individual lots are not required for tariff classification or other Customs purposes. The composite sample shall consist of proportional parts by weight of the prepared sample drawn from the various lots represented and shall be thoroughly mixed.

(b) *Commercial samples furnished by importer.* When commercial samples cannot be taken under Customs supervision, the importer shall be required to furnish a verified commercial moisture sample and prepared assay sample certified to be representative of the shipment at the time the shipment was weighed for Customs purposes. The samples shall be in appropriate containers, properly labeled, and shall be accompanied by a statement including:

(1) Entry number,

(2) Lots represented,

(3) Kind of ore or material,

(4) Date and place where sampling occurred, and

(5) The name and address of the sampling concern.

(c) *Samples taken by Customs.* Where no commercial samples have been taken, the district director shall take representative samples from different parts of the shipment.

§ 151.53 Sample lockers.

A suitable place or container shall be provided for the safekeeping of all Customs samples under Customs lock or seal.

§ 151.54 Testing by Customs laboratory.

Samples taken in accordance with § 151.52 shall be promptly forwarded to the appropriate Customs laboratory for testing in accordance with commercial methods. The district director may secure from the importer a certified copy of the commercial settlement tests for moisture and for assay which shall be transmitted with the commercial samples to the Customs laboratory. If the Customs tests are not in substantial agreement with the settlement tests, the chief chemist of the Customs laboratory shall review his tests. The Customs tests shall be used in determining the final duties on the merchandise, except that the settlement tests shall be used if, in the opinion of the chief chemist:

(a) The settlement and Customs tests differ by no more than is to be expected between qualified laboratories, and

(b) The use of the settlement test results will not require a different tariff classification or rate of duty than is indicated by the Customs test.

§ 151.55 Deductions for loss during processing.

Deductions for the loss of copper, lead, or zinc content during processing, as authorized by schedule 6, part 1, headnote 4, Tariff Schedules of the United States, shall be made by the district director in the liquidation of any entry only if the importer has followed the procedures set forth in that headnote. See §§ 19.17-19.25 for procedures applicable to bonded smelting and refining warehouses.

Subpart E—Wool and Hair

§ 151.61 Definitions.

The following are general definitions for the purposes of this subpart:

(a) *Clean pound.* "Clean pound" means pound of clean yield as defined in paragraph (b) of this section.

(b) *Clean yield.* "Clean yield" means the absolute clean content (that is, all that portion of the merchandise which consists exclusively of wool or hair free

of all vegetable and other foreign material, containing by weight 12 percent of moisture and 1.5 percent of material removable from the wool or hair by extraction with alcohol, and having an ash content of not over 0.5 percent by weight), less an allowance, equal by weight to 0.5 percent of the absolute clean content plus 60 percent of the vegetable matter present, but not exceeding 15 percent by weight of the absolute clean content, for wool or hair that would ordinarily be lost during commercial cleaning operations.

(c) *Sampling unit.* "Sampling unit" means all the similar packages covered by one entry or withdrawal containing wool or hair of the same kind or same general condition and character, produced in the same country, packed in substantially the same manner, and entered as or found to be subject to the same rate of entry.

(d) *General sample.* "General sample" means the composite of the individual portions of wool or hair drawn from a sampling unit.

§ 151.62 Information on invoices.

Invoices of wool or hair subject to duty at a rate per clean pound under schedule 3, part 1C, Tariff Schedules of the United States, shall show the following detailed information in addition to other information required:

(a) Condition, that is, whether in the grease, washed, pulled, on the skin, scoured, carbonized, burr-picked, willowed, handshaken, or beaten;

(b) Whether free of vegetable matter, practically free, slightly burry, medium burry, heavy burry;

(c) Whether in the fleece, skirted, matchings, or sorted;

(d) Length, that is, whether super combing, ordinary combing, clothing, or filling;

(e) Country of origin, and, if possible, the province, section, or locality of production;

(f) If wool, the type symbol by which it is bought and sold in the country of origin and the grade of each lot covered by the invoice, specifying the standard or basis used, that is, whether U.S. Official Standards or the commercial terms to designate grade in the country of shipment; and

(g) Net weight of each lot of wool or hair covered by the invoice in the condition in which it is shipped, and the shipper's estimate of the clean yield of each lot by weight or by percentage.

(Sec. 481, 46 Stat. 719; 19 U.S.C. 1481)

§ 151.63 Information on entry.

Each entry covering wool or hair subject to duty at a rate per clean pound under schedule 3, part 1C, Tariff Schedules of the United States, shall show as to each lot of wool or hair covered thereby, in addition to other information required, the total estimated or actual net weight of the wool or hair in its condition as imported, its total estimated clean yield in pounds, and the estimated percentage clean yield.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 151.64 Extra copies of entry.

Two copies of each entry covering wool or hair subject to duty at a rate per clean pound shall be filed in addition to the copies otherwise required.

§ 151.65 Duties.

Duties on wool or hair subject to duty at a rate per clean pound may be estimated at the time of entry on the basis of the clean yield shown on the entry if the district director is satisfied that the revenue will be properly protected. Liquidated duties shall be based upon the district director's final determination of clean yield. Estimated and liquidated duties on wool or hair tested for clean yield pursuant to the provisions of § 151.71, and withdrawn for consumption without a change in condition which affects the duties and in a quantity less than an entire sampling unit shall be determined on the basis of an appropriate adjustment of the estimated percentage clean yield shown on the entry for the wool or hair included in each of the lots covered by the withdrawal. This adjustment shall be made by increasing or decreasing such estimated percentage clean yield of each lot by the difference between the percentage clean yield of the related sampling unit, as determined by the district director, and the weighted average percentage clean yield for the sampling unit, as computed from the estimated percentages clean yield and net weights shown on the entry for the lots included in the sampling unit.

§ 151.66 Duty on samples.

Duty shall be assessed and collected on samples taken pursuant to any provision in this subpart, whether taken by the importer or by Customs, unless an exemption or remission is obtained by compliance with an applicable provision of the law or regulations. The duty shall be assessed upon the samples in accordance with their condition at the time of importation, except in the case of merchandise manipulated in warehouse pursuant to section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562). The collection of duty on the samples may be postponed when the importation concerned is not entered for consumption until the withdrawal of the merchandise from which the samples are taken, or until an application for the destruction or abandonment of such merchandise has been accepted pursuant to an appropriate provision of the law or regulations.

§ 151.67 Sampling by importer.

The importer may be permitted after entry to draw samples under Customs supervision in reasonable quantities from the packages of wool or hair designated for examination, provided the bales or bags are properly repacked and repaired by him. Any samples so withdrawn shall be weighed and a record showing the quantities thereof shall be made and filed with the related entry.

§ 151.68 Merchandise to be sampled and tested by Customs.

The following shall be weighed, sampled, and tested for clean yield, unless such sampling or testing is not feasible:

(a) All importations of wool or hair subject to duty at a rate per clean pound, except importations entered directly for manipulation under the provisions of section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), or for manufacture under the provisions of section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311);

(b) All imported wool or hair manipulated under the provisions of section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562) and dutiable after manipulation as wool or hair at a rate per clean pound; and

(c) Such other imported wool or hair as the district director may designate.

§ 151.69 Transfer or exportation of part of sampling unit.

(a) *Transfer of right to withdraw.* When an original sampling unit has been weighed, sampled, and tested in accordance with this subpart and a part of such unit is covered by a transfer of the right to withdraw made pursuant to section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), the percentages clean yield of the part covered by the transfer and of the part not so covered shall be computed on the basis of the original Customs weights and test and the invoice data related to the respective parts.

(b) *Exportation.* When part of such an original sampling unit is exported from continuous Customs custody without having been manipulated as provided for in section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), the percentage clean yield of the part not exported shall be determined, at the discretion of the district director, either on the basis of a new determination by reweighing, resampling, and retesting, or by a computation as described in paragraph (a) of this section, for either the exported or the remaining part.

§ 151.70 Method of sampling by Customs.

A general sample shall be taken from each sampling unit, unless it is not feasible to obtain a representative general sample of the wool or hair in a sampling unit or to test such a sample in accordance with the provisions of § 151.71, in which case the clean yield of the wool or hair in such sampling unit shall be estimated as provided for in § 151.72. At the request of the importer, two general samples may be taken from a sampling unit if the taking and testing of a second general sample is feasible. If two general samples are taken, one general sample shall be held for use in making a second test for clean yield if such a test is requested in accordance with the provisions of § 151.71(c), or if a second test is found desirable by the district director or the chief chemist.

§ 151.71 Laboratory testing for clean yield.

(a) *Test and report by Customs laboratory.* The clean yield of all general samples taken in accordance with § 151.70 shall be determined by test in a Customs laboratory, unless it is found

that it is not feasible to test such a sample and obtain a proper finding of percentage clean yield. A report of the percentage clean yield of each general sample as established by the test or a statement of the reason for not testing a general sample shall be forwarded to the district director. If the report is not received by the district director within 1 month after the date of entry, the clean yield shall be estimated in accordance with § 151.72 except that in the case of wool or hair received under an entry for immediate transportation, the estimate of clean yield shall be made if the laboratory report is not received by the district director within 1 month from the date on which the last of the merchandise is received. However, the district director may withhold his finding of clean yield until the laboratory report is received and predicate his finding on that report if so requested in writing by the importer. An estimate of clean yield shall be made pursuant to the provisions of this paragraph only when an adequate quantity of the wool or hair is available for examination.

(b) *Notification to importer.* The district director shall promptly notify the importer by mail of the percentage clean yield found by him.

(c) *Importer's request for retest.* If the importer is dissatisfied with the district director's find of clean yield, he may file with the district director a written request in duplicate for another laboratory test for percentage clean yield. Such request shall be filed within 14 calendar days after the date of mailing of the notice of the district director's finding of clean yield. The request shall be granted if it appears to the district director to be made in good faith and if a second general sample as provided for in § 151.70 is available for testing, or if all packages or, in the opinion of the Commissioner of Customs, an adequate number of the packages represented by the general sample are available and in their original imported condition.

(d) *Retest procedures.* The second test shall be made upon the second general sample, if such a sample is available. If the second general sample is not available, the packages shall be reweighed, resampled, and tested in accordance with the provisions of this section. All costs and expenses of such operations, exclusive of the compensation of Customs officers, shall be borne by the importer, who may be present during such resampling and testing.

(e) *Request for commercial test.* If the importer is dissatisfied with the results of the second laboratory test, or if a second laboratory test is not feasible, the wool or hair may be retested by a commercial laboratory in accordance with § 151.73.

§ 151.72 Estimation of clean yield by nonlaboratory method.

(a) *Estimation by Customs.* Shipments of wool or hair specified in § 151.68 which have not been tested by the Customs laboratory under the provisions of § 151.71 shall be examined by the appropriate Customs officer, who shall estimate and report the percentage clean yield of each lot.

(b) *Notification to importer.* The district director shall promptly notify the importer by mail of the percentage clean yield estimated by the appropriate Customs officer.

(c) *Importer's request for reestimation.* If the importer is dissatisfied with the estimation of clean yield, he may file with the district director a written request in duplicate for a new examination of the wool or hair and a reestimation of its percentage clean yield. Such request shall be granted if it appears to the district director to be made in good faith. The importer shall be given an opportunity to inspect those packages which are in dispute.

(d) *Request for commercial test.* If the importer is dissatisfied with the reestimation of clean yield, he may request a test by a commercial laboratory in accordance with § 151.73.

§ 151.73 Importer's request for commercial laboratory test.

(a) *Conditions for commercial test.* If the importer is dissatisfied with the results of a retest made in accordance with § 151.71(c), or a reestimation of clean yield made in accordance with § 151.72(c), he may request that a commercial test be made to determine the percentage clean yield of the wool or hair.

(b) *Time for filing request.* The importer's request shall be filed in writing with the district director within 14 calendar days after the date of mailing of the notice of the district director's findings based on the retest or reexamination.

(c) *Procedures for commercial test.* The district director shall cause a representative quantity of the wool or hair in dispute to be selected and tested by a commercial method approved by the Commissioner of Customs. The yield, as determined by such commercial test, shall be suitably adjusted to coincide with the definition of clean yield in § 151.61(b). Such test shall be made under the supervision and direction of the district director at an establishment approved by him, and the expense thereof, including the actual expense of travel and subsistence of Customs officers but not their compensation, shall be paid by the importer.

§ 152.74 Retest by district director's request.

If the district director is not satisfied with the results of any test provided for in § 151.71 or § 151.73, he may, within 14 calendar days after receiving the report of the results of such test, proceed to have another test made upon a suitable sample of the wool or hair at the expense of the Government. When the district director is proceeding to have another test made, he shall, within the 14-day period specified in this paragraph, notify the importer by mail of that fact.

§ 151.75 Final determination of clean yield.

The district director shall base his final determination of clean yield upon a consideration of all the tests and examinations made in connection with the wool or hair concerned.

§ 151.76 Grading of wool.

(a) *Examination for grade.* The district director shall cause wool dutiable at a rate per clean pound to be examined for grade. The standards for determining grades of wool shall be those which are established from time to time by the Secretary of Agriculture pursuant to law and which are in effect on the date of importation of the wool, as provided by schedule 3, part 1C, headnote 2, Tariff Schedules of the United States.

(b) *Notification to importer.* If classification of the wool at the grade or grades determined on the basis of the examination will result in the assessment of duty at a rate higher than the rate provided for wool of the grade stated in the entry, the district director shall promptly notify the importer by mail.

(c) *Importer's request for reexamination.* If the importer is dissatisfied with the district director's findings as to the grade or grades of the wool, he may, within 14 calendar days after the date of mailing of the notice of the district director's findings, file in duplicate a written request for another determination of grade or grades, stating the reason for the request. Notice of the district director's findings on the basis of the reexamination of the wool shall be mailed to the importer.

Subpart F—Cotton

§ 151.81 Definition of staple length.

For the purposes of this subpart, "staple length" means the length of the fibers in a particular quantity of cotton designated in terms expressing the measurement by the inch or fraction thereof of a representative portion of the quantity in accordance with the Official Cotton Standards of the United States for length of staple, as established by the Secretary of Agriculture.

§ 151.82 Information on invoices.

Invoices of cotton provided for in item 300.10, 300.15, or 300.20, Tariff Schedules of the United States, shall show the following detailed information in addition to other required information:

(a) One of the following statements regarding each lot of cotton covered by the invoice:

(1) This is harsh or rough cotton under ¾ inch in staple length;

(2) The staple length of this cotton is under 1⅛ inches. (This statement is not to be used if subparagraph (1) of this paragraph is applicable);

(3) The staple length of this cotton is 1⅛ inches or more and under 1⅜ inches;

(4) This cotton is harsh or rough cotton (other than cotton of perished staple, grabbots, and cotton pickings), white in color, and has a staple length of 1$\frac{5}{32}$ inches or more and under 1⅜ inches;

(5) The staple length of this cotton is 1⅜ inches or more and under 1$\frac{11}{16}$ inches; or

(6) The staple length of this cotton is 1$\frac{11}{16}$ inches or more.

(b) The name of the country of origin, and, if practicable, the name of the province or other subdivision of the country of origin in which the cotton was grown.

(c) The variety of the cotton, such as Karnak, Gisha, Pima, Tanguis, etc.

(Sec. 481, 46 Stat. 719; 19 U.S.C. 1481)

§ 151.83 Method of sampling.

For determining the staple length of any lot of cotton for any Customs purposes, samples of the lot shall be taken in accordance with commercial practice.

§ 151.84 Determination of staple length.

The district director shall have one or more samples of each sampled bale of cotton stapled by a qualified Customs officer, or a qualified employee of the Department of Agriculture designated by the Commissioner of Customs for the purpose, and shall promptly mail the importer a notice of the results determined.

§ 151.85 Importer's request for redetermination.

If the importer is dissatisfied with the district director's determination, he may file with the district director, within 14 calendar days after the mailing of the notice, a written request in duplicate for a redetermination of the staple length. Each such request shall include a statement of the claimed staple length for the cotton in question and a clear statement of the basis for the claim. The request shall be granted if it appears to the district director to be made in good faith. In making the redetermination of staple length, the district director may obtain an opinion of a board of cotton examiners from the U.S. Department of Agriculture, if he deems such action advisable. All expenses occasioned by any redetermination of staple length, exclusive of the compensation of Customs officers, shall be reimbursed to the Government by the importer.

Subpart G—Fruit Juices

§ 151.91 Brix values of unconcentrated natural fruit juices.

The following values have been determined to be the average Brix values of unconcentrated natural fruit juices in the trade and commerce of the United States, for the purposes of the provisions of schedule 1, part 12A, headnote 3, Tariff Schedules of the United States, and will be used in determining the dutiable quantity of imports of concentrated fruit juices, using the procedure set forth in headnote 4 of part 12A:

Kind of fruit juice	Average Brix value (degrees)
Apple	13.3
Apricot	14.3
Black currant	15.0
Blackberry	10.0
Black raspberry	11.1
Blueberry	14.1
Boysenberry	10.0
Carob	40.0
Cherry	14.3
Crabapple	15.4
Cranberry	10.5
Date	18.5
Dewberry	10.0
Elderberry	11.0
Fig	18.2
Gooseberry	8.3
Grape (Vitis Vinifera)	18.0
Grape (Slipskin varieties	16.0
Grapefruit	10.2
Guava	7.7
Lemon	8.9
Lime	10.0
Loganberry	10.5
Mango	17.0
Naranjilla	10.5
Orange	11.8
Papaya	10.2
Passion Fruit	15.3
Peach	11.8
Pear	15.4
Pineapple	14.3
Plum	14.3
Pomegranate	18.2
Prune	18.5
Quince	13.3
Raisin	18.5
Raspberry (Red raspberry	10.5
Red currant	10.5
Strawberry	8.0
Tamarind	55.0
Tangerine	11.5
Youngberry	10.0

Subpart H—Flat Glass

§ 151.101 Weighing of flat glass.

The net weight of flat glass dutiable on a weight basis under schedule 5, part 3B, Tariff Schedules of the United States (19 U.S.C. 1202), shall be ascertained by the district director in accordance with § 151.102 or § 151.103 whenever he is not satisfied with the accuracy of the weights shown on the invoice or packing list, and in any event from time to time on a spot-check basis.

§ 151.102 Standard method for ascertaining weight.

The standard method for ascertaining the net weight of flat glass in one case of each size and thickness shall be as follows:

(a) In cases weighing not over 500 pounds each: Weigh the entire amount of glass in the case or obtain the gross weight of the case, remove and weigh all coverings, and subtract the weight of the coverings from the gross weight.

(b) In cases weighing over 500 pounds each: Remove and weigh 20 or more sheets aggregating not less than 100 square feet; divide the weight so found by the total area of the sheets weighed to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. If this is not practicable, caliper the edges of at least five sheets chosen from the case at random, using a micrometer caliper, if available; multiply the average thickness in inches by 13 to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. However, the calipering method, when used for glass weighing 28 ounces or less per square foot, is subject to significant inaccuracies and its use with such glass should be avoided.

§ 151.103 Other methods for ascertaining weight.

The district director may exercise his discretion in ascertaining the net weight of flat glass by other methods, based upon the availability of Customs weighing facilities, availability of weighing facilities provided by importers, availability of personnel, and other considerations.

§ 151.104 Final net weight for duty purposes.

The net weight ascertained in accordance with § 151.102 or § 151.103 shall be used as a basis to compute duties when it varies by more than 5 percent from the invoice net weight. The invoice net weight shall be used when the ascertained net weight varies from it by 5 percent or less, or when the district director has elected in accordance with § 151.101 to accept the invoice weight without further ascertainment.

Subpart I—Cigars, Cigarillos, and Tobacco

§ 151.111 Cigars, cigarillos, and tobacco of Cuban origin.

(a) *Cigars and cigarillos.* The tobacco import specialist at the port of New York shall have general supervision of the examination of all cigars or cigarillos which may be made or derived in whole or in part of Cuban articles.

(b) *Tobacco.* The tobacco import specialist at the port of New York shall have general supervision of the examination of tobacco which may be of Cuban origin when imported at any port in Regions I, II, III, or IX. The tobacco import specialist at the port of Tampa, Fla., shall have general supervision of the examination of such tobacco entered at a port in any other region.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

Sec.

Sec.
152.42 Samples of domestic benzenoid colors, dyes, stains, and related products.
152.43 Testing of imported benzenoid colors, dyes, stains, and related products.

AUTHORITY: The provisions of this Part 152 issued under R.S. 251, as amended, secs. 402, 402a, 500, 502, 624, 46 Stat. 708, as amended, 729, as amended, 731, as amended, 759; 19 U.S.C. 66, 1401a, 1402, 1500, 1502, 1624. Subpart B also issued under sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315 Subpart C also issued under sec. 503, 46 Stat. 731, as amended; 19 U.S.C. 1503. Subpart D also issued under gen. hdnote. 12, sch. 4, pt. 1, hdnotes. 4, 5, part 1C, hdnote. 6, Tariff Schedules of the United States; 19 U.S.C. 1202. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 152.0 Scope.

This part contains regulations pertaining to the tariff classification and appraisement of imported merchandise. Other applicable provisions are contained elsewhere in this chapter, such as in Part 10 for articles conditionally free or subject to a reduced rate of duty, and in Part 159 for relief from duties on articles lost, damaged, etc.

Subpart A—General Provisions

§ 152.1 Definitions.

The following are general definitions for the purposes of Part 152:

(a) *Dutiable charges.* "Dutiable charges" means such costs and expenses as are incidental to placing the merchandise in condition, packed ready for shipment to the United States, within the meaning of section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402). Such charges must represent the actual cost and be confined solely to merchandise exported to the United States. Any expenses which enter into the value of the merchandise when sold in the ordinary course of trade for domestic consumption in the country of exportation are not charges but become a part of the value of the merchandise.

(b) *Nondutiable charges.* "Nondutiable charges" means such items of cost and expense as constitute no part of the value of the merchandise when sold in the ordinary course of trade in the country of exportation, and are no part of the expense of placing it in condition, packed ready for shipment to the United States.

(c) *Date of exportation.* "Date of exportation," or the "time of exportation" referred to in section 402 and 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a and 1402), means the actual date the merchandise finally leaves the country of exportation for the United States. If no positive evidence is at hand as to the actual date of exportation, the district director shall ascertain or estimate the date of exportation by all reasonable ways and means in his power, and in so doing may consider dates on bills of lading, invoices, and other information available to him.

§ 152.2 Notification to importer of increased duties.

If the district director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds $15, he shall promptly notify the importer on Customs Form 5561, specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of such notice unless in the judgment of the district director there are compelling reasons that would warrant such action.

§ 152.3 Merchandise found not to correspond with invoice description.

When any merchandise not corresponding with the description given in the invoice is found by the examining officer, duties shall be assessed on the merchandise actually found. If the discrepancy appears conclusively to be the result of a mistake and not of any intent to defraud, no proceedings for forfeiture shall be taken. When the entire shipment does not agree with the invoice and there is no evidence of any intent to defraud, a new entry shall be required and the estimated duty paid on the original entry shall be refunded on liquidation as in the case of a nonimportation.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

Subpart B—Classification

§ 152.11 Tariff Schedules of the United States.

Merchandise shall be classified in accordance with the Tariff Schedules of the United States (19 U.S.C. 1202) as interpreted by administrative and judicial rulings.

§ 152.12 Applicable rates of duty.

Rates of duty shall be based on the detailed instructions in § 141.69 of this chapter, which provides in general that the rates of duty applicable to merchandise shall be those in effect on the date of entry or withdrawal for consumption, except for certain merchandise covered by an entry for immediate transportation or overcarried and returned to the port of entry.

§ 152.13 Commingling of merchandise.

(a) *Notice to importer.* The district director shall give written notice to the importer as promptly as possible after any commingling is discovered.

(b) *Highest rate applicable.* Commingled merchandise shall be assessed with duty at the highest rate or rates applicable to any one kind of merchandise included in the commingling, unless:

(1) The quantity and value of each of the kinds so included can be readily ascertained by the usual method of Customs examination or by one or more of the methods specified in general headnote 7(a), Tariff Schedules of the United States; or

(2) The conditions specified in general headnote 7(b), (c), or (d), Tariff Schedules of the United States, are satisfied.

(c) *Time limit.* To obtain the benefit of general headnote 7(a)(iii), (b), (c), or (d), Tariff Schedules of the United States, the importer shall, within 30 days after the date of mailing or personal delivery of the notice provided for in paragraph (a) of this section, take appropriate action as follows:

(1) File with the district director evidence showing performance of the commercial settlement tests specified in general headnote 7(a)(iii); or

(2) Perform the segregation under Customs supervision as specified in general headnote 7(b); or

(3) File with the district director documentary proof which will satisfy him that the merchandise is entitled to the lower rate of duty under general headnote 7(c) or (d).

(d) *Extension of time limit.* The 30-day limit for filing the evidence specified in general headnote 7(a)(iii) or for performing the segregation specified in general headnote 7(b), Tariff Schedules of the United States, may be extended by the district director for additional periods of 30 days each, but not beyond 6 months from the date of mailing or personal delivery of the notice provided for in paragraph (a) of this section, if the importer makes written application for each extension and gives satisfactory reasons for its allowance.

(Gen. hdnote. 7, Tariff Schedules of the United States; 19 U.S.C. 1202)

§ 152.14 Tariff classification of prospective imports.

(a) *Application for ruling.* Any interested party may apply in writing to the Commissioner of Customs, Washington, D.C. 20226, for a ruling as to the tariff classification of any article which he intends to import into or ship to the United States in commercial quantities. The application shall contain a full description of each article and, whenever practicable, provided in paragraph (4) of this article. The application shall also give the following information, unless it is clear that it will be of no value in determining the tariff classification of the article:

(1) The respective quantities and values of the component materials of which the article is composed;

(2) Information as to its chief use and commercial designation in the United States; and

(3) Any specifications, analyses, or other information deemed necessary to a tariff classification of the article.

(b) *Ruling by Commissioner.* The Commissioner shall rule on the tariff classification of the article if he is satisfied that:

(1) The application is made in good faith by an interested party who is properly and directly concerned with the tariff classification of the article described;

(2) The information submitted or otherwise available is adequate for a considered decision; and

(3) The ruling applied for is not already covered by a controlling published decision.

(c) *Notice and publication.* A copy of the Commissioner's decision shall be mailed to the applicant. The decision shall be published in the weekly Customs Bulletin if it will affect a substantial volume of imports or if it is for any other reason of sufficient importance to justify such publication.

(d) *Change of previous ruling.* Any decision published pursuant to paragraph (c) of this section shall be deemed to constitute a uniform and established practice within the meaning of section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)). The decision shall not be changed by a further ruling of the Commissioner to impose a higher rate of duty on such an article unless the prior decision shall prove to be clearly wrong. When it appears to the Commissioner that a correct interpretation of the law may require such a ruling, the procedure and time limits set forth in § 152.15 shall apply.

§ 152.15 Administrative changes in classification.

The following procedures apply to changes in classification, other than changes required by court decisions as set forth in § 152.16 or by acts of Congress or Presidential proclamations as set forth in § 152.17:

(a) *Higher rate with change of practice.* If there is a uniform and established practice, an administrative change in classification resulting in a higher rate of duty shall be made only in accordance with the following procedure:

(1) *Notice to public required.* Notice will be published in the FEDERAL REGISTER when the Commissioner is considering a change in practice that will result in a higher rate of duty. The notice shall state a period of time within which parties in interest may submit written comments with respect to the correctness of the contemplated action. If after the consideration of such comments as may be received the Commissioner issues a ruling resulting in a higher rate of duty, it shall be published in the weekly Customs Bulletin.

(2) *Effective date of change.* A ruling issued under subparagraph (1) of this paragraph which will impose a higher rate of duty shall be applicable only to merchandise entered or withdrawn for consumption after 90 days from the date of publication of the ruling in the Customs Bulletin.

(3) *Not applicable to antidumping duties.* The procedures set forth in this paragraph shall not be applicable to antidumping duties (see Part 153 of this chapter).

(b) *Higher rate without change of practice.* If there is not an established and uniform practice at the various ports, an administrative change in classification resulting in a higher rate of duty shall be applicable immediately to all merchandise covered by unliquidated entries, whether for consumption or warehouse.

(c) *Lower rate.* An administrative change in classification resulting in a lower rate of duty shall be made only upon the Commissioner's instructions or upon the receipt of a Customs Information Exchange report showing the higher classification to be clearly erroneous and contrary to the current practice. A change to a lower rate of duty, when decided upon, shall be applicable to all unliquidated entries and to all protested entries involving the same issue which have not been denied in whole or in part.

§ 152.16 Judicial changes in classification.

The following procedures apply to changes in classification made by decision of either the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals:

(a) *Identical merchandise under decision favorable to Government.* The principles of any court decision favorable to the Government shall be applied to all merchandise identical with that passed on by the court which is covered by unliquidated entries, whether for consumption or warehouse.

(b) *Similar merchandise under decision favorable to Government.* The principles of any court decision favorable to the Government shall be applied to merchandise, though not identical with the merchandise the subject of the court's decision, if its classification is affected by such principles, provided that it has been entered or withdrawn for consumption after 30 days from the date of publication of the court's decision in the Customs Bulletin.

(c) *Higher rate.* If a court decision overruling a protest contains a definite statement that a higher rate than that assessed by the district director was properly chargeable, such higher rate shall be applied to all merchandise, whether identical or similar to that passed on by the court, which is affected by the principles of the court's decision and which is entered or withdrawn for consumption after 30 days from the date of the publication of the court's decision in the Customs Bulletin.

(d) *American manufacturer's petition upheld.* If the court upholds a petition made by an American manufacturer, producer, or wholesaler under the provisions of section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), the principles of the court's decision shall be applicable to all merchandise of that character which is entered or withdrawn for consumption after the date of publication of the court's decision in the Customs Bulletin. The liquidation of entries covering merchandise of that character made after publication of the court's decision shall be suspended in accordance with § 159.57 of this chapter pending any rehearing or review, then liquidated, or, if necessary, reliquidated in accordance with the final judicial decision.

(e) *Other decisions adverse to Government.* Unless the Commissioner of Customs otherwise directs, the principles of any court decision adverse to the Government (except for a decision upholding an American manufacturer's petition as covered in paragraph (d) of this section) shall be applied to unliquidated entries and protected entries which have not been denied in whole or in part and in which the same issue is involved as soon as the time within which an application for a rehearing or review may be filed has expired without such application having been made. See § 176.31 of this chapter for the treatment of entries which are the subject of a court decision.

§ 152.17 Changes in classification by Congress or by Presidential Proclamation.

When a rate of Customs duty or internal revenue tax imposed upon or by reason of importation is changed by an act of Congress or by a proclamation of the President, the new rate shall be applied in accordance with the detailed instructions in § 141.69 of this chapter, which provides in general that the rates of duty applicable to merchandise shall be those in effect on the date of entry or withdrawal for consumption, except for certain merchandise covered by an entry for immediate transportation or overcarried and returned to the port of entry.

Subpart C—Appraisement

§ 152.21 Basis of appraisement.

(a) *Merchandise not on final list.* In the case of merchandise which is not specified in the final list (T.D. 54521) published pursuant to section 6(a) of the Customs Simplification Act of 1956, the value for appraisement purposes shall be determined in accordance with section 402, Tariff Act of 1930, as amended (19 U.S.C. 1401a).

(b) *Merchandise on final list.* In the case of merchandise which is specified in the final list (T.D. 54521), the value for appraisement purposes shall be determined in accordance with section 402a, Tariff Act of 1930, as redesignated and amended (19 U.S.C. 1402).

(c) *Merchandise on final list in terms of value.* In the case of merchandise which is described on the final list in terms of unit value, the unit value shall be computed in accordance with section 402a, Tariff Act of 1930, as amended, for the purpose of ascertaining whether the merchandise is included on the list. If the value so computed brings the merchandise within the scope of the final list, such merchandise shall be appraised in accordance with section 402a and classified at the rate applicable to such appraised value. If the value so computed places the merchandise outside the scope of the final list, the merchandise shall be appraised in accordance with section 402, Tariff Act of 1930, as amended, and shall be classified at the rate applicable to that appraised value.

§ 152.22 Determination of dutiable charges.

The district director shall determine the amount of any dutiable charges, as defined in § 152.1(a), which are to be included in the appraised value of the merchandise.

§ 152.23 Merchandise imported from intermediate countries.

Merchandise imported from one country, being the growth, production, or manufacture of another country, shall be appraised at its value in the principal markets of the country from which it is immediately imported. However, if it appears by the invoice, bill of lading, or other evidence that the merchandise was destined for the United States at the time of original shipment, it shall be appraised at its value in the principal markets of the country from which it was originally exported. The term "country" is to be regarded for the purposes of this section as embracing all the possessions of a nation, however widely separated, which are subject to the same supreme executive and legislative authority and control.

§ 152.24 American selling price.

(a) *Only for certain merchandise.* American selling price, as defined in section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402), is not an alternative method of determining value, but is used only when appraisement under American selling price is specified by statute, or by a Presidential proclamation issued under the authority of section 336, Tariff Act of 1930, as amended (19 U.S.C. 1336). At present, the following classes of merchandise are appraised at the American selling price:

(1) Benzenoid chemicals and products provided for in schedule 4, part 1, Tariff Schedules of the United States. (See subpart D of this part.)

(2) Clams in airtight containers provided for in item 114.05, Tariff Schedules of the United States (see schedule 1, part 3E, headnote 1, Tariff Schedules of the United States).

(3) Certain types of footwear provided for in item 700.60, Tariff Schedules of the United States (see schedule 7, part 1C, headnote 3b, Tariff Schedules of the United States).

(4) Knit wool gloves and mittens valued at not over $1.75 per dozen pairs provided for in item 704.55, Tariff Schedules of the United States (see schedule 7, part 1C, headnote 4, Tariff Schedules of the United States).

(b) *Alternative value if no American selling price.* If no American selling price can be found for benzenoid chemicals and products, appraisement shall be made on the basis of the U.S. value in accordance with schedule 4, part 1, headnote 1, Tariff Schedules of the United States (see § 152.31). If no American selling price can be found for the other merchandise listed in paragraphs (a)(2) through (4) of this section, appraisement shall be made in accordance with section 402(a) or 402a(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a(a) or 1402(a)).

§ 152.25 Conversion of foreign currency.

When foreign currency must be converted for purposes of appraisement, the instructions in subpart C of Part 159 of this chapter shall be followed.

§ 152.26 Furnishing value information to importer.

The district director shall furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) *Before appraisement.* Value information shall be given before appraisement only in response to a specific oral or written request by the importer, supported by an adequate reason for the request, or where required by Customs purposes, such as in determining proper estimated duties to be deposited or notification of increased duties in accordance with § 152.2.

(b) *Only for merchandise under district director's jurisdiction.* The information shall be given only in regard to merchandise to be appraised by, or under the jurisdiction of, the district director who receives the request, and only with respect to merchandise for which there is presented evidence of a firm commitment or intent to import such merchandise into the United States.

(c) *Information by importer.* Each request shall be accompanied by the latest information as to the values in question which the importer has or can reasonably obtain.

(d) *Information not binding.* Value information shall be given by the district director only with an understanding and agreement in each case that the information is in no sense an appraisement and is not binding upon the district director's action when he appraises the merchandise.

(e) *No reply required after entry.* The district director shall not be required to reply to a written request for value information after a value for the merchandise has been declared on entry unless he has information indicating a probable appraised value different from such entered value.

Subpart D—Benzenoid Chemicals and Products

§ 152.31 Basis of appraisement.

(a) *American selling price.* Benzenoid chemicals and products which are provided for in schedule 4, part 1, Tariff Schedules of the United States (19 U.S.C. 1202), and which are subject to an ad valorem rate of duty shall be appraised at the American selling price, as defined in section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402), of any similar competitive article manufactured or produced in the United States.

(b) *U.S. value.* If there is no similar competitive article manufactured or produced in the United States, such merchandise shall be appraised at the U.S. value, as defined in said section 402 or 402a.

(c) *Other.* If there is no similar competitive article produced or manufactured in the United States, and no U.S. value can be ascertained, the merchandise shall be appraised in accordance with section 402(a) or 402a(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a(a) or 1402(a)).

§ 152.32 Unreasonable price not to be used as American selling price.

When the district director is satisfied after investigation that a similar competitive domestic article is offered for sale at an arbitrary and unreasonable price not intended to secure bona fide sales and which does not secure bona fide sales, such price shall not be considered as the American selling price, and the district director shall use all reasonable ways and means to ascertain the price that the manufacturer, producer, or owner would have received, within the meaning of section 402(e) or 402a(g), Tariff Act of 1930, as amended (19 U.S.C. 1401a(e) or 1402(g)).

§ 152.33 Allowances under U.S. value.

Where U.S. value is the basis of appraisement, the allowances permitted under section 402a(e), Tariff Act of 1930, as amended (19 U.S.C. 1402(e)), shall be made on the basis of the factors enumerated therein which actually entered into the price at which such or similar merchandise was being sold in the principal market of the United States at the time of exportation, subject to the limitations as to profits, general expenses, or commission. The allowances permitted under section 402(c), Tariff Act of 1930, as amended (19 U.S.C. 1401a(c)), shall be made on the basis of the factors enumerated therein which usually entered into the price at which imported merchandise of the same class or kind was being sold in the principal market of the United States at the time of exportation.

§ 152.34 Value information to importer.

Importers may be furnished information as to the American selling price or U.S. value of benzenoid chemicals and products in accordance with the provisions of § 152.26.

§ 152.35 Sampling by importer prior to entry.

Subject to the conditions of § 151.5 of this chapter, prior to entry an importer shall be permitted to take samples under proper supervision from his own importation of merchandise dutiable under schedule 4, part 1, Tariff Schedules of the United States.

§ 152.36 Testing conditions.

Tests which are necessary in the appraisement of a benzenoid chemical or product shall be made under conditions approximating as closely as practicable the conditions in which such chemical or product will be actually used in trade or manufacture.

§ 152.37 Lists of competitive and noncompetitive articles.

The Regional Commissioner at New York shall from time to time issue lists of benzenoid chemicals and products which he believes to be competitive and noncompetitive within the contemplation of schedule 4, part 1, headnotes 4 and 5, Tariff Schedules of the United States, and shall add articles thereto or remove articles therefrom as investigation may justify. This list is advisory only and in no manner relieves district directors from the duty of independent appraisement

requirde by law. The Regional Commissioner at New York shall furnish copies of such lists and amendments thereof to the Customs Information Exchange for circulation to Customs officers, and to the public upon request.

§ 152.38 Importer's request for additions to lists.

An importer having an invoice of an article not listed on either the competitive or the noncompetitive list may request the regional commissioner at New York to ascertain on which list the article belongs. The importer shall furnish the regional commissioner such relevant information as may be requested, and may withhold formal entry pending the addition of the article to either list. The regional commissioner shall add the articles to the appropriate list and notify the importer of the action taken.

§ 152.39 Two or more competitive articles.

When two or more domestic articles are considered similar to and competitive with an imported article, the American selling price of the domestic article which accomplishes results most nearly equal to those of the imported article shall be taken as the basis for appraisement.

§ 152.40 Adjustment for strength.

When an imported article is of different strength from a similar competitive article manufactured or produced in the United States, the value of the imported article shall be adjusted in relation to the selling price of the domestic article in the proportion which the strength of the imported article bears to that of the domestic article.

§ 152.41 Publication of standards of strength for benzenoid colors, dyes, stains, and related products.

Standards of strength for benzenoid colors, dyes, stains, and related products adopted by the Secretary of the Treasury in accordance with schedule 4, part 1C, headnote 6(a), Tariff Schedules of the United States, shall be published in the FEDERAL REGISTER and in the Customs Bulletin. Such standards heretofore adopted and published under the authority of paragraph 28, Tariff Act of 1922, or paragraph 28, Tariff Act of 1930, shall continue in force until changed or revoked. The following Treasury Decisions contain standards of strength to which U.S. Standard numbers have been assigned and which have been adopted by the Secretary of the Treasury:

39765	40623	42420	48814
40192	40653	42687	49137
40257	40922	42942	49353
40278	40947	43255	49671
40293	41017	43704	49790
40298	41061	44231	50001
40329	41089	44924	50094
40340	41139	45319	50199
40361	41162	45758	50333
40371	41224	46012	50431
40396	41313	46487	50556
40420	41380	46793	50691
40450	41513	47186	50806
40472	41656	47544	55432
40525	41756	47836	
40563	41932	48361	
40596	42147	48541	

§ 152.42 Samples of domestic benzenoid colors, dyes, stains, and related products.

(a) *Receipt by chief chemist in New York.* The Chief Chemist, Customs Laboratory, 201 Varick Street, New York, NY 10014, is hereby authorized to receive from domestic manufacturers samples of any benzenoid colors, dyes, stains, and related products which they produce and offer. Each sample so received shall be accompanied by specifications setting forth all the information called for in Schedule A (see paragraph (c) of this section). The sample and specifications shall be examined and appropriately filed by the chief chemist. Samples and specifications shall be removed from, replaced, or added to the file as may be necessary. The chief chemist shall inform the Regional Commissioner at New York of those products removed from or added to the file.

(b) *Circulation of lists.* Based on the information received from the chief chemist, the Regional Commissioner at New York shall from time to time prepare a list identifying each such product by the invoice name and, if different, the trade name as described in items Nos. 1 and 2 of Schedule A. The color index number, item No. 8 of Schedule A, shall appear in the list opposite the name of the product. These lists, which are advisory only, shall be furnished to the Customs Information Exchange for circularization to Customs officers, and to the public upon request. Other information in respect to the specifications shall be treated as exempt from disclosure to the public in accordance with § 103.7(d) of this chapter.

(c) *Schedule A specifications.* Each sample submitted in accordance with paragraph (a) of this section shall be accompanied by specifications setting forth all the information called for by Schedule A below. It is essential that the specifications accompanying the sample be set forth in the order and manner specified because the information will be used for comparison with similar data required on importations of foreign benzenoid products:

SCHEDULE A—BENZENOID COLORS, DYES, STAINS, AND RELATED PRODUCTS

1. Invoice name of product_____.
2. Trade name of product_____.
3. Name of manufacturer_____.
4. List other U.S. manufacturers and names under which sold, if known_____.
5. List foreign manufacturers and names under which sold, if known_____.
6. Percentage of active ingredient_____.
7. Schultz number (if none, so state)_____.
8. Colour index number (if none, so state) _____.
9. U.S. standard number (if none, so state) _____.
10. Foreign prototype number (if none or unknown, so state)_____

11. Method of application (state whether acid, basic, direct, direct and developed, mordant, mordant acid, neutral, oil, oil and spirit, printing spirit soluble, vat (soluble), vat (insoluble), or other (describe); and state nature of pre-treatment or after-treatment, if any)_____.

12. Material to which applied (name the material or materials for which the color or dye is primarily designed):

A. Fibrous materials:

(1) Natural: Cotton; silk; wool; hemp; flax (linen); Jute; Ramie; straw and grass; sisal; other animal vegetable fibers.

(2) Synthetic (including regenerated and modified cellulose). Acetate Celanese, Acele, Koda); Rayon-Cuprammonium (Bamberg, Matesa); Viscose (Avisco, Delray); Polyamide (nylon, perlon); Acrylic (Dynel, Acrilan, Orlon); vinylidene chloride (Saran, Velon); polyethylene (Wynene, Reevon); polyester (Dacron, Terylene); protein (Azlon, Lanital, Aralac); glass; other.

B. Nonfibrous materials: Plastics; leather; paper; cellophane; photographic sensitizers, desensitizers, light filters and tinting film; foodstuffs; biological materials; solutions, analytical; oils, fats, and waxes; soap; gasoline; paints, lacquers, stains, and inks; smoke (signals); aluminum; earthenware; other.

13. Chemical classification: Acridine; aminoketone; anthraquinone; azine; axo, mono-; azo, dis-; azo, tris-; azo, tetrakis-; azo, poly-; azo, metal complex; azo, pigment; azoic; color acid; color base; color lake; cyanine; esters of leuco indigoid; esters of leuco thioindigoid; esters of leuco anthraquinone; fluorescent; hydroxyketone; indamine; indigoid; indoaniline; indophenol; indoxyl; indoxyl compound; ketol; ketonimine; lactone; leuco compound; methane, diphenylnaphthyl-; methane, triphenyl-; methine, aza-; methine, poly-; nitro; nitroso; oxazine; phthalocyanine; quinoline; quinonoid, sulfur or sulfide; thiazine; thiazole, thionindigoid; xanthene; other.

A. Describe the class or classes and subclass to which the product belongs.

Example (1): Monoazo, Gamma-acid coupling.

Example (2): Xanthen—Basic, oxy-carboxy rhodamines.

B. Give any other information which you consider may be helpful in classifying the products.

Example (1): Insoluble azo dye on the fiber. Mixtures of stabilized diazo amino compounds and coupling components for preparation of the dye on the fiber.

Example (2): Anthraquinone—Dispersion type amino-oxy-anthraquinones.

14. If the product consists of a mixture of two or more active ingredients, the information required by the preceding numbered paragraphs shall be given for each active ingredient in the mixture, together with the proportion of each active ingredient in the mixture.

15. In addition to the above specifications, there shall be furnished a color pattern or card showing typical small specimens of the material to which the product has been applied with an indication of the strength and the method of application. However, in those cases where a suitable color card has been filed previously with the New York Customs Laboratory, or where a color card is not used commercially and it is not practical to submit one, it will be considered satisfactory to furnish a statement setting forth the date the previous pattern or card was filed and its identification number, or the reason why one is not submitted.

§ 152.43 Testing of imported benzenoid colors, dyes, stains, and related products.

Any sample of an imported benzenoid color, dye, stain, or related product sent to the Customs laboratory to determine its comparability with a domestic product shall be accompanied by the Schedule A specifications required by § 141.89 of this chapter. The chief chemist shall search the file of domestic samples and specifications referred to in § 152.42(a)

and make any necessary tests. If no comparable domestic product is found, the chief chemist shall prepare and submit his laboratory report accordingly.

PART 159—LIQUIDATION OF DUTIES

Sec.

AUTHORITY: The provisions of this Part 159 issued under R.S. 251, as amended, secs. 500, 624, 46 Stat. 729, as amended, 759; 19 U.S.C. 66, 1500, 1624. Subpart C also issued under sec. 522, 46 Stat. 739, as amended; 31 U.S.C. 372. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 159.0 Scope.

This part sets forth general rules for the liquidation of entries. Certain specific procedures affecting liquidation appear in other parts of this chapter; e.g., Part 158 of this chapter covers allowance for lost or damaged merchandise.

Subpart A—General Provisions

§ 159.1 Definition of liquidation.

"Liquidation" means the final computation or ascertainment of the duties or drawback accruing on an entry.

§ 159.2 Liquidation required.

All entries covering imported merchandise, except temporary importation bond entries and those for transportation in bond or for immediate exportation, shall be liquidated.

§ 159.3 Rounding of fractions.

(a) *Value.* In the computation of duty on entries, ad valorem rates shall be applied to the values in even dollars, fractional parts of a dollar less than 50 cents being disregarded and 50 cents or more being considered as $1, with all merchandise in the same invoice subject to the same rate of duty to be treated as a unit. However, the total dutiable value of the invoice shall not be increased or decreased by more than the rounding of the total dutiable value to an even dollar. When necessary, fractional parts of a dollar, whether more or less than 50 cents, shall be dropped or taken up as whole dollars in order to avoid such an increase or decrease. If in such cases it is necessary to drop fractional parts of a dollar amounting to 50 cents or more, the lower fractions shall be dropped, and if it is necessary to take up as whole dollars fractional parts less than 50 cents, the larger fractions shall be taken. In the case of two equal fractions, the one subject to the lower rate of duty shall be dropped or taken up, as the case may be. In determining a rate of duty dependent upon value, fractional parts of a dollar shall be considered.

(b) *Quantities subject to specific duty.* Except in the case of alcoholic beverages treated under § 159.4, if a rate of duty is specific and $1 or less per unit, fractional quantities, if less than one-half, shall be disregarded, and if one-half or more shall be treated as a whole unit. Subject to the same exception, if a specific rate is more than $1 per unit, duty shall be assessed upon the exact quantity with any fractional part expressed in the form of a decimal extended to two places.

§ 159.4 Alcoholic beverages.

(a) *Quantities subject to duties.* Customs duties and internal revenue taxes on alcoholic beverages provided for in schedule 1, part 12, Tariff Schedules of the United States, and subject to internal revenue taxes shall be collected only on the number of proof gallons (or wine gallons if below proof), and fractional parts thereof, entered or withdrawn for consumption. No internal revenue tax shall be collected on distilled spirits in bulk which have been transferred to Internal Revenue bonded premises in accordance with § 141.102(b) of this chapter.

(b) *Computation of duties.* In the computation of Customs duties on alcoholic beverages provided for in schedule 1, part 12, Tariff Schedules of the United States, which are also subject to internal revenue taxes, the methods prescribed for the computation of internal revenue taxes on such beverages shall be followed. The following methods apply to the specific beverages shown:

(1) *Distilled spirits.* The quantity of distilled spirits imported in barrels, kegs, or similar containers shall be ascertained in accordance with the regulations of the Internal Revenue Service. Where distilled spirits are imported in bottles, jugs, or similar containers, Customs duties and taxes shall be collected on the exact quantity contained in each case or other outer container, fractional parts of a gallon being carried out to three decimal places.

(2) *Wine.* Customs duties and taxes on wines shall be on the basis of a wine gallon of liquid measure equivalent to 231 cubic inches and shall be paid proportionally on all fractional parts of a wine gallon. Fractions of less than one-tenth gallon shall be converted to the nearest one-tenth gallon, and five-hundredths gallon shall be converted to the next full one-tenth gallon.

(3) *Beer and similar fermented beverages.* Customs duties and taxes on beer, ale, porter, stout, and other similar fermented beverages, including sake, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, shall be collected in accordance with section 5051(a), Internal Revenue Code of 1954 (26 U.S.C. 5051(a)).

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 159.5 Cigars, cigarettes, and cigarette papers and tubes.

The internal revenue taxes imposed on cigars, cigarettes, and cigarette papers and tubes under section 5701 or 7652, Internal Revenue Code of 1954 (26 U.S.C. 5701 or 7632), are determined in accordance with section 5703 of that Code (26 U.S.C. 5703) at the time of removal; that is, on the quantity removed from Customs custody under the entry or withdrawal for consumption. The Customs duties, unlike those on alcoholic beverages, do not necessarily apply only to such quantities.

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 159.6 Difference between liquidated duties and estimated duties.

(a) *Difference under $3 in original liquidation.* When there is a net difference of less than $3 between the total amount of duties assessed in the liquidation of any entry (other than an informal, mail, or baggage entry) and the total amount of estimated duties deposited, including any supplemental deposit, the difference shall be disregarded and the entry endorsed "as entered." In the case of an informal, mail, or baggage entry, the amount of duties computed by a Customs officer when the entry is prepared by, or filed with, him shall be considered the liquidated assessment.

(b) *Difference under $3 in reliquidation.* When there is a net difference of less than $3 between the total amount of

duties found due in the reliquidation of any entry and the total amount of duties assessed in the prior liquidation of the entry, the difference shall be disregarded except in the following cases:

(1) *Reliquidation at importer's request.* When reliquidation of any entry is made at the importer's request, such as reliquidation following the allowance of a protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), or a request for correction under section 520 (c), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)), any refund determined to be due shall be refunded even if less than $3.

(2) *Court decision.* Any refund or increase determined to be due as the result of the reliquidation of an entry in accordance with a court decision and judgment order shall be refunded or collected as the case may be.

(c) *Difference of $3 or more collected or refunded.* If there is a difference of $3 or more between the duties assessed in the liquidation of an entry and the total estimated duties deposited, or between the total duties assessed in the reliquidation of an entry and those assessed in the prior liquidation, the entry shall be endorsed to show the difference and bills or refund checks shall be issued.

(d) *Customs duties and taxes netted for $3 limit.* The assessments of Customs duties and internal revenue taxes shall be separately stated on the entry at the time of liquidation, but the amounts of any differences shall be netted when applying the $3 minimum for issuance of a bill or refund check.

(Sec. 7, 52 Stat. 1081, as amended, sec. 505, 46 Stat. 732, as amended; 19 U.S.C. 1321, 1505)

§ 159.7 Rewarehouse entries.

The liquidation of the original warehouse entry shall be followed in determining the liability for duties on a rewarehouse entry, except in the following cases:

(a) *Merchandise excluded from liquidation of original warehouse entry.* When any of the following types of merchandise are withdrawn from warehouse for transportation to another port, they shall be excluded from the liquidation of the original warehouse entry, and the liability for duties shall be determined by a liquidation of the rewarehouse entry made in the district where the merchandise is withdrawn for consumption or for exportation:

(1) Alcoholic beverages provided for in schedule 1, part 12, Tariff Schedules of the United States, and subject to internal revenue taxes;

(2) Cigars, cigarettes, and cigarette papers and tubes subject to internal revenue taxes;

(3) Tariff-rate quota merchandise; and

(4) Wool or hair subject to duty at a rate per clean pound under schedule 3, part 1, subpart C, Tariff Schedules of the United States.

(b) *Reliquidation required by change in rate.* When a rate of Customs duty or tax is changed by an act on Congress or a proclamation of the President, any necessary reliquidation of Customs duty or tax on merchandise covered by a rewarehouse entry which may be required by reason of the change in rate shall be made in the district in which the merchandise is held in Customs custody on the effective date of the change.

(c) *Shortage, irregular delivery, nondelivery, and other cases.* In cases involving shortage, irregular delivery, or nondelivery under the original warehouse withdrawal for transportation, or in other cases when the district director of the port where the merchandise is entered for rewarehouse is of the opinion that circumstances make it inadvisable to follow the liquidation of the original warehouse entry, he shall make an appropriate adjustment in the amount of duties to be assessed under the rewarehouse entry.

(Sec. 557, 46 Stat. 744, as amended; 19 U.S.C. 1557)

§ 159.8 Allowance for loss, injury, etc.

Allowance in duties for any merchandise which is lost, stolen, destroyed, injured, abandoned, or short-shipped shall be made in accordance with the provisions of Part 158 of this chapter.

§ 159.9 Notice of liquidation and date of liquidation for formal entries.

(a) *Bulletin notice of liquidation.* Notice of liquidation of formal entries shall be made on a bulletin notice of liquidation, Customs Form 4333 or 4335:

(1) *Customs Form 4333.* Customs Form 4333 shall be used for the following types of entries:

(i) Dutiable consumption entries;

(ii) Free consumption entries liquidated as dutiable;

(iii) Warehouse entries;

(iv) Drawback entries;

(v) Vessel repair entries;

(vi) Appraisement entries;

(vii) Permanent exhibition entries liquidated as dutiable; and

(viii) Other entries for which a bulletin notice of liquidation is required and for which Customs Form 4335 is not appropriate.

(2) *Customs Form 4335.* Customs Form 4335 shall be used for free consumption entries liquidated "as entered" and permanent exhibition entries liquidated "Free." When free consumption entries in an unbroken series are liquidated free on the same day, the first and last entry numbers may be shown on the bulletin notice, e.g., "576/863," instead of listing every number in the unbroken series.

(b) *Posting of bulletin notice.* The bulletin notice of liquidation shall be posted for the information of importers in a conspicuous place in the customhouse at the port of entry (or Customs station, when the entries listed were filed at a Customs station outside the limits of a port of entry), or shall be lodged at some other suitable place in the customhouse in such a manner that it can readily be located and consulted by all interested persons, who shall be directed to that place by a notice maintained in a conspicuous place in the customhouse stating where notices of liquidation of entries are to be found.

(c) *Date of liquidation.* The bulletin notice of liquidation shall be dated with the date it is posted or lodged in the customhouse for the information of importers. The entries for which the bulletin notice of liquidation has been prepared shall be stamped "Liquidated," with the date of liquidation, which shall be the same as the date of the bulletin notice of liquidation. Such stamping shall be deemed the legal evidence of liquidation.

§ 159.10 Notice of liquidation and date of liquidation for informal, mail, and baggage entries.

(a) *Usual date of liquidation.* Except in the cases provided for in paragraph (b) of this section, the effective date of liquidation for informal, mail, and baggage entries shall be:

(1) The date of payment by the importer of duties due on the entry;

(2) The date of release by Customs or the postmaster when the merchandise is released under such an entry free of duty; and

(3) The date a free entry is accepted for articles released under a special permit for immediate delivery under Part 142 of this chapter.

(b) *Date of liquidation when duty cannot be determined at time of entry.* When the proper rate or amount of duty cannot be determined at the time of entry because the merchandise is subject to a tariff-rate quota, because of a missing document which, if for free entry, is not produced prior to the release of the merchandise to the importer, or because of any other reason, the printed notice of liquidation appearing on the receipt issued for any money collected on the entry shall be voided. When the tariff status of the merchandise either as dutiable or free is finally ascertained it shall be noted on the entry. The effective date of liquidation shall be the date of posting or lodging of the notice of liquidation required by paragraph (c)(3) of this section.

(c) *Notice of liquidation.* (1) *Dutiable entries.* Where duties are paid on an entry in accordance with paragraph (a)(1) of this section, notice of liquidation is furnished by a suitable printed statement appearing on the receipt issued for duties collected. No other notice of liquidation shall be given, but notice of reliquidation of any such entry shall be given on Customs Form 4333 posted or lodged in the place and manner specified in § 159.9(b) except when a refund of part or all the duties paid is due the importer and a notice of refund is prepared. In such case, the notice of refund shall constitute the notice of reliquidation, and the date of the notice of refund shall be the same as the date of reliquidation.

(2) *Free entries.* Notice of liquidation is furnished by release of the merchandise under a free entry in accordance with paragraph (a)(2) of this section, or by acceptance of the free entry in accordance with paragraph (a)(3) of

this section after release under a special permit for immediate delivery. No further notice of the liquidation of such entries shall be given.

(3) *Entries where duty cannot be determined at time of entry.* When the proper rate or amount of duty cannot be determined at the time of entry as set forth in paragraph (b) of this section, notice of liquidation shall be given on a bulletin notice of liquidation, Customs Form 4333 or 4335, in the manner specified in § 159.9 for formal entries.

Subpart B—Weight, Gage, and Measure

§ 159.21 Quantity upon which duties based.

Insofar as duties are based upon the quantity of any merchandise, such duties shall be based upon the quantity of such merchandise at the time of its importation, except in the following cases:

(a) *Manipulation in warehouse.* If any merchandise covered by a warehouse entry has been cleaned, sorted, repacked, or otherwise changed in condition under section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), withdrawals shall be passed and the entry liquidated on the basis of the weight, gage, or measure of such merchandise in its manipulated condition with an appropriate notation in the duty statement that the duties are assessed on the basis of the manipulated condition of the merchandise.

(b) *Alcoholic beverages.* Duties on certain alcoholic beverages are assessed only on the quantities entered or withdrawn for consumption (see § 159.4).

(c) *Cigars, cigarettes, and cigarette papers and tubes.* Although Customs duties on cigars, cigarettes, and cigarette papers and tubes are assessed on the quantities imported, the internal revenue taxes on such merchandise are assessed only on the quantities entered or withdrawn for consumption (see § 159.5).

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 159.22 Net weights and tares.

(a) *Determination of net weight.* The net weight of merchandise dutiable by net weight, or upon a value dependent upon net weight, shall be determined insofar as possible by obtaining the actual weight, or by deducting the actual or schedule tare from the gross weight. Actual tare may be determined on the basis of tests when the tares of the packages in a shipment are reasonably uniform.

(b) *Invoice net weight or tare.* When the actual net weight or tare cannot reasonably be determined and no schedule tare is applicable, liquidation may be made on the basis of the invoice net weight or tare.

(c) *Schedule tare.* The following tares, which, from experience, have proved to be the average for certain classes of merchandise shall be known as schedule tares and shall be applied, except as provided in paragraph (d) of this section:

Apple boxes: Eight pounds per box. This schedule tare includes the paper wrappers, if any, on the apples.

China clay in so-called half-ton casks: Seventy-two pounds per cask.

Figs in skeleton cases: Actual tare for outer containers plus 13 percent of the gross weight of the inside wooden boxes and figs.

Fresh tomatoes: Four ounces per 100 paper wrappings.

Lemons and oranges: Ten ounces per box and 5 ounces per half for paper wrappings, and actual tare for outer containers.

Ocher, dry, in casks: Eight percent of the gross weight.

Ocher, in oil, in casks: Twelve percent of the gross weight.

Pimientos in tins imported from Spain: The following schedule drained weight shall be used as the Customs dutiable weight in the liquidation of entries, the difference between the weight of the net contents of pimientos in tins and such drained weight being the allowance made in liquidation for tare for water:

Size can	*Drained weight*
3 kilo	30 lb.—case of 6 tins.
28 oz	36.72 lb.—case of 24 tins.
15 oz	17.72 lb.—case of 24 tins.
7 oz	8.62 lb.—case of 24 tins.
4 oz	5.33 lb.—case of 24 tins.

Tobacco, leaf not stemmed: Thirteen pounds per bale.

Tobacco, Sumatra: Actual tare for outside coverings, plus 4¼ pounds for the inside matting and, if a certificate is attached to the special Customs or commercial invoice certifying that the bales contain paper wrappings and specifying whether light or heavy paper has been used, either 4 or 8 ounces for the paper wrapping according to the thickness of paper used.

(d) *Actual tare.* In the following circumstances, the actual tare shall be ascertained and in so doing the weigher shall empty and weigh as many casks, boxes, and other coverings as he may deem necessary:

(1) If the importer is not satisfied with the invoice tare or with the schedule tare;

(2) If the district director is of the opinion that the invoice or schedule tare does not correctly represent the tare of the merchandise; or

(3) If the weigher has reason to believe that the invoice or schedule tare is greater than the real tare.

(e) *Estimated tare.* When it is impracticable to ascertain the actual tare, the weigher shall state in his report what, in his judgment, constitutes a fair tare allowance.

(f) *Weight for value purposes.* In determining the total dutiable value of merchandise which is subject to ad valorem duty and appraised on the basis of weight, liquidation shall be made on the same basis as appraisement. For example, if appraisement is made on the basis of gross weight, the unit value shall be multiplied by the total gross weight in computing the total value even though net weight may be used for other purposes in liquidation, such as in determinirig total specific duties.

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

Subpart C—Conversion of Foreign Currency

§ 159.31 Rates to be used.

Except as otherwise specified in this subpart, no rate or rates of exchange shall be used to convert foreign currency for Customs purposes other than a proclaimed rate or certified rate or rates.

§ 159.32 Date of exportation.

The date of exportation for currency conversion shall be fixed in accordance with § 152.1(c) of this chapter.

§ 159.33 Proclaimed rate.

If a rate of exchange has been proclaimed by the Secretary of the Treasury in accordance with 31 U.S.C. 372(a) for the currency involved, such proclaimed rate shall be used unless it varies by 5 percent or more from the certified daily rate for the date of exportation as set forth in § 159.35. In determining the percentage of variation between the proclaimed rate and the certified rate, the difference between the two rates shall be divided by the certified rate.

§ 159.34 Certified quarterly rate.

(a) *Countries for which quarterly rate is certified.* For the currency of each of the following foreign countries, there will be published in the Customs Bulletin, for the quarter beginning January 1, and for each quarter thereafter, the rate or rates first certified by the Federal Reserve Bank of New York for such foreign currency for a day in that quarter:

Australia.	Malaysia.
Austria.	Mexico.
Belgium.	Netherlands.
Canada.	New Zealand.
Ceylon.	Norway.
Finland.	Portugal.
France.	Republic of South Africa.
Germany.	Spain.
India.	Sweden.
Ireland.	Switzerland.
Italy.	United Kingdom.
Japan.	

(b) *When certified quarterly rate is used.* The certified quarterly rate established under paragraph (a) of this section shall be used for Customs purposes for any date of exportation within the quarter, except in the following cases:

(1) *Proclaimed rate.* If a rate has been proclaimed by the Secretary of the Treasury under § 159.33 which does not vary by 5 percent or more from the appropriate certified daily rate, notice of such variance shall be published in the Customs Bulletin and the proclaimed rate shall be used for Customs purposes in connection with merchandise exported on such date.

(2) *Certified daily rate.* If the certified daily rate for the date of exportation varies by 5 percent or more from the certified quarterly rate, notice of such variation and the rate or rates certified for such day shall be published in the Customs Bulletin, and such certified daily rate shall be used for Customs purposes in connection with merchandise exported on such day.

§ 159.35 Certified daily rate.

The daily buying rate of foreign currency which is determined by the Federal Reserve Bank of New York and certified to the Secretary of the Treasury in accordance with 31 U.S.C. 372(c)(2) shall be used for the conversion of foreign currency whenever a proclaimed rate or certified quarterly rate is not applicable under the provisions of §§ 159.33 and 159.34. If the date of exportation is one on which banks are generally closed in New York City, then the certified daily rate for the last preceding business day shall be considered the certified daily rate for the day of exportation.

§ 159.36 Multiple certified rates.

The following procedures shall apply when the Federal Reserve Bank of New York certifies two or more rates of exchange (e.g., official and free) for a foreign currency:

(a) *Rates to be published.* When the Federal Reserve Bank of New York certifies two or more rates of exchange for the currency of any country, those rates will be published in the Customs Bulletin.

(b) *Laws of country of exportation followed.* When multiple rates have been certified for a foreign currency, the rate to be used for Customs purposes shall be the type of certified rate which the district director is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained from other sources, is uniformly applicable under the laws and regulations of the country of exportation to the particular class of merchandise on the date of exportation. In cases where two or more types of certified rates are uniformly applicable on a percentage bases, each type of certified rate shall be used for the percentage of value to which it is applicable. The percentages used shall be those which reflect realistically the percentage for which each type of rate is uniformly applicable under the laws and regulations of the country of exportation on the date of exportation.

(c) *Procedure when multiple certified rates not uniformly applicable.* If the district director has credible information that a type of rate or combination of types of rates which would otherwise be applicable under paragraph (b) of this section were not required or permitted, as the case may be, under the laws and regulations of the country of exportation to be used uniformly during any period in connection with the payment for all merchandise of the class involved, he shall immediately submit a detailed report to the Commissioner of Customs, and shall suspend appraisement and liquidation as to all merchandise of the class involved exported to the United States during the period involved, until instructions are received from the Commissioner of Customs.

(d) *Rate for merchandise different from rate for costs.* If the district director has credible information that a type of rate or combination of types of rates not applicable to payment for the merchandise was required or permitted in payment of costs, charges, or expenses, the currency conversions for the exchange covering payment for the merchandise and for the exchange covering such costs, charges, or expenses shall be calculated separately. In deducting nondutiable costs, charges, or expenses, the foreign exchange shall be at the rate or rates actually used in payment of such costs, charges, or expenses, whether or not certified in accordance with § 159.34 or § 159.35. If the costs, charges or expenses are dutiable, they shall be calculated according to the rules set forth in this subpart. In the event that any type of rate uniformly applicable to payment of such dutiable costs, charges, or expenses for merchandise of the class involved was a type of rate not certified in accordance with § 159.34 or § 159.35, the district director shall immediately submit a detailed report to the Commissioner of Customs, and shall suspend appraisement and liquidation as to all merchandise of the class involved exported to the United States during the period involved, until instructions are received from the Commissioner.

§ 159.37 Suspension of certified rates.

Whenever the Federal Reserve Bank of New York advises that its certification of rates for a currency is being suspended pending determination of the question whether it will certify multiple rates for that currency, the following procedures shall apply:

(a) *Notification of suspension.* Customs field officers will be informed when certification of a currency is being suspended. Currency information received from the Federal Reserve Bank, or otherwise available, which might be helpful in calculating estimated duties during the period of suspension will be furnished to the Customs field officers.

(b) *Suspension of liquidation.* In any case where for the purposes of the assessment and collection of duties it is necessary to determine the proper rate or rates for a currency during the period when it has been suspended from certification, appraisement and liquidation shall be suspended until resumption of certification.

(c) *Resumption of certification.* When certification is resumed by the Federal Reserve Bank, the procedures in § 159.36 shall apply.

§ 159.38 Rates for estimated duties.

For purposes of calculating estimated duties, the district director shall use the rate or rates appearing to be applicable under the instructions in this subpart to the merchandise involved. When it is not yet known what certified rate or rates are applicable or no rate has been certified, the district director shall take into account all the information in his possession and shall use the highest rate or combination of rates (i.e., the rate or combination of rates showing the highest amount of United States money), certified or uncertified as the case may be, which could be applicable.

Subpart D—Special Duties

§ 159.41 Antidumping duties.

Antidumping duties shall be assessed in accordance with Part 153 of this chapter.

§ 159.42 Discriminating duties.

The discriminating duties provided for in subsection 1 of paragraph J, section IV, Tariff Act of 1913, as amended by the Act of March 4, 1915 (19 U.S.C. 128, 131), and the discriminating duties and penalties provided for in section 338, Tariff Act of 1930 (19 U.S.C. 1338), shall be imposed only in pursuance of specific instructions from the Commissioner of Customs.

§ 159.43 Duties contingent upon foreign export duties, charges, or restrictions.

Schedule 2, part 4, headnote 4, Tariff Schedules of the United States, provides for the imposition under certain conditions of additional duties on merchandise covered thereby. The assessment of these additional duties is dependent upon action by the President, and notice of such action, if taken, will be published in the Customs Bulletin.

§ 159.44 Special duties on merchandise imported under agreements in restraint of trade.

Whenever it appears that imported articles may be subject to the special duties provided for in section 802, Act of September 8, 1916 (15 U.S.C. 73), the district director shall report the matter to the Commissioner of Customs and await instructions with respect to the imposition of such duties.

(Sec. 802, 803, 39 Stat. 799; 15 U.S.C. 73, 74)

§ 159.45 Additional duty for unauthentic claims of antiquity.

When additional duty is imposed in accordance with § 10.53 of this chapter for an unauthentic claim of antiquity, such duty shall be assessed in addition to any other duty imposed on the merchandise by law.

§ 159.46 Marking duties.

(a) *Based on dutiable value.* The marking duty prescribed by section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c)), shall be assessed upon the dutiable value as defined in section 503, Tariff Act of 1930, as amended (19 U.S.C. 1503).

(b) *Suspension of liquidation.* The liquidation of entries shall not be suspended merely because the merchandise covered thereby is not legally marked, but, upon special application by the importer, the liquidation may be deferred for a reasonable time to permit the marking, destruction, or exportation of the merchandise.

(Sec. 304, 46 Stat. 687, as amended; 19 U.S.C. 1304)

§ 159.47 Countervailing duties.

(a) *Report by Customs officer.* Any district director or other principal Customs officer who obtains any information that any bounty or grant is being paid

or bestowed with respect to dutiable merchandise imported into the United States, so as to require action under section 303, Tariff Act of 1930 (19 U.S.C. 1303), shall communicate such information promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required by paragraph (b)(1) of this section, if in the possession of the district director or other officer or readily available to him.

(b) *Report by person outside Customs Service.*

(1) *Information to be furnished.* Any person outside the Customs Service who has reason to believe that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States may communicate his belief to any district director or the Commissioner of Customs. Every such communication shall contain or be accompanied by: (i) A full statement of the reasons for the belief, (ii) a detailed description or sample of the merchandise, and (iii) all pertinent facts obtainable as to any bounty or grant being paid or bestowed with respect to such merchandise.

(2) *Request for additional information.* If any information filed with a district director pursuant to subparagraph (1) of this paragraph does not conform with the requirements of that subparagraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform.

(3) *Transmittal to Commissioner.* If the information is found to comply with the requirements, it shall be transmitted by the district director within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the district director.

(c) *Investigation and notice by Commissioner.* Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) or (b) of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner shall cause such investigation to be made as appears to be warranted by the circumstances of the case. If he determines that the information presented in such communication is patently in error, he shall so advise the person who submitted the information and the case shall be closed. Otherwise, the Commissioner, with the approval of the Secretary of the Treasury, shall publish a notice in the FEDERAL REGISTER that a communication has been submitted pursuant to paragraph (a) or (b) of this section. The notice shall invite interested persons to submit written comments with respect to the matter within such time as is specified in the notice.

(d) *Issuance of countervailing duty order.* If, after consideration of such written comments as are received in response to the notice provided for in paragraph (c) of this section and other relevant data, it is determined that the application of the said section 303 is required, the Commissioner of Customs, with the approval of the Secretary of the Treasury, shall issue a countervailing duty order describing the merchandise, designating the country or area in which it is produced or from which it is exported, and declaring the ascertained or estimated amount of the bounty or grant or a rule for calculating or estimating such amount. Each countervailing duty order issued pursuant to this paragraph shall be published in the FEDERAL REGISTER and in the Customs Bulletin.

(e) *Merchandise on which countervailing duty will be assessed.* Any merchandise subject to the terms of a countervailing duty order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such merchandise.

(f) *Countervailing duty orders currently in effect.* Orders or notices issued under section 303, Tariff Act of 1930 (19 U.S.C. 1303), or a corresponding provision of a prior act, are currently in effect with respect to the merchandise listed below:

Country	Commodity	Treasury decision	Action
Australia	Sugar content of certain articles.	39541	Declared rate.
		49157	New estimated rates.
		52923	Contingent suspension of rates.
		54582	New rates.
		55716	Certain articles exempted as to shipments exported on or after July 19, 1962.
		70-225	New rate.
		71-276	New rate.
		72-61	New rate.
	Butter	42937	Bounties declared—rates.
		43067	New rates.
		48551	New estimated rate.
Canada	Cheese, 93-94 score from whole milk, cheddar, including "washed curd," types.	50093	Bounties declared—rates.
		68-147	Discontinued as to cheese manufactured on or after Apr. 1, 1968.
	Cheese, 93-94 score, blue-vein, of Roquefort type.	53182	Bounties declared—rates.
		68-147	Discontinued as to cheese manufactured on or after Apr. 1, 1968.
Cuba	Cordage	53534	Bounties declared—rates.
		54650	T. D. 53534 modified.
Denmark	Butter	47896	Bounties declared—rates.
		48734	Discontinued as to direct shipments.
France	Canned Tomato paste.	68-111	Bounty declared—rate.
	All merchandise except that not benefited by Decree 68-581 dated June 29, 1968, as amended by Decree 68-599 dated July 6, 1968.	68-192	Bounty declared—rate.
		68-270	New rate.
		69-41	Discontinued as to merchandise exported from France on and after Feb. 1, 1969.
	Barley	71-117	Bounty declared—rate.
	Molasses	71-118	Bounty declared—rate.
Great Britain	Spirits	34466	Bounties declared—rates.
		34752	Descriptions.
		34982	No bounty on rum.
		35089	Proof gallons.
		35510	Alcoholic perfumery.
		35668	Orange bitters.
		47826-7	Quantity for computing duty.
		52555	Bounty on plain spirits terminated.
		55812	Modified as to certain spirits.
	Sugar	49355	Bounties declared—rates.
		50108	New rates.
		50127	New rates.
Greece	Tomato products.	72-88	Bounty declared—rate.
Ireland	Spirits	47753	Bounties declared—rates.
		47826-7	Quantity for computing duty.
Italy	Galvanized fabricated structural steel units for the erection of electrical transmission towers.	67-102	Bounties declared—rate.
	Canned tomatoes and canned tomato concentrates.	68-112	Bounty declared—rate.
		69-13	New rate.
		70-83	New rate.
	Steel welded wire mesh.	63-149	Bounty declared—rate.
	Ski-lifts and parts thereof.	68-288	Bounty declared—rate.
		69-91	New rate.
	Certain steel products.	69-113	Bounties declared—rates.
	Compressors and parts thereof.	72-122	Bounty declared—rate.

(Sec. 303, 46 Stat. 687; 19 U.S.C. 1303)

Subpart E—Suspension of Liquidation

§ 159.51 General.

Liquidation of entries shall be suspended only when provided by law or regulation, or when directed by the Commissioner of Customs. Liquidation of entries shall not be suspended simply because issues involved therein may be before the Customs Court in pending litigation, since the importer may seek relief by protesting the entries after liquidation.

§ 159.52 Warehouse entry not liquidated until final withdrawal.

Liquidation of a warehouse or rewarehouse entry shall be suspended until all merchandise covered by the entry has been accounted for within the bonded period by withdrawal, abandonment, or destruction, or until the bonded period has expired if the merchandise has not been so accounted for before that time.

§ 159.53 Proof of duty-free or reduced-duty status.

Various provisions in Part 10 of this chapter provide for suspending liquidation of entries covering certain merchandise entered at a conditionally free or conditionally reduced rate of duty, pending production of required proof. Upon production of the required proof, or upon failure to produce the proof within the required time, the entries shall be liquidated accordingly.

§ 159.54 Open bonds for production of documents.

The liquidation of entries on which bonds are open for the production of documents affecting the rate of duty shall be suspended pending the performance or nonperformance under the bond, unless production of the document is waived in accordance with § 141.92 of this chapter.

§ 159.55 Possible prohibited food, drugs, or other articles.

(a) *Suspension of liquidation.* The liquidation of each entry covering merchandise the subject of § 12.1 of this chapter (which pertains to certain foods, drugs, cosmetics, economic poisons, hazardous substances, dangerous caustic or corrosive substances, and related items) shall be suspended until it is determined whether admission of the merchandise into the United States is permitted under the law.

(b) *Allowance for exportation or destruction.* In any case where the admission of such merchandise into the United States is refused and the merchandise is exported under Customs supervision in accordance with § 158.45(b) of this chapter, or destroyed under Customs supervision in accordance with § 158.41 of this chapter, the merchandise is exempt from duty and any duties collected thereon shall be refunded.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

§ 159.56 Issues submitted to Commissioner of Customs.

Liquidation of entries shall be suspended pending a decision on questions of valuation or classification submitted to the Commissioner of Customs at the request of the importer for an administrative review of the official action contemplated. No additional deposit of duty shall be required in connection with a suspended liquidation unless in special situations the Commissioner shall so direct.

§ 159.57 Merchandise affected by an American manufacturer's cause of action sustained by the court.

Liquidation of entries for merchandise of the character covered by a decision of the Secretary of the Treasury published in accordance with § 175.24 of this chapter, entered or withdrawn for consumption after the date of publication of a decision of the U.S. Customs Court sustaining in whole or in part the cause of action of an American manufacturer, producer, or wholesaler, shall be suspended until final disposition is made of the cause of action. Upon final disposition, such entries shall be liquidated, or, if necessary, reliquidated in accordance with the final judicial decision.

(Sec. 516, 46 Stat. 735, as amended; 19 U.S.C. 1516)

For ready comparison there is attached a table of sources.

Prior to the 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 90 days from the date of publication. 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)), at the Division of Regulations, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: June 5, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

ANNEX TO NOTICE OF PROPOSED RULE MAKING

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 141 to 19 CFR Part 8)

Proposed Part 141 Section	*19 CFR Section*
141.0	New.
141.1(a)	8.1(a).
141.1(b)	8.1(b).
141.1(c)	8.1(c).
141.1(d)	8.1(b).
141.1(e)	8.1(d).
141.1(f)	8.24(b), 20.6(1).
141.2(a)–(i)	8.2(a)–(i).
141.3	New.
141.4	8.3(a).
141.5	New.
141.11(a)(1)	8.6(a), 8.7(a).
141.11(a)(2)	8.6(c).
141.11(a)(3)	8.6(g).
141.11(a)(4)	8.6(e).
141.11(a)(5)	8.6(f).
141.11(a)(6)	8.6(a).
141.11(b)	8.6(n).
141.12	8.6(b).
141.13	8.6(m).
141.14	8.6(j).
141.15(a)	8.6 (h), (i).
141.15(b)	8.6(h).
141.15(c)	8.6(i).
141.16(a)	8.7(a).
141.16(b)	8.7(b).
141.17	8.6(k).
141.18(a)–(b)	8.6(l)
141.19(a)	8.18(a).
141.19(b)	8.18(c), ftn. 23.
141.19(c)	8.18(b).
141.20(a)–(c)	8.18(d).
141.31(a)–(c)	8.19(a).
141.31(d)	8.19(k).
141.32	8.19(a), ftn. 26a.
141.33	8.19(j).
141.34	8.19(d).
141.35	New.
141.36	8.19(g).
141.37(a)–(c)	8.19(e).
141.38	8.19(e).
141.39 (a)–(b)	8.19(d).
141.40	8.19(c).
141.40	8.19(b).
141.42	New.
141.43 (a)–(c)	8.19 (a), (g).
141.44	8.19(i).
141.45	8.19(h).
141.46	8.19(a).
141.51	New.
141.52 (a)–(i)	8.8 (f), (g), 8.52.
141.53 (a)–(c)	8.8(h).
141.53(d)	8.8(i).
141.54 (a)–(d)	8.6(d).
141.55	8.4(c).
141.61(a)	8.8(a).
141.61(b)	New.
141.61(c)	8.8(d).
141.61(d)	8.8(c).
141.61(e)	8.8(a).
141.61(f)	8.8(b).
141.61(g)	8.8(a).
141.61(h)	8.8(a).
141.62 (a), (b)	8.4(b).
141.63	8.4(a).
141.64	New.
141.65	8.4 (d), (g).
141.66	8.20.
141.67	8.4(a).
141.68(a)	8.4(a).
141.68(b)	8.4(e).
141.68(c)	8.4(f).
141.68(d)	8.4(g).
141.68(e)	8.4(d).
141.69 (a)–(c)	8.4(d), (g), (h), ftn. 3a to Part 8.
141.81	8.11(a).
141.82(a)	8.11(c), 8.12(a).
141.82(b)	8.12(c).
141.82(c)	8.12(b).
141.82(d)	8.12(d), 8.51(a), 8.11 (c).
141.83(a)	8.15(a).
141.83(b)	8.15(b).
141.83(c)	8.15(c).
141.84 (a)–(e)	8.11 (a), (b).
141.85	New.
141.86(a)	8.13(a).
141.86(b)	8.13(b).
141.86(c)	8.8(e).
141.86(d)	New.
141.86(e)	8.13(a).
141.86(f)	8.13(g).
141.86(g)	8.13(f).
141.86(h)	8.13 (i), (j).
141.86(i)	8.13 (a), (h).
141.87	8.13(d).
141.88	8.13(e).
141.89	8.13(h).
141.90(a)	8.21(a).
141.90(b)	8.21(b).
141.90(c)	8.16.
141.90(d)	8.21(b).
141.91(a)	8.9(a).
141.91(b)	8.9(b).
141.91(c)	New.
141.91(d)	8.9(c), 8.13(c).
141.92 (a)–(c)	8:15(d).
141.101 (a)–(c)	New.
141.102(a)	New.
141.102(b)	New.
141.102(c)	New.
141.102(d)	8.28(c).
141.103	New.
141.104	8.40(c).
141.105	8.29(d).
141.111(a)	8.23 (a), (b).
141.111(b)	8.23(a).
141.111(c)	8.23 (c), (d).
141.111(d)	8.23(a).
141.112(a)	Ftn. 20 to Pt. 8.
141.112(b)	8.25(a).
141.112(c)	8.25(b).
141.112(d)	8.25(c).
141.112(e)	8.25(d).
141.112(f)	8.25(d).
141.112(g)	8.25(f).
141.112(h)	8.25 (e), (g).
141.113(a)	8.26(c).
141.113(b)	8.26(a).
141.113(c)	8.26(b).
141.113(d)	8.26(d).
141.113(e)	8.26 (a), (c), (e).
141.113(f)	New.

(This table shows the relation of sections in proposed Part 142 to 19 CFR Part 8)

Proposed Part 142 Section	*19 CFR Section*
142.0	New.
142.1	8.59 (a), (b).
142.2(a)	8.59(c).
142.2(b)	8.59(f).
142.3(a)	8.59(c).
142.3(b)	8.59(g).
142.4(a)–(c)	8.59(d).
142.5	8.59(e).
142.6(a)	8.59(k).

Proposed Part 142 Section	19 CFR Section
142.6(b)	8.59(k).
142.7(a)	8.59 (i), (j).
142.7(b)	New.
142.11(a)–(d)	8.59(g).
142.12	8.59(g).
142.13	8.59(g).
142.14 (a), (b)	8.59(h).
142.15	8.59(i).
142.16	8.59(l).

(This table shows the relation of sections in proposed Part 143 to 19 CFR Part 8)

Proposed Part 143 Section	19 CFR Section
143.0	New.
143.1(a)–(c)	8.27.
143.2	New.
143.3 (a), (b)	8.24(a), 8.28(a), 8.29 (a), (b).
143.11(a)	8.50(b).
143.11(b)	8.50(b).
143.11(c)	8.50(c).
143.12	8.50(a).
143.13 (a), (b)	8.50(d).
143.14	8.50(f).
143.15	8.50(e).
143.16	8.50(e).
143.21(a)–(g)	8.51(a).
143.22	8.51(c).
143.23(a)–(d)	8.51a.
143.24	8.51(a).
143.25	8.51(a).
143.26	8.51(a).
143.27	8.51(d).
143.28	8.51(b).

(This table shows the relation to sections in proposed Part 144 to 19 CFR Parts 8, 10, 18, 19, and 56)

Proposed Part 144 Section	19 CFR Section
144.0	New.
144.1(a)	8.30(c).
144.1(b)	8.30(f).
144.1(c)	8.30(e).
144.2	8.32(a).
144.3	8.32(c).
144.4	New.
144.5	New.
144.6(a)	56.1 (a), (b).
144.6(b)	56.1(a), 56.3 (c), (e).
144.6(c)	56.3 (b), (d).
144.7	New.
144.11(a)	8.30(a).
144.11(b)	8.30(b).
144.11(c)	8.30(d).
144.12	New.
144.13	8.31(a).
144.14	8.31.(b).
144.21	8.23(b), 8.39(a).
144.22	8.39(a), 10.60(b), 18.16(a).
144.23	8.39(c), 10.60(b), 18.16(a).
144.24	8.39(a).
144.25	8.39(b).
144.26	8.39(e).
144.27	8.39(d).
144.28 (a), (b)	New.
144.31	8.37(a).
144.32(a)	8.37(b), 18.19(c).
144.32(b)	8.37(b), 8.39(d)
144.33	New.
144.34(a)	19.9.
144.34(b)	8.33.
144.35	New.
144.36(a)	18.16(a).
144.36(b)	18.17(b).
144.36(c)	18.16(a).
144.36(d)	18.16(b), 18.17(a).
144.36(e)	18.17(c).
144.36(f)	18.18(a).
144.36(g)	18.18(b).
144.36(h)	8.36.
144.37(a)	8.41, 18.19(a), 18.19(b).
144.37(b)	8.41(d), 18.19(b).

Proposed Part 144 Section	19 CFR Section
144.37(c)	8.45.
144.37(d)	8.41(b).
144.37(e)	8.43.
144.37(f)	8.41(c).
144.38(a)–(c)	8.37(a).
144.38(d)	New.
144.41(a)–(d)	8.33(a)–(c).
144.41(e)	8.34(a).
144.41(f)–(g)	8.33 (b), (a).
144.41(h)	8.34(b).
144.42(a)–(b)	8.35(a)–(c).

(This table shows the relation of sections in proposed Part 151 to 19 CFR Parts 8, 13, and 14)

Proposed Part 151 Section	19 CFR Section
151.0	New.
151.1	8.22(a).
151.2(a)	14.1(b).
151.2(b)	8.22(b).
151.2(c)	14.1(c).
151.3	8.4(a), 8.5(d), 8.22(a).
151.4(a)	8.5 (a), (c).
151.4(b)	8.5(b), ftn. 4.
151.4(c)	8.5(b)(1), (b)(3).
151.5(a)	8.5(b)(2).
151.5(b)	8.5(b)(4).
151.5(c)	8.5(b)(5).
151.6	8.22(a), 14.2(a).
151.7(a)	14.2 (b), (d).
151.7(b)	14.2 (b), (d).
151.7(c)	14.2(b).
151.7(d)	14.2(c).
151.8	14.2(e).
151.9	14.2(f).
151.10	14.2(g).
151.11	8.26(b), 14.2(h).
151.12	None.
151.21(a)	Part 13, ftn. 1.
151.21(b)	Part 13, ftn. 2.
151.22	13.1(a).
151.23	13.1(b).
151.24	13.2(a).
151.25	13.9.
151.26	13.3.
151.27	13.2(a).
151.28(a)	13.5(a).
151.28(b)	13.5(b).
151.29	13.2(d).
151.30	13.7.
151.31(a)	13.8(a).
151.31(b)	13.8(a).
151.31(c)	13.8(b).
151.41	13.10(b).
151.42(a)–(f)	13.10(a)(2)(i)–(vi).
151.43(a)	13.10(a)(2)(ii).
151'43(b)	13.10(a)(5).
151.43(c)	13.10(a)(5)(iv).
151.43(d)	13.10(a)(5)(iv).
151.43(e)	13.10(a)(4).
151.44 (a)–(c)	13.10(a)(1).
151.43(f)	13.10(a)(3).
151.45(a)	13.10(c).
151.45(b)	13.10(d).
151.45(c)	13.10(e).
151.46	13.10(f).
151.47 (a)–(d)	New.
151.51 (a), (b)	8.46 (a)–(c).
151.52(a)	8.48 (a), (b).
151.52(b)	8.48(c).
151.52(c)	8.48(d).
151.53	8.48(e).
151.54	8.48(a), (c), (f), (g).
151.55	8.48(h).
151.61(a)	13.11(a).
151.61(b)	13.11(b), 13.14(f).
151.61(c)	13.14(a)(1).
151.61(d)	13.14(a)(2).
151.62(a)	13.12(a).
151.62(b)	13.12(b).
151.62(c)	13.12(c).
151.62(d)	13.12(d).
151.62(e)	13.12(e).
151.62(f)	13.12(f).

Proposed Part 151 Section	19 CFR Section
151.63	13.13(a).
151.64	13.13(a).
151.65	13.13(b).
151.66	13.13(e).
151.67	13.13(d).
151.68(a)	13.14(b)(1).
151.68(b)	13.14(b)(2).
151.68(c)	13.14(b)(3).
151.69 (a), (b)	13.14(b).
151.70	13.14(c).
151.71(a)	13.14(d).
151.71 (b)–(e)	13.14(e).
151.72 (a)–(d)	13.15(a), 13.15(b).
151.73 (a)–(c)	13.15(c).
151.74	13.15(d).
151.75	13.15(d).
151.76 (a)–(c)	13.16, ftn. 7 to Pt. 13.
151.81	13.18(a).
151.82(a)	13.17(a).
151.82(b)	13.17(b).
151.82(c)	13.17(c).
151.83	13.18(b).
151.84	13.18(c).
151.85	13.18(d).
151.91	13.19.
151.101	13.20(a).
151.102(a)	13.20(b)(1).
151.102(b)	13.20(b)(2).
151.103	13.20(c).
151.104	13.20(a).
151.111	14.2(i).

(This table shows the relation of sections in proposed Part 152 to 19 CFR Parts 8, 14, and 16)

Proposed Part 152 Section	19 CFR Section
152.0	14.3(c), ftn. 6.
152.1(a)	Part 14, ftn. 6.
152.1(b)	14.3(b).
152.1(c)	8.29(c).
152.2	16.7.
152.3	New.
152.11	New.
152.12	16.9(b).
152.13(a)	16.9(a).
152.13(b)	16.9(a), (c).
152.13(c)	16.9(a).
152.13(d)	16.10a(a).
152.14(a)	16.10a(b).
152.14(b)	16.10a(c).
152.14(c)	16.10a(c).
152.14(d)	16.10(a), 16.10a(c), (d), ftn. 11a.
152.15(a)	16.10(b).
152.15(b)	16.10(c).
152.15(c)	16.10(d).
152.16(a)	16.10(e).
152.16(b)	16.10(f).
152.16(c)	New.
152.16(d)	16.10(g).
152.16(e)	16.10(h).
152.17	14.3(a).
152.21(a)–(c)	14.3(c).
152.22	14.3(d), ftn. 7.
152.23	New.
152.24 (a), (b)	14.3(f).
152.25	14.4(a).
152.26(a)	14.4(b).
152.26(b)	14.4(c).
152.26(c)	14.4(d).
152.26(d)	14.4(e).
152.26(e)	New.
152.31(a)	New.
152.31(b)	14.5(l).
152.31(c)	14.5(h).
152.32	14.5(j).
152.33	14.5(c).
152.34	14.5(a).
152.35	14.5(k).
152.36	14.5(d).
152.37	14.5(e), (b).
152.38	14.5(i).
152.39	14.5(f).

Proposed Part 152 Section	*19 CFR Section*
152.40	14.5(m), ftn. 13.
152.41	14.5(n).
152.42(a)–(c)	14.5(o).
152.43	New.

(This table shows the relation of sections in proposed Part 159 to 19 CFR Parts 12, 16, 18)

Proposed Part 159 Section	*19 CFR Section*
159.0	New.
159.1	Part 16, ftn. 2.
159.2	16.1.
159.3(a), (b)	16.2(a).
159.4(a)	16.5(d).
159.4(b)	16.2(b).
159.5	16.3(d).
159.6(a)–(d)	16.12(c).
159.7(a)	16.3 (c), (d), 18.18 (c).
159.7(b)	16.10(h), 18.18(c).
159.7(c)	18.18(c).
159.8	New.
159.9(a)	16.2(d), (f), 16.12 (a).
159.9(b)	16.2(d), (g).
159.9(c)	16.2(d).
159.10(a)	16.12(b).
159.10(b)	16.12(b).
159.10(c)	16.12(c).
159.21	New.
159.21(a)	16.5(a).
159.21(b)	16.5(d).
159.21(c)	16.3(d).
159.22(a)	16.6(a).
159.22(b)	16.5(b), 16.6(b).
159.22(c)	16.6(c).
159.22(d)	16.6(d).
159.22(e)	16.6(e).
159.22(f)	16.5(c).
159.31	16.4(e)(1).
159.32	16.4(b).
159.33	16.4(a), 16.4(e)(1).
159.34 (a), (b)	16.4(d).
159.35	New.
159.36	16.4(e).
159.36(a)	16.4(e).
159.36(b)	16.4(e)(3).
159.36(c)	16.4(e)(4), (f).
159.36(d)	16.4(e)(5), (f).
159.37(a)–(c)	16.4(c).
159.38	16.4(c).
159.41	New.
159.42	16.19.
159.43	16.20.
159.44	16.25.
159.45	New.
159.46(a)	16.18(a).
159.46(b)	16.18(b).
159.47(a)–(f)	16.24(a)–(f).
159.51	New.
159.52	16.3(c), (d).
159.53	16.3(b).
159.54	16.3(a).
159.55(a)–(b)	12.6(a), (b).
159.56	New.
159.57	New.

(This table shows the relation of proposed §§ 10.151 through 10.153 to 19 CFR Part 8, and proposed §§ 10.161 through 10.166 to 19 CFR Parts 12 and 16)

Proposed Part 10 Sections	*19 CFR Section*
10.151	8.3(b).
10.152	8.3(c).
10.153(a)–(g)	8.3(d).
10.161	16.26(c).
10.162	16.26(c).
10.163	16.26(b).
10.164(a)–(c)	16.26(d)(1)–(3).
10.165	16.26(d)(4).
10.166(a)–(c)	16.26(d)(5).

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 945, 980]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions and are consistent with the marketing policy it unanimously adopted. Shipments of new crop potatoes from the production area are expected to begin July 15, however, storage potatoes from last year's crop will be also shipped during July.

The marketing situation for 1972–73 appears more favorable than resulted during 1971–72. During 1971–72 through May 1972 Idaho potatoes have averaged approximately $1.55 per hundredweight or less than 50 percent of parity. On balance current supplies of raw potatoes and those which will be available throughout the early summer are expected to be less than last year. Late spring potato production is forecast at 17.5 million hundredweight or 12 percent less than in 1971 and early summer potato production is forecast at 10.7 million hundredweight or 9 percent less than in 1971. In addition 1972 prospective plantings for late summer and fall potatoes are forecast at 1,169,400 acres, 3 percent less than the 1,205,300 acres planted in 1971. Idaho and Malheur County, Oregon, planted 347,500 acres in 1971 and prospective plantings for 1972 are 339,500 acres.

However, Idaho and Malheur County, Oreg., can expect to encounter marketing problems similar to those in recent seasons and their season average farm prices are not expected to exceed parity. The potential for an improvement in the market tone in the months ahead is clouded by the large inventories of processed potato products which will contribute to strong competition for the potato dollar. As usual, yield factors and timeliness of harvest will have an important influence on potato prices during the third and fourth quarters of 1972.

The proposed regulation provided herein is necessary to prevent potatoes of low quality, undesirable sizes, and of lesser maturities from being distributed in the fresh market channels of commerce to improve the returns to producers for preferred grades and sizes.

The specific requirements, hereinafter set forth regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the act.

It is proposed this regulation be made effective about mid-July and that it supersede the regulation currently in effect (§ 945.330, 36 F.R. 12894 and 37 F.R. 4951, 5745) which would be terminated on the effective date of the new regulation.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.331 Limitation of shipments.

During the period beginning on the effective date hereof through July 31, 1973, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements.*—(1) *Grade.—All varieties*—U.S. No. 2 or better grade.

(2) *Size.* (i) *Round red varieties:* 1⅞ inches minimum diameter.

(ii) *All other varieties:* Two inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties:* Size B if U.S. No. 1 or better grade.

(iv) When 50 pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the weight, count, and average count ranges for the count designation listed below.

	Range		
	Count	Average count [1]	Weight
Larger than 50 count.	10 percent over or under.	5 percent over or under.	15 oz. or larger.
50 count	45–55	48–53	12–19.
60 count	54–66	57–63	10–16.
70 count	63–77	67–74	9–15.
80 count	72–88	76–84	8–13.
90 count	81–99	86–95	7–12.
100 count	90–110	95–105	6–10.
110 count	99–121	105–116	5–9.
120 count	108–132	114–126	4–8.
130 count	117–143	124–137	4–8.
140 count	126–154	133–147	4–8.
Smaller than 140 count.	10 percent over or under.	5 percent over or under.	4–8.

[1] Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(a) Not to exceed 5 percent for undersize; and

(b) Not to exceed 10 percent for oversize.

(3) *Cleanliness*—(i) *All varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements.*—(1) *White Rose and red skin varieties:* Beginning the effective date hereof through December 31, 1972, "moderately skinned," thereafter no maturity requirements.

(2) *All other varieties.* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation;

(v) Canning, freezing, and "other processing" as hereinafter defined. *Provided,* That shipments of potatoes for the purposes specified in subdivision (v) of this subparagraph shall be exempt from inspection requirements specified in § 945.65 and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, canning, freezing, and "other processing," export, or for prepeeling pursuant to paragraph (c) of this section shall: (1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

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

(f) *Inspection.* (1) During the period beginning the effective date hereof through July 31, 1973, no handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraphs (c), (d), and (e) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title effective September 1, 1971, as amended February 5, 1972, 37 F.R. 2745), including the tolerances set forth therein. The term "generally fairly clean," means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) (excepting subparagraph (2)(iv)) and (b) of this section.

Dated: June 26, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–9900 Filed 6–28–72;8:52 am]

[7 CFR Part 946, 980]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946, 37 F.R. 10915), both as amended. This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1972 crop of Washington potatoes and of the marketing prospects for this season. Harvesting is expected to begin about mid-July. The grade, size, cleanliness, and maturity requirements provided herein, which are the same as those currently in effect (36 F.R. 12969), effective through July 15, 1972, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other

than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation follows:

§ 946.327 Limitation of shipments.

During the period July 16, 1972, through July 31, 1973, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), and (g) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements.*—(1) *Grade*—(i) *All varieties*—U.S. No. 2, or better grade.

(2) *Size.*—(i) *Round varieties*—1⅞ inches minimum diameter.

(ii) *Long varieties*—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements.*—(1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning, freezing, and "other processing" as hereinafter defined; or
(7) Grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in subparagraphs (1), (2), (5), (6), and (7) of this paragraph shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in subparagraphs (1), (2), and (6) of this paragraph shall be exempt from assessment requirements specified in § 946.41: *Provided*, That shipments pursuant to paragraph (c)(7) of this section shall comply with inspection requirements pursuant to paragraph (d)(2) of this section.

(d) *Safeguards.* (1) Each handler making shipments of potatoes for export, prepeeling, canning, freezing, or "other processing" pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(ii) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(iii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iv) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments pursuant to paragraph (c)(7) of this section shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (c) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, and maturity requirements specified in paragraphs (a) and (b) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (c) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraphs (d) or (e) of this section.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington, and (2) for canning, freezing, dehydration, potato chipping or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

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

(g) *Inspection.* No handler may handle any potatoes regulated hereunder (except pursuant to paragraphs (c)(1), (2), (5), (6), and (7) or (f) of this section) unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title as amended February 5, 1972 (37 F.R. 2745)), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality, and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: June 26, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–9899 Filed 6–28–72;8:52 am]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-371]

APPALACHIAN AND ILLINOIS BASIN AREAS

Proposed Petition for Area Rates

JUNE 19, 1972.

Take notice that on January 28, 1972, Iroquois Gas Co., Pennsylvania Gas Co., United Natural Gas Co., and Columbia Gas Transmission Corp. (petitioners) filed in Docket No. R-371 a petition pursuant to § 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b)) for amendment of § 154.107 of the regulations under the Natural Gas Act by establishing new area rates which may be charged by independent producers for sales of natural gas from the Appalachian Basin Area pursuant to contracts dated on or after February 1, 1972, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Section 154.107, promulgated by Order No. 411 issued October 2, 1970, in Docket No. R-371, 44 FPC 1112, sets forth ceiling rates[1] which may be charged and collected for sales of natural gas in interstate commerce by independent producers from the Appalachian Basin Area and provides that any seller seeking to charge rates in excess of the specified rates shall file a petition for waiver or amendment of said section. There is an indefinite moratorium on increases in rate.

Petitioners request that the Commission amend § 154.107 by the addition to the end of each of subparagraphs (1) and (2) of paragraph (c) thereof the words, "and February 1, 1972" and by adding a new subparagraph (3) so that paragraph (c) would read as follows:

§ 154.107 Area rates—Appalachian Basin area.

* * * * *

(c) No rate or charge made, demanded or received for gas produced in the Appalachian Basin area shall exceed the following rates measured at 14.73 p.s.i.a. and 60° F., including all additive charges and adjustments, except in compliance with a specific order of the Commission:

(1) 30.75 cents per Mcf for gas produced in the North subarea consisting of applicable counties in New York, Pennsylvania, and northern Ohio, including the offshore Lake Erie and offshore Lake Ontario areas adjacent to these States, and sold pursuant to a contract dated prior to October 8, 1969; and 32.75 cents per Mcf for gas sold pursuant to a contract dated between October 7, 1969, and February 1, 1972;

(2) 29 cents per Mcf for gas produced in the South subarea consisting of West Virginia and applicable counties in Maryland, Virginia, and southern Ohio; and applicable counties in eastern Kentucky and sold pursuant to a contract dated prior to October 8, 1969; and 30.75 cents per Mcf for gas sold pursuant to a contract dated between October 7, 1969, and February 1, 1972;

(3) 50 cents per Mcf for gas produced in the Appalachian area and sold pursuant to a contract(s) dated on or after February 1, 1972.

* * * * *

Petitioners, Iroquois Gas Corp., Pennsylvania Gas Co., and United Natural Gas Co., are natural gas companies engaged in the production, purchase, storage, transmission, distribution, and sale of natural gas principally at retail. Petitioner, Columbia Gas Transmission Corp., is engaged in the production, purchase, storage, transmission, distribution, and sale of natural gas in interstate commerce. Petitioners all operate in Northeastern United States. They state that they and other gas distribution companies in the Northeast are being faced with a severe shortage of natural gas with no indication that the supply will improve in the near future; and as a result thereof, they, and other companies similarly situated, are investigating and purchasing gas from alternative sources, including liquefied natural gas, synthetic pipeline quality gas, coal gasification, and Arctic gas. The cost in almost every instance is said to exceed $1 per Mcf of equivalent natural gas. Petitioners believe that an increase in the price of new gas in the Appalachian Basin Area to at least 50 cents per Mcf will stimulate exploration and development in sufficient degree to result in substantial new reserves located in the Northeast market area. They assert that if they are correct in their belief, the present gas supply shortage can be significantly improved at an incremental cost of less than half the cost of other alternatives and that if substantial exploration and development does not result and little additional gas is discovered, the higher rate will have only a de minimis impact on the consumer.

Petitioners state that in the Appalachian Basin Area, which is the oldest gas producing province in the United States, production has been only at very shallow depths compared to the Southwest and they believe that increased emphasis on deeper drilling could lead to significant increases in production in the area. They point out that the area is unique in its proximity to one of the largest market areas in the United States and that an integrated pipeline network covers the area so that new discoveries could readily be brought to market.

Petitioners assert that at a time when there is a critical gas supply shortage and when proposals for supplemental supplies which would cost in excess of $1 per Mcf equivalent are being presented to the Commission, the paramount goal in establishing area rate ceilings for new gas should be to maximize exploration and development of new gas supplies. They state that the Commission recognized this goal in order No. 411, 44 FPC 1123, and assert that the 2-cent incentive for new gas has proven to be inadequate to stimulate increased exploration and development of new supplies in the Appalachian area.

Petitioners allege that the bases relied upon by the Commission in establishing Appalachian Basin Area rates in Order No. 411 are no longer valid for determining a meaningful price level for new gas. They state that the 1962 cost information upon which the Commission relied is out of date and inaccurate today. They state further that location value basis for determining the area rate is no longer accurate and is irrelevant today. They argue that comparisons to the cost of delivering Southwest gas to Appalachia are not relevant in a period of shortages of Southwest gas because such comparisons imply that Appalachian gas is an alternative to Southwest gas, when, in fact, the alternative does not exist. Petitioners have appended to their petition exhibits which purportedly show evidence of the shortage of natural gas, the incentive needed to stimulate exploration and development, costs of alternative sources, and the invalidity of the bases for Order No. 411.

This notice is given pursuant to section 553 of title 5 of the U.S. Code and sections 5, 7, and 16 of the Natural Gas Act (52 Stat. 822, 76 Stat. 72, 15 U.S.C. 717c; 52 Stat. 823, 15 U.S.C. 717d; 52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c) and 56 Stat. 84, 15 U.S.C. 717f(e); and 56 Stat. 830, 15 U.S.C. 717m).

In any proceeding on the instant petition the Commission will consider termination of the moratoria imposed in ordering paragraphs A(e) and B(e) of Order No. 411 (44 FPC at 1129-1131), and such revisions of §§ 154.107, 154.108, and 157.40 of the Commission's regulations under the Natural Gas Act as may be found to be in the public interest.

Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 10, 1972, data, views, comments, or suggestions in writing concerning the petition for amendment, the amended regulation proposed therein, and amendment of §§ 154.07, 154.08, and 157.40 of the regulations under the Natural Gas Act. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposals should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the petition, the proposed amendment, and amendment of the pertinent regulations. The staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9821 Filed 6-28-72;8:45 am]

[1] See the following table:

	14.73 p.s.i.a.	15.325 p.s.i.a.
	Cents	
(1) North subarea:		
(a) Contracts prior to Oct. 8, 1969	30.75	32.0
(b) Contracts after Oct. 7, 1969	32.75	34.0
(2) South subarea:		
(a) Contracts prior to Oct. 8, 1969	29.0	30.0
(b) Contracts after Oct. 7, 1969	30.75	32.0
(3) Minimum rate	19.25	20.0

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

COLOR TELEVISION PICTURE TUBES FROM JAPAN

Withholding of Appraisement Notice

Information was received on August 9, 1971, that color television picture tubes from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 15, 1971, on page 18478. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of color television picture tubes from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

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

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the f.o.b. price for exportation to the United States, the included inland freight and shipping charges.

It appears that adjusted home market price will probably be based on either the delivered price or the weighted-average of delivered prices, with a deduction for inland freight. Adjustments to this price will probably be made for differences in warranty costs, credit costs, cost of production, packing costs, and royalties.

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

Customs officers are being directed to withhold appraisement of color television picture tubes from Japan in accordance with section 153.48, Customs regulations (19 CFR 153.48).

In accordance with sections 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (6-29-72). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: June 27, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-10025 Filed 6-28-72;9:20 am]

Internal Revenue Service

[Order No. 77; Rev. 6]

CHIEFS, APPELLATE BRANCH OFFICES ET AL.

Delegation of Authority

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701-9, 26 CFR 301.6212-1, and 26 CFR 301.6861-1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

(a) Chiefs, Appellate Branch Offices,

(b) Associate Chiefs, Appellate Branch Offices,

(c) Assistant Chiefs, Appellate Branch Offices,

(d) Conferee-Special Assistants, Appellate Branch Offices,

(e) Director of International Operations,

(f) Service Center Directors,

(g) Assistant District Directors,

(h) Assistant Service Center Directors, and

(i) Chiefs of Audit Divisions in District Offices and Service Centers.

2. This authority may be redelegated only by District Directors, Service Center Directors, and the Director of International Operations, and may not be redelegated by those officials to whom these specified officials redelegate.

3. This order supersedes Delegation Order No. 77 (Rev. 5), issued December 21, 1971.

Date of issue: June 22, 1972.

Effective date: June 25, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.72-9904 Filed 6-28-72;8:52 am]

Office of the Secretary

MECHANICAL AIRFOAM LIQUID CONCENTRATES FROM CANADA

Notice of Tentative Negative Determination

JUNE 26, 1972.

Information was received on July 12, 1971, that commercial grade (3 percent strength) mechanical airfoam liquid concentrates from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 17, 1971, on page 18595.

I hereby make a tentative determination that commercial grade (3 percent strength) mechanical airfoam liquid concentrates from Canada are not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. The information currently before the Bureau reveals that the proper basis of comparison for fair value purposes is between purchase price and home market price.

Purchase price was calculated by deducting inland freight and U.S. duty from the f.o.b. Ogdensburg, N.Y., price.

Home market price was based on the weighted-average f.o.b. plant price of sales of identical merchandise in Canada. Adjustments were made for differences in packing costs and quantities purchased.

Comparison of purchase price and home market price revealed that purchase price was higher than the home market price.

In accordance with section 153.33(b), Customs regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street

NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-10026 Filed 6-28-72;9:20 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 68, Amdt. 1]

DIRECTOR, NATIONAL CAPITAL PARKS

Delegation of Authority

Order No. 68, approved July 6, 1971, and published in the FEDERAL REGISTER of July 24, 1971 (36 F.R. 13802) set forth in section 2 the limitations on redelegations of authority.

Section 2 is hereby amended to read as follows:

SEC. 2. *Redelegation.* Except as to authority to approve master plans, the Director, National Capital Parks may, in writing, redelegate to his officers and employees the authority delegated in this order, and may authorize written redelegations of such authority, except that contract and procurement authority may only be redelegated to the Chief, Division of Property Management and General Services, Chief, Office of Programing and Budgeting, and to the Procurement Officer in the National Capital Parks. Procurement authority not to exceed $2,000 may be redelegated to subordinate organizational units of the National Capital Parks. Each redelegation shall be published in the FEDERAL REGISTER.

(205 DM .2; .5; .6; .9; 245 DM .1; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 21, 1972.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.72-9848 Filed 6-28-72; 8:47 am]

[Order No. 66, Amdt. 2]

DIRECTORS OF NATIONAL PARK SERVICE REGIONS

Delegation of Authority

Order No. 66, Amendment No. 1, approved February 16, 1972, and published in the FEDERAL REGISTER of February 25, 1972 (37 F.R. 4001) amended section 2, the limitations of redelegations of authority.

Section 2, paragraph (2) is hereby amended to read as follows:

SEC. 2. *Redelegation.* * * * (2) In the regional offices, procurement and contracting authority in excess of $2,000 may only be redelegated to the Chief, Division of Property Management and General Services and the Chief, Office of Finance and Control. Authority to contract for supplies, equipment and services, including construction, may be redelegated by the Directors to Superintendents as follows: Superintendents, Grade GS–12 and below not to exceed $2,000; Superintendents, Grade GS–13 not to exceed $50,000; Superintendents, Grade GS–14 not to exceed $100,000; Superintendents, Grade GS–15 not to exceed $200,000. Authority to contract for supplies, equipment and services, including construction, may be redelegated by the Director, Northeast Region to District Director, New York Office not to exceed $200,000. The limitations in this subsection (2) of section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 21, 1972.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.72-9847 Filed 6-28-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of Minnesota natural disasters have caused a general need for agricultural credit:

COUNTIES

Big Stone	Pope
Chippewa	Renville
Douglas	Stevens
Grant	Swift
Kandiyohi	Traverse
Lac qui Parle	Wilkin
Meeker	Yellow Medicine

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation. The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of June 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-9866 Filed 6-28-72;8:49 am]

SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of South Dakota natural disasters have caused a general need for agricultural credit:

COUNTIES

Deuel	Grant

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of June, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-9867 Filed 6-28-72;8:49 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S–584]

JERRY L. BARKLEY AND SANDRA G. BARKLEY

Notice of Loan Application

JUNE 22, 1972.

Jerry L. Barkley and Sandra G. Barkley, Route 1, Box 68, Brookings, OR 97415 have applied for a loan from the Fisheries Loan Fund to aid in financing purchase of a used steel vessel, about 46 feet in length, to engage in the fishery for salmon, albacore, Dungeness crab, and shrimp off the coasts of Washington, Oregon, and California.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No.

4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHOAING,
Acting Director.

[FR Doc.72-9814 Filed 6-28-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8674]

CERTAIN OTIC PREPARATIONS CONTAINING ANTIBIOTICS

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 antibiotic drugs for otic use:

1. Cortomixin Sterile Ear Drops containing polymyxin B sulfate and hydrocortisone; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 60-179).

2. Bro-Parin Sterile Otic Suspension containing polymyxin B sulfate, neomycin sulfate, sodium heparin, and hydrocortisone; Broemmel Pharmaceuticals (NDA 60-787).

3. Cortisporin Otic Drops containing polymyxin B sulfate, neomycin sulfate and hydrocortisone; Burroughs-Wellcome and Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 60-613).

4. Coly-mycin S Otic with Neomycin and Hydrocortisone containing colistin sulfate, neomycin sulfate, thonzonium bromide, and hydrocortisone acetate; Warner Chilcott Laboratories Division, Warner Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 50-356).

5. Otobione Otic Drops containing prednisolone acetate, neomycin sulfate, and sodium propionate; White Laboratories, Inc., 1011 Morris Avenue, Union, N.J. 07083 (NDA 50-363).

6. Otobiotic Otic Solution containing neomycin sulfate and sodium propionate; White Laboratories, Inc. (NDA 50-364).

7. Biomydrin Otic with Hydrocortisone containing neomycin sulfate, gramicidin, hydrocortisone acetate, thonzylamine hydrochloride and thonzonium bromide; Warner-Chilcott Laboratories Division, Warner-Lambert Pharmaceutical Co. (NDA 50-351).

8. Florotic for Otic Suspension containing nystatin, neomycin sulfate, polymyxin B sulfate and fludrocortisone acetate; E. R. Squibb and Sons, Inc., 909 Third Avenue, New York, N.Y. 10022 (NDA 60-927).

9. Auracort Otic Solution containing neomycin sulfate, polymyxin B sulfate, pramoxine hydrochloride and hydrocortisone; Philips Roxane Laboratories, Division of Philips Roxane, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 60-080).

10. Neomycin-Polymyxin Otic with Hydrocortisone and Diperodon containing neomycin sulfate, polymyxin B sulfate, hydrocortisone, and diperodon hydrochloride; Kasco Laboratories, Inc., Cantiague Road, Hicksville, N.Y. 11802 (NDA 50-208).

11. Neo-Polycin Otic Suspension containing neomycin sulfate, polymyxin B sulfate and dyclonine hydrochloride; The Dow Chemical Co., Post Office Box 1656, Indianapolis, Ind. 46206 (NDA 50-224).

12. Neo-Polycin HC Otic Suspension containing neomycin sulfate, polymyxin B sulfate, dyclonine hydrochloride and hydrocortisone acetate; The Dow Chemical Co. (NDA 50-225).

13. Cor-Otic P-N Ear Drops containing neomycin sulfate, polymyxin B sulfate and hydrocortisone; Don Hall Laboratories, 1935 North Argyle, Portland, Oregon 97217 (NDA 90-263).

14. Terramycin Otic with Polymyxin B Sulfate and Benzocaine containing polymyxin B sulfate, oxytetracycline hydrochloride and benzocaine; Chas. Pfizer & Co. Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 60-392).

15. Neo-Cort-Dome Otic Suspension containing hydrocortisone, neomycin sulfate, and acetic acid; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023 (NDA 50-238).

Preparations containing these drugs are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act.

The Food and Drug Administration concludes that these drugs:

(a) Lack substantial evidence of effectiveness when labeled for treatment of otitis media; and

(b) Are possibly effective for their other labeled indications.

Preparations containing these drugs labeled with indications for which they lack substantial evidence of effectiveness will no longer be acceptable for certification or release after 40 days following the publication date of this announcement.

Any person who would be adversely affected by deletion of the claims for which these drugs lack substantial evidence of effectiveness, as described above, may, within 30 days following the publication date hereof, submit comments or pertinent data bearing on the effectiveness of the drug for such use.

To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing these drugs which bear labeling with these indications will continue to be accepted for certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the NAS-NRC 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 8674, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, 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, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9833 Filed 6-28-72;8:50 am]

[DESI 10157; Docket No. FDC-D-475; NDA 10-157]

SCHERING CORP.

Certain Steroid Combination Preparation for Oral Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In an announcement (DESI 10157) published in the FEDERAL REGISTER of March 14, 1972 (37 F.R. 5309), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Sigmagen Tablets (NDA 10-157) containing prednisone, aspirin, ascorbic acid, and aluminum hydroxide. The announcement stated that there is a lack of substantial evidence that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drug contributes to the total effects claimed, and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new drug application for the drug. The holder of the new-drug application and any interested persons were invited to submit any pertinent data bearing on the proposal within 30 days following publication of the announcement. There has been no such data submitted.

Therefore, notice is given to Schering Corp., 60 Orange Street, Bloomfield, N.J., 07003, holder of NDA 10-157 for Sigmagen Tablets, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for a hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 7, 1970.)

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9835 Filed 6-28-72;8:50 am]

[DESI 10826]

CERTAIN TOPICAL PREPARATIONS CONTAINING CORTICOSTEROIDS IN COMBINATION WITH ANTI-INFECTIVES

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. Caldecort Ointment containing hydrocortisone acetate, neomycin sulfate, and calcium undecylenate; Strasenburgh Laboratories, Div. Wallace & Tiernan, Inc., 755 Jefferson Road, Rochester, N.Y. 14623 (NDA 60-651).

2. Neo-Tarcortin Ointment containing hydrocortisone, neomycin sulfate, and coal tar; Reed & Carnrick, 30 Boright Avenue, Kenilworth, N.J. 07033 (10-826).

3. Amphocortrin Cream containing hydrocortisone acetate, neomycin sulfate, and calcium amphomycin; Warner-Chilcott Laboratories, Div. Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 50-350).

4. Kenalog-S Cream, Ointment, and Lotion containing triamcinolone acetonide, neomycin sulfate, and gramicidin; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA's 60-928, 60-935 and 60-929).

5. Myconef Ointment containing fludrocortisone acetate, neomycin sulfate, gramicidin, and nystatin; E. R. Squibb & Sons, Inc. (NDA 60-650).

6. Mycolog Cream and Ointment containing triamcinolone acetonide, neomycin sulfate, gramicidin, and nystatin; E. R. Squibb & Sons, Inc. (NDA 60-576 and 60-572).

7. Neo-Polycin HC Ointment containing hydrocortisone acetate, neomycin sulfate, zinc bacitracin, and polymyxin B sulfate; The Dow Chemical Co., Post Office Box 10, Zionsville, Ind. 46077 (NDA 60-338).

8. Hydrocortisone Acetate with Neomycin Sulfate Ointment; American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y. 10454 (NDA 60-387).

9. Cortisporin-G Cream containing hydrocortisone acetate, neomycin sulfate, polymyxin B sulfate, and gramicidin; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 50-218).

10. Neo-Nysta-Cort Ointment containing hydrocortisone, neomycin sulfate and nystatin; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023 (NDA 50-242).

11. Neo-Domeform-HC Creme containing hydrocortisone, neomycin sulfate, and iodochlorhydroxyquin; Dome Laboratories (NDA 50-243).

12. Neo-Resulin-F Cream containing hydrocortisone, neomycin sulfate, resorcinol monoacetate, and sulfur; Schieffelin & Co., 562 Fifth Avenue, New York, N.Y. 10036 (NDA 50–313).

13. Dermo-Parin Ointment containing hydrocortisone, neomycin sulfate, polymyxin B sulfate, and sodium heparin; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (11–842).

14. Hydroderm Ointment containing hydrocortisone, neomycin sulfate, and zinc bacitracin; Merck Sharp and Dohme, Division Merck & Co., West Point, Pa. 19486 (NDA 60–295).

The Food and Drug Administration concludes that when applied topically these drugs are possibly effective for all their labeled indications relating to use in various dermatoses and as anti-infective agents.

Preparations containing these drugs are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of a drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing these drugs which bear labeling with these indications will continue to be accepted for certification by the Food and Drug Administration for a period for 6 months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

A copy of the Academy's report has been furnised to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 10826, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, 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 Comestic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 15, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–9834 Filed 6–28–72;8:50 am]

[DESI 9169]

CERTAIN OTC TOPICAL PREPARATIONS CONTAINING NEOMYCIN SULFATE; NEOMYCIN SULFATE AND BACITRACIN; AND NEOMYCIN SULFATE, BACITRACIN (OR ZINC BACITRACIN), AND POLYMYXIN B SULFATE; WITH OR WITHOUT ADDITIONAL DRUGS

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 published in the FEDERAL REGISTER of April 20, 1972 (37 F.R. 7808), entitled "Over-the-Counter Drugs" concerning the status of drugs previously reviewed under the Drug Efficacy Study.

The following drugs are included in this announcement:

A. PREPARATIONS CONTAINING NEOMYCIN SULFATE

1. Neomycin Sulfate Ointment; The Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 9–169).

2. Neomycin Sulfate Ointment; Eli Lilly and Co., Box 618, Indianapolis, Ind. 46206 (NDA 50–372).

3. Neomycin Sulfate Ointment; Kasco Laboratories Inc., Cantiague Road, Hicksville, N.Y. 11802 (NDA 60–201).

4. Neomycin Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407 (NDA 60–301).

5. Neomycin Ointment; Day-Baldwin, Inc., 485 Lexington Avenue, New York, N.Y. 10017 (NDA 60–314).

6. Myciguent Cream; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 60–341).

7. Neomycin Sulfate Ointment; American Pharmaceutical Co., 120 Bruckner Boulevard, New York, N.Y. 10454 (NDA 60–388).

8. Nycin Ointment; Schlicksup Drug Co., Inc., 420 Southwest Washington Street, Peoria, Ill. 61602 (NDA 60–410).

9. Neomycin Sulfate Ointment; Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, N.Y. 10550 (NDA 60–424).

10. Myciguent Ointment; The Upjohn Co. (NDA 60–479).

B. PREPARATIONS CONTAINING BACITRACIN AND NEOMYCIN SULFATE

1. Bacitracin-Neomycin Ointment; Kethchum Laboratories, Inc., 26 Edison Street, Amityville, N.Y. 11701 (NDA 60–203).

2. Bacimycin Ointment; Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 60–277).

3. Bacitracin - Neomycin Ointment; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 60–280).

4. Bacitracin - Neomycin Ointment; Kasco Laboratories, Inc. (NDA 60–157).

5. Bacitracin - Neomycin Ointment; Biocraft Laboratories, Inc. (NDA 60–919).

6. Neomycin - Bacitracin Ointment; Rexall Drug Co., 3901 North Kingshighway Boulevard, St. Louis, Mo. 63115 (NDA 60–324).

7. Bacitracin - Neomycin Ointment; Day-Baldwin, Inc. (NDA 60–325).

8. Bacitracin - Neomycin Ointment; Bryant Pharmaceutical Corp. (NDA 60–332).

C. PREPARATIONS CONTAINING BACITRACIN OR ZINC BACITRACIN, NEOMYCIN SULFATE, AND POLYMYXIN B SULFATE

1. Neosporin Ointment; Burroughs-Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 50–170).

2. Triple Antibiotic Ointment; Kasco Laboratories, Inc. (NDA 60–289).

3. Trimixin Ointment; Hance Brothers and White Co., 12th and Hamilton Streets, Philadelphia, Pa. 19123 (NDA 60–276).

4. Triple Antibiotic Ointment; Biocraft Laboratories, Inc. (NDA 60–302).

5. 3-Antibiotic Ointment; Day-Baldwin, Inc. (NDA 60–317).

6. Mycitracin Ointment; The Upjohn Co. (NDA 60–320).

7. Polymyxin, Neomycin, Bacitracin Ointment; Rexall Drug Co. (NDA 60–321).

8. Neo-Polycin Ointment; The Dow Chemical Co., Post Office Box 1656, Indianapolis, Ind. 46206 (NDA 60–339).

9. Triple Antibiotic Ointment; The Norwich Pharmacal Co. (NDA 60–414).

10. Bacitracin - Neomycin - Polymyxin B (Triple Antibiotic) Ointment; Ketchum Laboratories, Inc.

D. MISCELLANEOUS COMBINATION PRODUCTS

1. Spectrocin Ointment containing neomycin sulfate and gramicidin; E. R. Squibb and Sons, Inc., 909 Third Avenue, New York, N.Y. 10022 (NDA 60–933).

2. Spectrocaine Ointment containing neomycin sulfate, gramicidin, and diperodon hydrochloride; E. R. Squibb and Sons (NDA 50–057).

3. Tricidin Ointment containing gramicidin, polymyxin B sulfate, neomycin sulfate and benzocaine; American Laboratories, Division Towne, Paulson & Co., Inc., 140 East Duarte Road, Monrovia, Ca. 91016 (NDA 60–791).

4. Tetrabiotic Ointment containing polymyxin B sulfate, neomycin sulfate, gramicidin and benzocaine; Bryant Pharmaceutical Corp., 70 MacQuesten Parkway, South, Mount Vernon, N.Y. 10550 (NDA 60–328).

5. Tri-Salve Ointment containing polymyxin B sulfate, neomycin sulfate, bacitracin, and benzocaine; Rexall Drug Co., 3901 North Kingshighway Boulevard, St. Louis, Mo. 63115 (NDA 60–323).

6. Antibiotic Ointment containing zinc bacitracin, neomycin sulfate, polymyxin B, and benzalkonium chloride; Strong Cobb Arner, Inc., 11700 Shaker Boulevard, Cleveland, Ohio 44120 (NDA 60–794).

7. Antibiotic Ointment containing zinc bacitracin, neomycin sulfate, polymyxin B sulfate, benzocaine, and benzalkonium chloride; Strong Cobb Arner, Inc. (NDA 60–620).

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Panel on Drugs Used in Dermatology, evaluated the preparations as possibly effective for all of their labeled indications. The labeling of these products, with the exception of Bacimycin Ointment, recommended their use in one or both of the following indications:

1. For the prevention of infection in minor cuts, burns, and abrasions (and insect bites).

2. As an aid to healing.

Additional indications and specific comments of the Panel are listed later in this announcement.

The Panel made the following General Comment about these preparations:

The labeling should clearly indicate that neomycin is a cutaneous sensitizer and that allergic cross-reactions may occur which could prevent the use of any or all of the following antibiotics for the treatment of future infections: Kanamycin, paromomycin, streptomycin, and possibly gentamicin. Furthermore, the wide usage of topical neomycin has resulted in the emergence of bacterial strains resistant to neomycin, kanamycin, paromomycin, and streptomycin.

The following comments were made for all of the preparations having an indication for use in the prevention of infection in minor cuts, burns, and abrasions:

The Panel believes that there is not adequate evidence to support the prophylactic usefulness of topical antimicrobial agents in these conditions especially in view of their sensitization potential. Most minor skin injuries generally do not require antibiotic therapy because they are usually self-limited.

The following comments were made by the Panel for all of the preparations having an indication for use as an aid in healing:

There is no evidence that the use of this product speeds healing.

Additionally, the Panel made the following recommendation for some of the products:

This claim should either be documented or deleted from the labeling.

The Panel included the following general comments about neomycin:

INTRODUCTION

Neomycin is a broad spectrum systemic and topical aminoglycoside antibiotic. The drug was uniformly staphylocidal until about 1959, when the first resistant strains of staphylococci were reported. Topical neomycin preparations, the subject of this review, are available commercially as solutions, sprays, creams, and ointments. While mainly used as medication for skin, eye, ear, and nose conditions, they also are found in cosmetics (deodorants) and have been incorporated into soaps.

Neomycin for topical use is sold as the sole active ingredient or in combination with steroids, other antibiotics, coal tar, and antihidrotics. It is the purpose of this review to provide the evidence available for judging the effectiveness of these topical preparations. Its efficacy will be compared with its complications. The literature of 1952–67 has been reviewed with the aim of seeking out and sorting out clinically useful and reliable controlled data. Needless to emphasize, the fact that good double-blind, controlled clinical studies are difficult to accomplish is reflected by the paucity of such reports. In this light the reader may evaluate the therapeutic usefulness of the product.

EFFICACY OF TOPICAL NEOMYCIN PREPARATIONS

A. *Neomycin and neomycin-antibiotic combinations.* Statements on the labels of neomycin and its antibiotic combinations vary from "bland, nonirritating * * * useful to help prevent infection in minor cuts, burns, and abrasions; as an aid to healing," to "is indicated for topical use in treatment of acute or chronic dermatoses, including the following: Atopic dermatitis, neurodermatitis, contact dermatitis, seborrheic dermatitis, eczematous dermatitis, proctitis, lichen simplex chronicus, nummular eczema, stasis dermatitis, folliculitis, intertrigo, otitis externa, when skin infection exists due to organisms sensitive to neomycin." The importance of pathogenic bacteria in causing many of these entities, however, is not generally accepted.

While many studies substantiate the fact that superficial wounds and infections markedly improve following application of topical neomycin preparations, the literature of 1952–67 was searched and no double-blind, controlled study comparing neomycin ointment or cream to the ointment or cream vehicle alone could be found.

One early attempt at a comparative study was made when of 93 patients with skin infections, chiefly impetigo, three were given the base alone. However, soon after the author noted the three "control" patients were getting worse, he switched their therapy.

However, there is an adequate, double-blind controlled study comparing neomycin-bacitracin-polymyxin and the ointment base on 78 venous cutdown sites left in place an average of 4 days. The 78 sites received daily dressing changes and ointment applications, while 11 other patients received only daily dressing changes. A significant number of colonies grew out in 78 percent of the base ointment treated group, in 18 percent of the antibiotic ointment treated group, and in 67 percent of the untreated group. The most common organism found was Staphylococcus aureus, slightly less frequently Staphylococcus albus and enterococcus. The authors did not test the organisms for antibiotic resistance. On five occasions the infected cutdown site caused septicemia. Three of the septicemic episodes occurred in the ointment base treated group, two in the untreated group, and none in the antibiotic treated group. The effect of neomycin-bacitracin-polymyxin ointment on the rate of wound healing was not mentioned. From this study one can conclude that this combination of topical antibiotics is of "prophylactic" value in the prevention of septicemia when intravenous cutdowns are left in place 4 days or more.

Another adequate comparison study, based on O'Brien's hypothesis that staphylococci are associated with miliaria rubra, concluded that neomycin lotion did not clear the lesions of miliaria rubra significantly faster than the lotion vehicle used alone. The author stated that both groups improved subjectively in 48 hours. However, later another author tried the same clinical study in 43 patients with miliaria rubra. The patients were treated with 0.5 percent neomycin lotion or a placebo lotion base in a double-blind manner. The author states that there was relief in all cases, but that the placebo group showed only slight improvement. The data presently available do not warrant the use of neomycin lotion as a cure for miliaria.

Experiments are recorded in which bacterially contaminated, infected skin excisions were treated with topical neomycin. Such experimental conditions are much more drastic than common minor cuts, bruises, or burns, which do not all become contaminated or infected if left untreated. No controlled double-blind study that proved neomycin to be "an aid to healing" or of value "to help prevent infection in minor cuts, burns, and abrasions" could be found. Comparison studies of experimental infections show that guinea pig wounds contaminated with feces and treated by irrigation and/or scrubbing responded bacteriologically (i.e., wound asepsis) far better to 1 percent neomycin than to sulfamyalon or saline. In another study, contaminated operative wounds became sterile in 27 percent of cases following a single saline irrigation and in 73 percent following a similar 0.5 percent neomycin irrigation, while sterile operative wounds became

contaminated in 41 percent of cases irrigated with saline and 17 percent irrigated with neomycin. In a bacteriologically and therapeutically controlled study, heavy doses of type 80/81 staphylococci were placed into incisional wounds of guinea pigs. Scrubbing and/or irrigation with saline 1 hour later prevented none of them from becoming infected. Scrubbing with pHisohex and irrigation with 0.5 percent neomycin prevented infection in 40 percent of animals. Neomycin scrubbing and irrigation alone prevented infection in 60 percent. These foremen-tioned "incision" studies prove that neomycin has a detrimental effect on bacteria, but they do not prove that neomycin significantly furthers wound healing.

While the above studies show that topical neomycin is better than saline for ridding wounds of bacteria, note that in all studies some lesions remained contaminated, indicating that the topically administered drug is not a final answer to the problem of sterilizing contaminated wounds. Similar results were obtained in an effort to reduce nasal carrier rates among hospital patients. By applying neomycin-bacitracin ointment twice daily, about 50 percent of noses were still contaminated with Staphylococcus aureus after 3 to 4 months of application.

In a current publication dealing with the indication for topical antibacterial agents, the Medical Letter concludes "Minor skin infections, which are usually self-limited, do not require—nor are they likely to benefit from—the use of topical antimicrobial preparations; serious or extensive infections are likely to require systemic therapy. When the judgment is made that a topical preparation is needed, neomycin should be used only with awareness of its sensitizing properties; because of its sensitizing potential, other topical agents may be preferable."

B. *Neomycin and steroids.* The addition of steroids to the physician's topical armamentarium has been one of the major advances in the therapy of inflammation in the past 20 years. Adding neomycin to topical steroid preparations resulted in an effusion of optimistic testimonials for its use in eye, ear, and skin inflammatory disorders.

Controlled studies of the effectiveness of neomycin in steroid preparations on the skin are available but their adequacy varies. The first such study was accomplished when 20 patients who had "infected dermatoses" and had been treated with 2.5 percent hydrocortisone ointment had 0.5 percent neomycin added to the 2.5 percent hydrocortisone ointment on one side. In 14 of the 20 patients, the antibiotic treated side improved "more rapidly" by adding neomycin. The design of this study, however, was not optimal for showing the value of adding antibiotics to steroids. Furthermore, the authors treated 65 uninfected dermatoses in a single-blind manner by adding paraben, an antifungal, to the neomycin and the hydrocortisone. Essentially none showed improvement by adding the neomycin to the steroid except two patients with otitis externa.

Loewenthal reported a paired comparison study of hydrocortisone and hydrocortisone-neomycin creams in 38 patients. He noted that in three patients the response of the combination treated area was greatly superior whereas two of the plain hydrocortisone treated areas were greatly superior; in 33 patients there was slight or no difference.

In a statistically elegant double-blind sequential study, Polano compared 0.5 percent neomycin containing prednisolone in petrolatum to 0.5 percent prednisolone ointment alone in 14 patients with atopic dermatitis. He limited the number of applications of the medication to six, and in his small series of 14 patients he also sequentially compared petrolatum and 1 percent hydrocortisone in petrolatum. The antibiotic containing steroid was used first in five cases while prednisolone was used first in only three cases. One might conclude that his excellent results with neomycin containing steroids occurred because more of these patients had not received previous therapy. He makes no statistical provision for this. His conclusion that adding neomycin to steroids gives significantly better results rests on a tenuous study of few patients, with few applications of the medicines, applied in a biased sequence.

Two controlled studies comparing methyl-prednisolone cream and neomycin containing methyl-prednisolone cream are summarized in Table 1.

TABLE 1.

COMPARATIVE STUDY OF NEOMYCIN-PREDNISOLONE AND PREDNISOLONE CREAMS IN ACUTE AND CHRONIC DERMATOSES

	Kostant (120 patients)		Fixler (60 patients)
	Excellent	Excellent and good	Good
	Percent	*Percent*	*Percent*
Methyl-prednisolone cream	60	98	88
Methyl-prednisolone cream plus 0.5 percent neomycin	54	92	93

The first study involved 120 patients and the second 60 patients with various acute and chronic dermatoses. These studies failed to show that neomycin added to steroids is of value and throws doubt on uncontrolled earlier optimistic reports of the value of adding neomycin to topical steroids. The earlier reports cannot be considered valid by today's methods of pharmaceutical testing.

The reports of a favorable response of infected dermatoses to topical neomycin steroid combinations can be explained by the very clear data which demonstrate that infected dermatoses clear with a plain steroid cream alone. In contrast to systemic steroids, topical application heals cutaneous bacterial infections and apparently there is no significant evidence that neomycin adds to the beneficial effect. Undoubtedly some of Loewenthal's, Kostant's, and Fixler's patients treated with plain steroid cream had some infection in their skin but there is no evidence that the plain steroid has anything but a beneficial effect on superficial cutaneous bacterial infections.

The place of neomycin in topical steroid therapy is succinctly summarized by two authors.

> Because of the erroneous impression that it (neomycin) rarely produces sensitization, a deplorable habit has been developed to use neomycin in combination with something else, when an antibacterial agent is really not needed at all.
>
> It is a mistake to use topical corticosteroid preparations containing neomycin. If cutaneous infection is present, use the appropriate antibiotic, usually systemically, and then topical corticosteroids after infection has cleared. It is unwise to take the chance of negating the effect of this excellent therapeutic agent (topical steroid) by adding neomycin.

C. *Neomycin and coal tar.* There are no adequate studies proving that neomycin adds to the effectiveness of coal tar.

D. *Neomycin in cosmetics: deodorants.* The use of cosmetics containing neomycin must be viewed from the complications which can arise via the use of neomycin (see section, "Complications").

The prolonged use of neomycin deodorants necessitates a continuing evaluation for many years. In an 18-month study, the longest reported thus far, seven of 62 patients developed "irritation" using the deodorant ad lib. The authors claim none of the reactions was caused by neomycin. Shehadeh tested 60 patients for 4 months using a 0.175 percent neomycin-containing deodorant without noting side-effects. Kligman concluded after his maximization tests that neomycin could be sold safely over the counter as a deodorant in concentrations of less than 0.2 percent but one can purchase deodorant containing twice this concentration. Of Epstein's 38 reported cases of neomycin sensitivity, two apparently resulted from the use of neomycin-containing deodorants.

The Committee on Cutaneous Health and Cosmetics of the American Medical Association summarized the use of the inclusion of antibiotics for nontherapeutic purposes in 1959 and reviewed and approved their report in 1967.

"Insofar as we know, there is also no evidence that constant degerming of the skin (except to reduce axillary odors), such as would presumably occur with the widespread use of antibiotics in cosmetics, is necessarily always or even frequently desirable. Evidence has already been presented to show that the widespread topical use of neomycin may increase the number of patients who develop moniliasis as a complication of their therapy. Those who would include such antibiotics as bacitracin, tyrothricin, neomycin, and polymyxin in cosmetics should be prepared to show that their widespread use would not result in an increased incidence of infections due to microorganisms that are resistant to these agents. Except for the deodorant action of such agents in reducing axillary odors, their incorporation in cosmetics has not been proved to

be of specific value, and their widespread use in cosmetics could well represent an increased risk to general public health as well as to certain hypersensitive individuals."

The continued sale of neomycin-containing deodorants should be considered carefully because it may encourage the growth of neomycin-resistant staphylococci and increase the frequency of allergic reactions to neomycin as well as to streptomycin, paromomycin, kanamycin, and possibly gentamycin (see section, "Complications").

Topical Versus Systemic Therapy

While the need of a topical agent that would clear the skin of pathogens and prevent systemic disease is ample, studies showing that this in fact occurs are nonexistent. In a careful double-blind controlled evaluation of systemic compared with topical therpay, oral erythromycin, 250 mgm q.i.d., was compared to the topical administration of neomycin-bacitracin ointment q.i.d. for 6 days after 20-minute warm tap water soaks. All patients received both ointment and capsules, since both placebo ointment and placebo capsules were employed in this study. All patients receiving the antibiotic capsules were clinically cured in less than 4 days, while 81.6 percent of the topical antibiotic treated group were cured. A single urinalysis of each patient revealed no protein. Follow-up studies for glomerulonephritis and for residual bacteria in the wounds were not done.

A more recent study in which 62 children with pyoderma were alternately selected for similar therapy but without employing the double-blind technic gave similar results. Also, this study was bacteriologically more complete, showing that after a week of systemic therapy 95.5 percent of lesions were free of bacteria while only 68.8 percent of the lesions of the topically treated group were sterile; after 30 days the figures were 100 percent and 93.3 percent respectively. Four patients had transient hematuria, one developed acute glomerulonephritis—ALL were from the topically treated group. Streptococci were cultured from 29 percent of the group. In conclusion, the systemic administration of antibiotics eradicates pathogenic organisms and skin lesions more effectively than topical therapy.

Complications

A. *Glomerulonephritis.* The need for a more potent streptococcidal drug combined with neomycin results from the frequency of streptococci associated with pyoderma and the resultant complications, such as acute glomerulonephritis. Many streptococci are of course resistant to neomycin. The association of acute glomerulonephritis and antecedent skin streptococcal infection has been known and studied since 1912. The observations that: (1) The latent period varies from 2 to 6 weeks and is often very difficult to determine, and (2) there is no correlation between the severity of the impetigo and the character of the nephritis still hold some 50 years later.

Pyoderma related nephritis differs from pharyngitis related nephritis in that the latent period of onset of nephritis occasionally is longer and the peak age incidence often is lower in nephritis caused by pyoderma. Another author states there are no clinical or laboratory characteristics to differentiate nephritis preceded by skin infections from nephritis preceded by respiratory infections. The apparent lack of relationship between streptococcal pyoderma and acute rheumatic fever is one of the puzzling aspects of the epidemiology of rheumatic fever.

Table 2 (from Dillon)

Early report—skin infection and acute glomerulonephritis—from Futcher

Author	Year and location	Total cases	Cases following skin infection (percent)	Type of skin infection
Kaumheimer	1912—Germany	223	9.4	Impetigo.
Volhard	1914—Germany	204	11.0	"Miscellaneous" Erysipelas.
Hill	1919—U.S.A.	75	5.0	Impetigo.
Osman	1925—England	235	4.7	"Wounds".
Southby	1926—Australia	103	17.0	Impetigo.
			20.0	"Wounds".
Addis	1931—U.S.A.			
Lichtewitz	1934—Germany	167	17.0	"Miscellaneous".
Sutton	1934—U.S.A.	18	28.0	Impetigo.
Futcher	1940—U.S.A.	153	7.2	Wounds, Impetigo, and Erysipelas.

Table 3

(from Dillon)

Skin infection and acute glomerulonephritis since 1940

Author	Year and location in U.S.A.	Total cases	Cases following skin infection	Type of skin infection
			Percent	
McCullough	1951—Alabama	124	33	Impetigo.
Callaway	1951—North Carolina	73	51	Do.
Kleinman	1954—Minnesota	63	66	Pyoderma.
Blumberg	1962—Georgia	94	68	Impetigo.
Dillon	1966—Alabama	85	85	Impetigo, Eczema.

Table 2 shows that from 1912–40 skin infection was incriminated as the cause of 5 to 28 percent of cases of acute glomerulonephritis. Since 1940, the reported incidence is 33 to 85 percent, as seen in Table 3.

Most recent reports come from southern clinics where skin infections in children have always been more common. The geography and the longer latent period may explain why texts written by authors from colder climates do not adequately emphasize skin infection as a predisposing factor in acute glomerulonephritis. The incidence of acute glomerulonephritis has also been shown to vary from year to year in various countries.

In a series of 85 patients, Dillon never saw acute glomerulonephritis following a pure staphylococcal infection, nor has such a case been documented.

There is a relationship between the site of infection and the serotype of streptococcus as well as a relationship between type and nephritogenic potential of the streptococcus. The T type 12 is the most common type of nephritogenic strain but types 3, 6, 14, 24, and 49 have also caused acute glomerulonephritis. Recently improved serotyping using M-antisera has shown that type 49M streptococci appear to be the most widespread cause of acute glomerulonephritis associated with pyoderma.

Upper respiratory infections and nasal "seeding" as a cause of or associated with skin infection has been denied statistically and clinically by the careful observations of Dillon and Anthony. Their studies do not support the relationship that nasal or throat infections precede pyoderma. More often they found the skin contaminated the nose, as shown by the inability to find many nasal streptococcal colonies of the type cultured copiously from the infected skin. That is to say, nasal colonization is secondary to the skin infections, and a history of an antecedent upper respiratory infection is "quite uncommon" in pyodermas.

In studying 305 children's skin infections and finding evidence of a streptococcal cause in 48 percent, Markowitz concluded that streptococci were present most often in the earliest lesions and staphylococci appeared later, implying that the earlier the pyodermas are cultured the higher will be the yield of streptococci. Another author increased the yield of streptococci (82 percent) in 270 children by using special precautions to offset the tendency of Staphylococcus aureus to overgrow and conceal hemolytic streptococcal colonies. They used a selective media (1:1,000,000 crystal violet) and with a hand lens and colony microscope carefully examined each plate before subculturing the streptococcal colonies.

TABLE 4

SKIN INFECTION: EVIDENCE OF STREPTOCOCCAL ETIOLOGY AND RELATIONSHIP TO ACUTE GLOMERULONEPHRITIS

Skin Infection	100 cases Shuler	303 cases Markowitz	89 cases Burnett
% pts. with Staph. on skin	49%	34.0% (104)	19.0% (17)
% pts. with Strep. on skin	26%	16.0% (50)	21.0% (19)
% pts. with Mixed on Skin	24%	6.0% (18)	39.0% (35)
Pos. Strep. throat culture-Staph. on skin only	8%	3.0% (8)	
Pos. Strep. throat culture-Strep. on skin only	13%	6.0% (18)	
Pos. Strep. throat culture-mixed on skin only	14%		
Elev. ASO with negative skin culture	9%	25.0% (76)	16.0% (14)
Elev. ASO overall	39%	33.0% (101)	28.0% (24)
Hematuria Strep. cult.-skin or throat pos	4%	5.0% (15)	
Hematuria-neg. Strep. culture	9%	2.0% (7)	
Nephritis	3%	1.9% (6)	4.8% (2/42)
Strep. (Bacti. or serologically)	67%	48.0% (144)	83.0% (75)

From Table 4 it can be seen that nephritis occurs secondary to pyodermas roughly from 2 to 5 percent. The incidence perhaps would be higher in the last column if only children were surveyed, as it has been shown that acute glomerulonephritis following pyodermas is more common in children than in adults. Although it is more common in children than in adults, it may occur in adults of every age. Also in the last column, the incidence could be higher if more than just a single urinalysis had been performed to rule out acute glomerulonephritis; in one series, two of five cases would have been missed if no urinalysis had been performed. It is to be noted that the surveys in Table 4 come from areas where there were no endemics of acute glomerulonephritis. Therefore these figures reflect the true incidence of postpyodermal acute glomerulonephritis in nonendemic areas when the disease is looked for in children. This is especially true in Shuler's series, since he prospectively studied 100 children with pyoderma, repeatedly looking for laboratory evidence of acute glomerulonephritis, and found it in 3 percent of the skin infected youngsters.

In children, acute glomerulonephritis evolved into chronic renal disease in 1 percent of 600 cases followed for an unstated period of time. None of the surviving 61 children of the Redlake epidemic had anatomical, clinical, or laboratory evidence of renal sequelae 10 years after their disease, even though they had recurrent streptococcal infections, and other children of the area had acute glomerulonephritis in the interim. These overall optimistic reports do not negate the fact that some children (less than 10 percent) die during the initial phase of the disease. In 35 adults followed an average of 19 months, 35 percent had persistent and morphologic evidence of chronic renal disease after their first episode of acute glomerulonephritis. It is estimated that 20 to 50 percent of adults either succumb to the initial disease or go on to develop chronic renal disease.

One can roughly summarize the association between skin infection and glomerulonephritis by stating that streptococci are found in 20 to 80 percent of pyodermas. About 2 to 5 percent of young patients with pyodermas, if carefully screened, will show evidence of acute glomerulonephritis, 33 to 85 percent of cases occurred following skin infections.

B. *Allergic sensitivity.* Many of the original reports about topical neomycin concluded that sensitization rarely occurs. Examples of low incidence were 1 per 869, 0 per 264, 0 per 90, 0 per 93. In 1966, Kligman classified neomycin as a low-grade sensitizer via his maximization test (no reaction in 25 patients with 1 percent neomycin). In 1967, Fisher's text "Contact Dermatitis", however, classifies neomycin as a potent sensitizer, similar to topical furacin, penicillin, and antihistamines, and states it should be avoided or used with great caution.

Other studies, particularly the more recent ones, show an increased incidence of allergic skin reactions to topical neomycin. Shelley stated that 3 of 400 patients who used neomycin as a deodorant for a year became allergic to it. In 1962, the Finset Institute reported that neomycin sensitivity was more common than chrome and formaldehyde allergy. They note progressively more cases occurring since 1952. The increasing incidence of neomycin sensitivity in recent years is shown in Table 5 and Table 6.

TABLE 5

NEW CASES OF NEOMYCIN SENSITIVITY IN HELSINKI BY PIRILA

Year	Number of patients sensitized	Percent of patients sensitized	(Patients) total tested
1956	4	0.1	3,650
1957	45	1.0	4,470
1958	78	1.6	5,000
1959	144	2.8	5,200
1960	161	2.9	5,500
1961	222	3.8	5,800

TABLE 6

NEW CASES IN COPENHAGEN (FINSEN INSTITUTE) BY HJORTH

1961	27	2.2	1,210
1962	44	2.7	1,676
1963	103	6.3	1,641
1964	155	10.1	1,538

E. Epstein points out that since 1962 neomycin has been the most frequent single sensitizer in his dermatologic practice in the United States, occurring five times more often than the next most common agent. In a study of 120 neomycin sensitive patients, 75 percent in a prospective study and 50 percent in retrospect were found to be atopic by personal history and intradermal protein tests. In another study of 122 patients with varicose eczema the incidence of sensitivity amounted to 26 percent of all cases referred, and neomycin was by far the most common sensitizer of the 30 different common offenders tested. This has been observed by others who also noted neomycin sensitivity when applied to blepharitis and otitis externa. Neomycin sensitivity was found to be one of the major causes of otitis externa, refractory to therapy. Twelve reported cases of therapy refractory otitis externa were proved to be cases of neomycin sensitivity. One case of an anaphylactoid reaction, apparently attributable to neomycin has also been reported.

Why the increased incidence of neomycin allergic reactions in recent years? (1) Increased use of a drug allows increased opportunity for sensitization. The impression of early workers that neomycin "rarely sensitizes" allowed the agent to become a "most common sensitizer" while other potent sensitizers such as penicillin ointment have been virtually abandoned. (2) Increased awareness that neomycin skin reactions lack the "typical" acute flareup brought out many of those cases previously only thought to be chronic dermatitis. With neomycin sensitization there is a stubborn, chronic dermatitis, often morphologically unlike other forms of contact dermatitis, resulting in an undiagnosed recalcitrant eruption. Steroids add to the cryptic nature of the sensitization. (3) Before 1958, routine patch testing of normal skin did not reflect the true incidence of allergic reactions, as many false negatives occurred. Since then, more concentrated material on patches as well as intradermal testing, have helped reveal the true incidence of neomycin sensitivity as seen in a study of S. Epstein in which 13 percent of 62 patients with neomycin sensitivity were positive to 0.5 percent in petrolatum topically; 53 percent of 89 were positive to 10 percent aqueous topically; and 100 percent of 89 were positive to 1 percent intradermally.

Another important source of false negative results in neomycin skin testing derives from the curious delay before a positive reaction occurs. This unusual phenomenon still awaits an explanation and has been confirmed by Hjorth who observed patch test sites at 48 hours, 96 hours, 144 hours, and 7 days. One hundred and thirty-nine of 1,538 patients (9 percent) showed positive reactions to 20 percent neomycin in Vaseline. Data were presented showing that only 15 percent of patients had developed positive patch tests within the first 48 hours; 50 percent by 96 hours; and 73 percent by 144 hours. The remainder developed positive tests up to 7 days after application of patches. Similar, though less striking results were seen in intradermal tests; 40 percent were positive within 48 hours.

A more clandestine, less heralded side-effect of neomycin that could preclude the use of life-saving antibiotics is that

neomycin sensitization causes occasional cross-sensitization and cross-resistance to streptomycin and, more often, to kanamycin and paromomycin (Humatin), even though no contact with these drugs has occurred. Thereby sometimes the use of three other agents is ruled out when neomycin sensitivity occurs. A preliminary report suggests that similar cross-sensitization and resistance may be emerging to gentamicin. In this report, patients sensitive to neomycin showed cross-sensitivity almost always to paromomycin, 60 percent to kanomycin, and over 10 percent to gentamicin, though the latter three drugs are seldom used in the country in which the testing was performed. This is in conformity with close chemical relationship which exists with these four antibiotics, all of which contain a deoxystreptamine (1,3-diamino - 4,5,6-trihydroxycyclohexane) ring.

C. *Bacterial sensitivity.* Since 1960 reports of hospital neomycin-resistant staphylococcus strains have appeared in America, England, and Australia. In vitro, the organisms become resistant when exposed to sublethal concentrations of the antibiotic. By 1963, reports of neomycin-resistant strains of Staphylococcus aureus were reported in outpatients in Poland; in 1964, similar reports appeared for the first time from England when 127 of 1337 strains showed resistance; three of the cultures came from out-patients who had no previous contact with the hospital.

The first report of neomycin resistant strains in outpatients in the United States appeared in June 1967, when 32 of 442 Staphylococcus aureus strains isolated from children with pyoderma were neomycin resistant. These strains also were resistant to penicillin and kanamycin. The population surveyed came from the Red Lake, Minn., Indian reservation area, where a decade ago hemolytic streptococci type 49 glomerulonephritis occurred in epidemic proportions, so that in the interim this population has been closely scrutinized and treated by health authorities. Therefore, increased use of topical and systemic antibiotics may have played a role as a selective inducer of neomycin resistant strains of staphylococci. This was corroborated by the information available that about 50 percent of the children had received penicillin in the past year and a similar proportion had received topical antibiotics, including neomycin, suggesting a relationship to the resistance produced.

Other information concerning resistance comes from a study of burned patients treated with neomycin. The neomycin-treated patients had a higher incidence of colonization with neomycin-resistant Staphylococcus aureus than control burned patients. Gocke found Staphylococcus aureus originally sensitive to neomycin 25 μg./cc. became resistant to 800 μg./cc. after 40 subcultures. Quie never found resistant Staphylococcus aureus until 1959, after which 20 percent of 1248 cultures were neomycin resistant. That this incidence is still with us was shown in a general hospital in 1966, when 25 percent of 300 strains of staphylococci isolated from infected patients were resistant to neomycin.

The effect of emerging strains of neomycin-resistant staphylococcus and the indiscriminate use of the drug were summarized editorially in the 1965 Lancet: "* * * it is doubtful that antibiotics can be relied upon indefinitely to provide a shortcut to the control of endemic staphylococcal infection. Indeed, the more intensively antibiotics are used for treatment of established infections, or for temporary suppression of body flora during extensive surgical operations, the greater will be the need to provide effective isolation. Antibiotics should be regarded no longer as a poor man's substitute for energetic measures * * *"

In the early reports of the drug there was a study claiming candidiasis as a significant side-effect from the administration of neomycin. However, this complication has appeared in the literature so seldom since then that it cannot be considered significant.

Conclusions

The continued use of neomycin ointment should be reviewed in light of the following:

(1) A double-blind study comparing neomycin to its vehicle has not been reported.

(2) Adding neomycin to steroid topical preparations does not enhance their effectiveness.

(3) Adding neomycin to deodorants incurs many risks and probably should be prohibited.

(4) Topical neomycin and its antibiotic combinations are not as effective as systemic antibiotics in ridding wounds of bacteria or effecting wound healing.

(5) Pyodermas are infected with streptococci in roughly 20 to 80 percent of reported cases, and as a result about 2 to 5 percent of young patients with pyoderma will show evidence of glomerulonephritis.

(6) The systemic administration of antibiotics is the treatment of choice for pyoderma.

(7) In the last 5 years better testing and observing have shown neomycin to be one of the most frequent sensitizers in dermatologic practice.

(8) Staphylococcal resistance to neomycin is becoming more common in both hospitalized and outpatients.

(9) Bacterial and allergic cross-reactions occur to kanomycin, paromomycin, streptomycin, and possibly to gentamicin, sometimes invalidating the use of four other antibiotics when neomycin side-effects occur.

The products with additional indications or comments are as follows:

A. Preparations Containing Neomycin Sulfate

These preparations had one or both of the above-listed indications and no additional comment.

B. Preparations Containing Bacitracin and Neomycin Sulfate

With the exception of "Bacimycin Ointment" no additional indications or comments were made.

1. "Bacimycin Ointment;" Merrell-National Laboratories.

Indication: For use against most gram-negative and gram-positive bacteria caused skin infection, including Pseudomonas, and particularly in pyogenic infections such as impetigo, secondarily infected dermatoses and insect bites.

Comments: The Panel believes that if pyodermas need antimicrobial therapy they are best treated by the appropriate systemic antibiotic. They are concerned about the incidence of nephritogenic streptococci in these conditions.

The addition of neomycin to this combination exposes the patient to possible sensitivity reactions.

The company should document the therapeutic usefulness of this preparation for these conditions.

C. Preparations Containing Bacitracin or Zinc Bacitracin, Neomycin Sulfate, and Polymyxin B Sulfate

1. "Neosporin Ointment;" Burroughs Wellcome Co.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

2. "Triple Antibiotic Ointment;" Kasco Laboratories, Inc.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

3. "Trimixin Ointment;" Hance Brothers & White Co.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

4. "Triple Antibiotic Ointment;" Biocraft Laboratories, Inc.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

5. "3-Antibiotic Ointment;" Day-Baldwin, Inc.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

6. "Mycitracin Ointment;" The Upjohn Co.

No additional comments or indications.

7. "Polymyxin, Neomycin, Bacitracin Ointment;" Rexall Drug Co.

No additional comments or indications.

8. "Neo-Polycin Ointment;" The Dow Chemical Co.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

9. "Triple Antibiotic Ointment;" The Norwich Pharmacal Co.

No additional comments or indications.

10. "Bacitracin-Neomycin-Polymyxin B Ointment;" Ketchum Laboratories, Inc.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

D. MISCELLANEOUS COMBINATION PRODUCTS

1. "Spectrocin Ointment" containing neomycin sulfate and gramicidin.

No additional comments or indications.

2. "Spectrocaine Ointment" containing neomycin sulfate, gramicidin, and diperodon hydrochloride.

Indication: For the temporary relief of discomfort in cuts, scrapes, scratches, minor burns, poison ivy, nonpoisonous insect bites.

Comments: There is no adequate evidence that diperodon hydrochloride is an effective agent in "the temporary relief of discomfort" in these minor skin traumas.

3. "Tricidin Ointment" containing gramicidin, polymyxin B sulfate, neomycin sulfate, and benzocaine.

Comments: Because benzocaine is a known cutaneous sensitizer, the Panel questions its routine use in minor skin trauma.

4. "Tetrabiotic Ointment" containing polymyxin B sulfate, neomycin sulfate, gramicidin, and benzocaine.

Comments: Because benzocaine is a known cutaneous sensitizer, the Panel questions its routine use in minor skin trauma.

5. "Tri-Salve Ointment" containing polymyxin B sulfate, neomycin sulfate, bacitracin, and benzocaine.

Comments: Because benzocaine is a known cutaneous sensitizer, the Panel questions its routine use in minor skin trauma.

6. "Antibiotic Ointment" containing zinc bacitracin, neomycin sulfate, polymyxin B, and benzalkonium chloride; Strong Cobb Arner, Inc.

Comments: The lower limit of effective concentration for bacitracin is 500 u/g, and therefore the concentration in this preparation is suboptimal.

Indication: For the treatment of primary or secondary pyodermas.

Comments: The Panel believes that if pyodermas need antimicrobial therapy they are best treated by the appropriate systemic antibiotic. They are concerned about the incidence of nephritogenic streptococci in these conditions.

The company should document the therapeutic usefulness of this preparation for these conditions.

7. "Antibiotic Ointment" containing zinc bacitracin, polymyxin B sulfate, neomycin sulfate, benzocaine, and benzalkonium chloride; Strong Cobb Arner, Inc.

Comments: Because benzocaine is a known cutaneous sensitizer, the Panel questions its routine use in minor skin trauma.

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 9169, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 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, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 13, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9836 Filed 6-28-72;8:50 am]

PACIFIC COAST PRODUCERS

Canned Apricots Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Pacific Coast Producers, 1350 Duane Avenue, Santa Clara, Calif. 95054. This permit covers limited interstate marketing tests of canned apricots that deviate from the identity standard prescribed in § 27.10 (21 CFR 27.10) in that the food will be packed in a medium of clear juice of white grapes. The liquid medium will be made from grape juice concentrate and reconstituted to equivalent single strength grape juice.

The principal display panel of the label on each container will bear the statement "packed in clear juice of white grapes from concentrate."

This permit expires either 12 months from the date of signature of this document or when an amendment to § 27.10 permitting the use of such packing medium becomes effective, whichever is sooner.

Dated: June 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-9837 Filed 6-28-72;8:50 am]

Public Health Service

NATIONAL INSTITUTES OF HEALTH

Notice of Initiation of Medical Scientist Fellowship Program (MSFP)

Pursant to section 301(c) of the PHS Act, the Director, National Institutes of Health, announces a new special program called the Medical Scientist Fellowship Program (MSFP) to be administered by the National Institute of General Medical Sciences.

Such fellowships will be awarded to support highly qualified persons seeking integrated medical and graduate training. These fellowships complement the NIGMS Medical Scientist Training Program which offers special institutional grants to train highly motivated persons of outstanding research and academic potential. The MSFP effort will permit the NIGMS to draw upon the capabilities of a wider range of institutions in training such medical scientists.

Eligibility for MSFP support is limited to medical schools without NIGMS Medical Scientist Training Programs. Each institution may sponsor no more than two MSFP fellowship applicants per calendar year and institutions are expected to only nominate persons of the highest merit and promise.

Each candiate is expected to have two sponsors. The institutional sponsor should help to plan and work out the integration of the candidate's graduate and medical programs throughout the several phases of his or her education. The graduate sponsor should be the person most closely responsible for the candidate's progress toward the Ph. D. degree.

A carefully planned program should be presented jointly by the applicant and the institutional sponsor. The proposal should show how the Fellow will receive training in the areas of science and medicine required to meet his or her research and academic career goals.

Applicants initially may request up to 3 years' support. Support may be renewed for additional years after reapplication, formal review, and approval, but total support may not exceed 6 years. Stipends range from $2,400 for the first year to $5,000 for the fifth and sixth years.

Effective July 1, 1972, application kits and instructions will be available from the Medical Scientist Fellowships Program, National Institute of General Medical Sciences, 904 Westwood Building, Bethesda, Md. 20014, % Leo von Euler, M.D. Phone: 301-496-7563.

Dated: June 22, 1972.

ROBERT Q. MARSTON, M.D.,
Director.

[FR Doc. 72-9842 Filed 6-28-72;8:51 am]

Notice of Initiation of Minority Access to Research Careers (MARC) Program

Pursuant to the authority of sections 301(c) and 301(d) of the PHS Act, the Director, National Institutes of Health, announces the initiation of a new special Fellowships program called the Minority Access to Research Careers (MARC) Program to be administered by the National Institute of General Medical Sciences.

The NIGMS program will further opportunities for advanced research training and teaching experience for selected

faculty members of 4-year colleges, universities, and health professional schools within the United States and its territories in which student enrollments are drawn mainly from ethnic minority groups (such as blacks, American Indians, Spanish surnames, and Asian Americans). These institutions will nominate faculty members to apply for MARC Fellowships and encourage the Fellows to return to do research and teaching so as to inspire additional black and other minority students to prepare for professional careers in the biomedical sciences and medicine.

Visiting Scientist Fellowship funds also will be made available on a competitive basis to assist these institutions in bringing outstanding scientist-teachers to their campuses to aid in the development of research activities and to teach in fields basic to medicine. The primary intent is to strengthen research and teaching programs in the biomedical sciences for the benefit of students and faculty in these institutions by drawing upon the special talents of scientists from other institutions. Reciprocal benefits should also accrue to the MARC awardee through the added experience to be gained by involvement in innovative science education and development programs.

Stipends for MARC Faculty Fellows are determined on an individual basis at the time of the award. Depending upon individual needs, applicants may request support for periods normally ranging from 6 months to 2 years, or where applicable a maximum of 3 years for completion of the Ph. D. degree.

Stipends for MARC Visiting Scientists are also determined individually—taking into account any expected concurrent sabbatical salary or other possible sources of stipend support for the proposed period in residence. These awards normally range from one academic quarter to a maximum of 1 year.

Effective immediately, application kits and instructions will be available from the Minority Access to Research Careers Program, National Institute of General Medical Sciences, 903 Westwood Building, Bethesda, MD 20014, c/o C. A. Miller, Ph. D. Phone: 301–496–7021.

Dated: June 22, 1972.

ROBERT Q. MARSTON, M.D.
Director.

[FR Doc.72-9841 Filed 6-28-72;8:51 am]

Office of the Secretary

COMMITTEE MANAGEMENT

Notice of Determination

The Department of Health, Education, and Welfare utilizes advice and recommendations of advisory committees in carrying out many of its functions and activities.

On June 5, 1972, the President issued Executive Order 11671 governing the formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 13 of the order specifies that department and agency heads shall make adequate provision for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure.

In administering the Freedom of Information Act, the Department's policy is to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy, the Department will open to the public as many advisory committee meetings as possible.

Committees while engaged in the review, discussion, evaluation, and/or ranking of grant applications and contract proposals, or in evaluation of grantee and contractor performance, should not, however, be required to hold open meetings. The Department, grant applicants, and persons submitting contract proposals have long and customarily treated as confidential information submitted in support of grant applications and contract proposals. Information and data are furnished to the Department with assurance they will be treated on a confidential basis and not disclosed to the public. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the applicant's or contractor's staff, proposed budget, and other material which would not otherwise be disclosed.

In addition, to operate most effectively, the grant and contract review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion. If the process were not to continue on a confidential basis, grant applicants and potential contractors would not supply sufficiently detailed information so essential for complete and effective review.

Grant applications, contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act.

In the interest of meeting our obligations of confidentiality of matters submitted as part of grant applications and contract proposals and encouraging candid expression of opinion concerning the merits of grant applications and contract proposals and the evaluation of grantee and contractor performance, so vital to the review process:

It is hereby determined in accordance with the provisions of section 13(d) of the order:

(1) The confidentiality required for grant applications and contract proposals, and evaluations and for the free discussion thereof as outlined herein is analogous to the policies recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and in particular, subsections 552(b) (4) and (5); and

(2) The public interest requires such matters not be disclosed so the Department may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, until September 1, 1972, meetings or portions thereof, of all Department advisory committees devoted to review, discussion, evaluation and/or ranking of grant applications, contract proposals, or performance by grantees and contractors shall not be open to the public.

The Executive Secretary of each such committee shall prepare a summary of any meeting or portion thereof not open to the public within three (3) business days following the conclusion of such meeting. Such summaries shall be consistent with the considerations which justified the closing of the meeting and shall be made available upon request to any member of the public.

All other advisory committee meetings shall be open to the public unless the Secretary or his designee determines otherwise in accordance with Section 13 (d) of the Order.

The Executive Secretary of each committee shall be responsible for publication in the FEDERAL REGISTER or as appropriate in local media, notice of all advisory committee meetings. Such notice shall be published in advance of the meeting and contain:

(1) Name of the committee and its purpose;

(2) Date, time, place, and agenda of the meeting;

(3) A statement that the meeting is open to the public, or, if the meeting or any portion thereof is not to be open to the public, a statement to that effect; and

(4) The name of the person from whom summaries of closed meetings and rosters of committee members may be obtained.

Subject to the availability of space any interested person may attend, as observers, meetings, or portions thereof, of advisory committees which are open to the public.

In the discretion of the Chairman, if a full-time Federal employee, or if the Chairman is not a full-time Federal employee, the Chairman, with the approval of the full-time Federal employee in attendance at the meeting in compliance with the Order, members of the public attending the meeting will be permitted to participate in the committee's discussion.

ELLIOT L. RICHARDSON,
Secretary.

JUNE 24, 1972.

[FR Doc.72-9888 Filed 6-28-72;8:53 am]

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 8 (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, as amended, is hereby amended as follows:

SEC. 8A *Mission:* Delete subsection (4).

SEC. 8B *Organization and Functions:* Delete the title and functional statement for the Division of Biologics Standards (8V).

Dated: June 23, 1972.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-9890 Filed 6-23-72;8:51 am]

PUBLIC HEALTH SERVICE AND FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated February 25, 1970, as amended) is amended to reflect the transfer of the Division of Biologics Standards, National Institutes of Health, to the Food and Drug Administration, and the elevation of the Division to Bureau status.

Section 6A is amended as follows:

SEC. 6-A *Mission.* The mission of the Food and Drug Administration (FDA) is to protect the public health of the Nation as it may be impaired by foods, drugs, biological products, cosmetics, therapeutic devices, hazardous household substances, poisons, pesticides, food additives, flammable fabrics and various other types of consumer products. FDA's regulatory functions are geared to insure that: Foods are safe, pure, and wholesome; drugs and biological products are safe and effective; cosmetics are harmless; therapeutic devices are safe and effective; all of the above are honestly and informatively labeled and packaged; dangerous household products carry adequate warnings for safe use and are properly labeled; counterfeiting of drugs is stopped; and that hazards incident to the use of various types of consumer products are reduced.

Section 6B is amended as follows:

SEC. 6B Organization * * *.

* * * * *

(r) *Bureau of Biologics.* Administers regulation of biological products used in the District of Columbia and in interstate commerce; and prepares biological products for its own use and for use by other Federal and private agencies and organizations engaged in medicine when such products are not available commercially.

In carrying out these functions, cooperates with other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, nongovernmental laboratories, and manufacturers of biologicals.

Dated: June 23, 1972.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-9889 Filed 6-28-72;8:51 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 F.R. 8713, June 4, 1970), is hereby amended with regard to Section 5-B, Organization and Functions, for the purpose of reorganizing the Office of Research and Demonstrations. Section 5-B of the statement is hereby amended as follows:

Office of the Assistant Administrator, Research and Demonstrations, is superseded by the following:

OFFICE OF THE ASSISTANT ADMINISTRATOR, RESEARCH AND DEMONSTRATIONS

Manages the overall R. & D. program of SRS so that it is responsive to program goals and needs. Responsible for the operational aspects of the development and administration of research contracts and intramural activities, domestic and international, research grants-in-aid, and interchange of experts. Suggests new and expanded program goals to meet the needs of SRS-relevant groups based on research findings. Administers the R. & D. program in cooperation with Bureau/Office Chiefs in planning, strategy development, program management, project management and monitoring, program and project evaluation, and research utilization. Provides for the development of policies, regulations and procedures covering these operations throughout SRS. Maintains relationships with SRS-related research organizations and agencies, including international organizations. Cooperates with the Department of State and appropriate American embassies, to insure that international policies and programs are in agreement with U.S. foreign policy. Conducts training programs for nationals of other countries in U.S. methods and techniques in social and rehabilitation services. Evaluates policy statements and program proposals of the U.N., ILO, WHO, and related agencies.

DIVISION OF STUDIES ON REHABILITATION AND EMPLOYABILITY

In cooperation with bureau staffs, develops a program of domestic and international research and demonstrations to solve problems of physical, mental, and cultural disabilities with a general purpose of employment. Responsible for the establishment and monitorship of special centers for research and training in areas of concern to SRS, including the National Center for the Deaf-Blind and Regional Research Institutes in Rehabilitation and in Employability. Participates in the development of policies, regulations, and procedures covering these operations throughout SRS. Develops methods for the evaluation of research findings. Maintains relationships with international and domestic public and private agencies in relevant research areas, and promotes interchange of research scientists and experts between the United States and foreign countries in response to indicated domestic needs. Stimulates research together with Bureau personnel and encourages coordinated research, training and client services to meet relevant program needs.

DIVISION OF STUDIES ON SOCIAL SERVICES AND LIFE SUPPORT

In cooperation with bureau staffs, develops a program of domestic and international research and demonstrations to solve problems of social, cultural, and economic deprivation, including child welfare, services to youth, Medicare, as well as health services to the poor, including Medicaid. Responsible for the establishment and monitorship of Social Welfare Regional Research Institutes and related centers and institutes. Participates in the development of policies, regulations, and procedures covering these operations throughout SRS. Develops methods for the evaluation of research findings. Maintains relationships with international and domestic public and private agencies in relevant research areas, and promotes interchange of research scientists and experts between the United States and foreign countries in response to indicated domestic needs. Stimulates research, together with Bureau personnel, to meet relevant program needs.

DIVISION OF RESEARCH UTILIZATION

Develops a program of research utilization and interpretation of research results under all existing authorities (rehabilitation, aging, child welfare, cooperative research, demonstration grants, international, etc.) to solve problems of physical, mental, social, cultural, and economic deprivation, working closely with bureau personnel. Participates in the development of policies and procedures covering these operations throughout SRS. Together with bureau personnel, stimulates research in the area of research utilization. Maintains an inventory of final project reports in all appropriate areas. Responsible for dissemination of final reports and report interpretation. Coordinates with bureaus to assure incorporation of significant findings into policy and practice.

SPECIAL AGING STAFF

Develops a program of domestic and international research and demonstrations to solve the problems of older persons, working closely with the Administration on Aging and other organizations. Provides for the development of policies, regulations, and procedures covering

these operations throughout SRS. Develops methods for the evaluation of research findings. Maintains relationships with international and domestic public and private agencies in relevant research areas, and promotes interchange of research scientists and experts between the United States and foreign countries in response to indicated domestic needs. Stimulates research together with bureau personnel to meet program needs.

Dated: June 22, 1972.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-9891 Filed 6-28-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-315, 50-316]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating licenses to the Indiana & Michigan Electric Co. and the Indiana & Michigan Power Co. (the colicensees) which would authorize the licensees to possess, use, and operate the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, pressurized water reactors (the facilities), located on the licensees' site in Berrien County, Mich., at steady-state power levels not to exceed 3,250 megawatts (thermal) for each unit in accordance with the provisions of the licenses and the technical specifications appended thereto, upon the submission of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility licenses (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Provisional Construction Permits Nos. CPPR-60 and CPPR-61 issued by the Commission on March 25, 1969. On August 30, 1971, Amendment No. 1 was issued to each construction permit which incorporated the Indiana & Michigan Power Co. as a copermittee of each of the two facilities.

Prior to issuance of any operating license, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permits Nos. CPPR-60 and CPPR-61. In addition, the licenses will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the licensees will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facilities are subject to the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970. Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permits in the captioned proceeding should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of the facility operating licenses. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details pertinent to the matters under consideration, see (1) the application for the facility operating licenses dated December 18, 1967, as amended; (2) the licensees' environmental report dated February 1, 1971; (3) the licensees' supplement to environmental report dated November 8, 1971; and as they become available; (4) the Commission's draft detailed statement of environmental considerations pursuant to 10 CFR Part 50, Appendix D; (5) the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Donald C. Cook facility; (6) the Commission's final detailed statement of environmental considerations pursuant to 10 CFR Part 50, Appendix D; (7) the safety evaluation prepared by the Directorate of Licensing; (8) the proposed facility operating licenses; and (9) the technical specifications which will be attached as Appendix A to the proposed facility operating licenses, all of which documents are or will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the St. Joseph Public Library, 500 Market Street, St. Joseph, MI.

Copies of items (3) to the extent of supply, and (4), (5), (6), (7), and (8) when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 22d day of June 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors Directorate of Licensing.

[FR Doc.72-9813 Filed 6-28-72;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Availability of Final Environmental Statement for the Palisades Plant

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 the "Final Environmental Statement Related to the Operation of Palisades Nuclear Generating Plant, Consumers Power Company, Docket No. 50-255," prepared by the Directorate of Licensing, U.S. Atomic Energy Commission, is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, MI 49006. The report is also being made available at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

The notice of availability of the draft detailed statement for the Palisades Plant and request for comments from interested persons was published in the FEDERAL REGISTER on March 10, 1972, 37 F.R. 5138. The comments received from Federal, State, and local officials have been included as appendices to the final statement.

Single copies of the Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of June 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors Directorate of Licensing.

[FR Doc.72-9812 Filed 6-28-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 72-6-99]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 23, 1972.

By Order 72-6-11, dated June 2, 1972, action was deferred, with a view toward eventual approval, on an agreement embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and adopted for expedited effectiveness by the 31st Meeting of the Western Hemisphere Specific Commodity Rates Board. The agreement would establish a rate for "Shrimp" moving from Guayaquil to New York.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No objections have been received within the filing period. However, Braniff International, in a letter dated June 1, 1972, alludes to the intended effectiveness date of July 1, 1972, and has requested special consideration in anticipation of an immediate shift of large quantities of shrimp to air transportation once this rate becomes effective.[1]

In these circumstances, we do not consider Braniff's request unreasonable, and are thus waiving the condition in our tentative order that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Accordingly, it is ordered, That:

1. Agreement CAB 23095 be and hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; and

2. Special Tariff Permission No. 30128 of the CAB be and hereby is granted for effectiveness on July 1, 1972, on not less than 1 day's notice.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-9896 Filed 6-28-72;8:53 am]

[1] In this connection, International Air Tariffs Corp., Agent for Braniff and other participating carriers, has filed application (granted herein as Special Tariff Permission No. 30128) for tariff effectiveness on less than 30 days' statutory notice.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority to Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of Commerce, Office of the Under Secretary.

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

[FR Doc.72-9868 Filed 6-28-72;8:49 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 Director, Office of Coal Research, Office of the Assistant Secretary—Mineral Resources.

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

[FR Doc.72-9869 Filed 6-28-72;8:49 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 Associate Director, Office of Coal Research, Office of Assistant Secretary—Mineral Resources.

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

[FR Doc.72-9870 Filed 6-28-72;8:49 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Occupational Safety and Health Review Commission 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.72-9871 Filed 6-28-72;8:49 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Occupational Safety and Health Review Commission to fill by noncareer executive assignment in the excepted service the position of Chief Counsel.

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

[FR Doc.72-9872 Filed 6-28-72;8:49 am]

DEPARTMENT OF THE TREASURY

Notice of Title Change In Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Assistant to the Secretary to Executive Assistant.

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

[FR Doc.72-9873 Filed 6-28-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 2F1275) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities grapes at 5 parts per million and cantaloups at 2 parts per million.

Notice is also given that same firm has filed a related food additive petition (FAP 2H5018) proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of ethephon in or on raisins at 10 parts per million resulting from application of the plant regulator to growing grapes.

The analytical method proposed in the pesticide petition for determining residues of the plant regulator is a gas chromatographic procedure with a flame

photometric detector in the phosphorus mode.

Dated: June 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-9815 Filed 6-28-72;8:45 am]

UNIROYAL CHEMICAL

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 2F1272) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodities alfalfa hay, clover hay and mint at 25 parts per million; grapefruit at 5 parts per million; corn fodder and forage at 2 parts per million; and corn grain, fresh corn including sweet corn (kernels plus cob with husk removed) and potatoes at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is gas chromatography using a sulfur detector.

Dated: June 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-9816 Filed 6-28-72;8:45 am]

FEDERAL MARITIME COMMISSION

UNITED STATES GULF/JAPAN COTTON POOL

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 20 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. Elkan Turk, Jr., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8682-8 is a proposed amendment authorizing Lykes Bros. Steamship Co., Inc. (LYKES), and Mitsui O.S.K. Lines, Ltd. (MITSUI O.S.K.), to settle by compromise their compensation as undercarriers and underearners during the July 1, 1969, to July 31, 1970, pool period.

Dated: June 26, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-9907 Filed 6-28-72;8:52 am]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Acquisition of Banks

First at Orlando Corp., Orlando, Fla., has applied in two separate applications, as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire not less than 90 percent of the voting shares of the City Bank and Trust Co. of St. Petersburg, St. Petersburg, Fla.; and

(2) To acquire not less than 90 percent of the voting shares of the Suncoast City Bank of St. Petersburg, St. Petersburg, Fla.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 13, 1972.

Board of Governors of the Federal Reserve System, June 22, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-9830 Filed 6-28-72;8:47 am]

FIRST GEORGIA BANCSHARES, INC.

Formation of One-Bank Holding Company

First Georgia Bancshares, Inc., Atlanta, Ga., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Georgia Bank, Atlanta, Ga. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 19, 1972.

Board of Governors of the Federal Reserve System, June 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9831 Filed 6-28-72;8:47 am]

FROST REALTY CO. AND FROST NATIONAL BANK

Acquisition of Bank

Frost Realty Co. and Frost National Bank, both of San Antonio, Tex., 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 Frost Realty Co. to acquire directly, and Frost National Bank indirectly, 3,437 or more additional voting shares of Texas State Bank, San Antonio, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 14, 1972.

Board of Governors of the Federal Reserve System, June 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9829 Filed 6-28-72;8:47 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI72-272, etc.]

PERRY R. BASS ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 21, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A, below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-272	Perry R. Bass	6	[1] 18	Transwestern Pipeline Co. (Keystone Plant Area, Winkler, Crane, Ward, and Reeves Counties, Tex., and Bell Lake Area Lea County, N. Mex., Permian Basin).	----------	5-22-72	6-22-72	[3] Accepted	----------	----------	RI70-1763.
			[7] 19	---do---	$44,386	5-22-72	----------	11-22-72	[3] 27.319	[7] 35.0	RI70-1763.
RI72-273	Atlantic Richfield Co.	654	1	Transwestern Pipeline Co. (Rock Tank Field, Eddy County, N. Mex., Permian Basin).	13,830	5-22-72	----------	7-23-72	[4] [6] 27.0	[5] [6] 30.0	

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Contract agreement.
[2] Texas gas.
[3] Accepted for filing on the date shown in the "Effective Date" column with the stipulation that such acceptance does not constitute Commission approval of the provision therein and in particular the definition of "new gas" as stated therein.
[4] Initial rate authorized by temporary certificate issued Apr. 24, 1972, in Docket No. CI72-587.
[5] Increase to initial contract rate.
[6] Subject to upward and downward B.t.u. adjustment from a base of 1,000.
[7] Applicable only to new gas as defined by agreement dated May 4, 1972 (Supp. No. 18).

The proposed increase of Perry R. Bass is for a sale of "new gas" from the Keystone Plant as defined in the contract amendment. The amendment defines "new gas" as residue gas derived from casinghead gas or gas-well gas covered by "producer to plant" contracts, contract renewals or extensions of existing contracts entered into on or after October 1, 1968, for gas supplied to the plant. For such "new gas," the amendment provides for 35 cents per Mcf effective January 1, 1972, and for a 1 cent per Mcf periodic increase each year thereafter or for such higher just and reasonable rate that may be established by the Commission. The contract amendment is accepted for filing 30 days after filing with the stipulation that acceptance of the agreement does not constitute Commission approval of the provisions therein and in particular the definition of "new gas" as stated therein. Bass' proposed rate exceeds the corresponding rate filing limitation imposed in southern Louisiana and is therefore suspended for 5 months.

The proposed increase filed by Atlantic is from the initial rate authorized under a Mitchell type temporary certificate. It is therefore suspended for 1 day from the expiration of 60 days notice or from the proposed effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1 day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1 day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-9767 Filed 6-28-72;8:45 am]

[Docket No. CP72-275]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 20, 1972.

Take notice that on June 5, 1972, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP72-275 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with

Northern Natural Gas Co., operating as Peoples Natural Gas Division (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to exchange natural gas with Peoples on a volumetric basis for a term of 3 years from the date of the initial deliveries. Applicant states that it proposes to receive gas from Peoples on a uniform basis during the 8-month period of October through May in its Hugoton Field gathering system in Kansas. Applicant indicates that redeliveries by it to Peoples will be made on an interruptible basis during the period April 1 through October 15 from its transmission system through existing sales meter stations located in Baca and Bent Counties, Colo. Applicant states that the volume of gas exchanged will be limited to 450,000 Mcf annually. Applicant indicates that the gas delivered to Peoples will be used primarily to fuel farm irrigation pumps.

Applicant asserts that the proposed exchange will benefit both participants. Peoples currently has a production underage of approximately 1 million Mcf of gas in the Hugoton Field (Kendall area) which it cannot make up with its present facilities but which can be reduced through an exchange with applicant. Applicant states that it currently makes sales to Peoples through the meter stations proposed to be used by it for redeliveries to Peoples. Applicant indicates that the sales through these facilities total an estimated average of 225,000 Mcf of gas per year. Applicant asserts that these sales will be suspended for the duration of the exchange agreement thus permitting a greater volume of gas to be sold to its other customers and thereby reducing the substantial gas supply deficiency anticipated during this period.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 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.72-9823 Filed 6-28-72;8:46 am]

[Docket No. CP72-77]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JUNE 20, 1972.

Take notice that on June 7, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-77 a petition to amend the order of the Commission heretofore issued in said docket on February 16, 1972 (47 FPC ——), pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, by authorizing an increase in the single project cost limitation therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of February 16, 1972, in said docket, Petitioner is authorized to construct, during the calendar year 1972, and operate certain gas purchase facilities on its Northwest Division System to enable it to take into its certificated main pipeline system natural gas which will be purchased from independent producers as well as to accommodate increased deliverability from existing sources and to maintain production from existing sources of supply at levels which will assure orderly depletion of reserves. The total expenditures for facilities to be constructed on the Northwest Division System are limited to $1 million, with a single project limitation of $250,000.

Petitioner states that under the above authorization it intends to install an 880-horsepower compressor unit at its Compressor Station No. 24 for the purpose of permitting a reduction in gathering system pressures which is necessary because of reservoir pressure decline in the Piceance Creek, Colo., production area. Petitioner states that the estimated cost of the proposed facility is $467,911, which is in excess of the single project cost limitation of $250,000 in the order of February 16, 1972. Accordingly, Petitioner requests a waiver of § 157.7(b)(1)(ii) of the regulations under the Natural Gas Act so that it may construct the additional compressor facilities under its budget-type certificate.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure) 18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9822 Filed 6-28-72;8:46 am]

[Docket No. CS72-263]

SIDNEY GORE

Notice of Petition for Waiver of Regulations

JUNE 26, 1972.

Take notice that by letters filed April 25, 1972, and May 12, 1972, Sidney Gore (Petitioner), Gore Oil Co., Post Office Box 1063, Tulsa, OK 74101, small producer certificate holder in Docket No. CS72-263, requests that the Commission waive in part subsection (c) of § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under his small producer certificate from reserves acquired in place from Sun Oil Co., a large producer.

Petitioner proposes to sell natural gas from reserves from which sales are authorized to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 222 in Leflore County, Okla., and pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 83 in Grant County, Okla. Estimated monthly deliveries from Leflore County are 950 Mcf of gas and estimated monthly deliveries from Grant County are 1,450 Mcf of gas. Petitioner states that he is willing to accept authorization conditioned to a rate not in excess of the applicable area ceiling rate.

Subsection 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. The subject letters are together being construed as a petition for waiver of Commission regulations under subsection (b) of § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7(b)). Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 5, 1972, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9820 Filed 6-28-72;8:46 am]

[Docket No. CP72-281]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 19, 1972.

Take notice that on June 8, 1972, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-281 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas sales and service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon sales and service to Mississippi River Transmission Corp. (MRT) from producing properties in the North Choudrant Field, Lincoln Parish, La., originally authorized in Docket No. G-4265 on September 11, 1956, by order issued in Docket No. G-3025, et al., and to Mr. Louis Crouch from producing properties in the Sheepherder Field, Pecos County, Tex., originally authorized on April 2, 1968 (39 FPC 413). Applicant states that gas production from the leases used in performance of these sales and services has ceased, and the supply of natural gas has been depleted. Applicant asserts that the volumes of sales formerly made from these leases were small, averaging less than 100 Mcf of gas per day in each instance. Applicant states that both MRT and Mr. Crouch concur in the proposed abandonment. Applicant states further that the abandonments proposed herein will have no effect on its pipeline system operations because off-system gas production is involved, and the sales and services proposed to be abandoned were never part of its system gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 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 Commision'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 permission and approval for the proposed abandonment are 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.72-9824 Filed 6-28-72;8:46 am]

[Project 2161]

ST. REGIS PAPER CO.

Notice of Issuance of Annual License

JUNE 22, 1972.

On March 12, 1969, St. Regis Paper Co., licensee for Rhinelander Project No. 2161 located in Oneida County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2161 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to St. Regis Paper Co. for continued operation and maintenance of Project No. 2161.

Take notice that an annual license is issued to St. Regis Paper Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1972, to June 30, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Rhinelander Project No. 2161, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-9825 Filed 6-28-72;8:46 am]

[Project 472]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 22, 1972.

On June 5, 1969, Utah Power & Light Co., licensee for Oneida Project No. 472 located in Franklin County, Idaho, on the Bear River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1-16.6). Licensee also made supplemental filings pursuant to Commission Order No. 384 on February 27, 1970, and October 7, 1970.

The license for Project No. 472 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 472.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1972, to June 30, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Oneida Project No. 472, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9827 Filed 6-28-72;8:46 am]

[Project 1744]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 22, 1972.

On June 24, 1969, Utah Power & Light Co., licensee for Weber Project No. 1744 located in Davis, Morgan, and Weber Counties, Utah, on the Weber River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 1744 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 1744.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1972, to June 30, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Weber Project No. 1744, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9826 Filed 6-28-72;8:46 am]

[Project 400]

THE WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

JUNE 22, 1972.

On January 28, 1969, the Western Colorado Power Co., licensee for Tacoma

and Ames Project No. 400 located in La Plata, San Juan, San Miguel, and Ouray Counties, Colo., on the Animas and South Fork San Miguel River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 3, 1970.

The license for Project No. 400 was issued effective July 1, 1935, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the Western Colorado Power Co. for continued operation and maintenance of Project No. 400.

Take notice that an annual license is issued to the Western Colorado Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1972, to June 30, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tacoma and Ames Project No. 400, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9828 Filed 6-28-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-4176—7-4186]

BARNES ENGINEERING CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 23, 1972.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Barnes Engineering Co.	7-4176
Behavioral Research Laboratories, Inc	7-4177
Boothe Computer Corp.	7-4178
Cavitron Corp.	7-4179
Compugraphic Corp.	7-4180
Condec Corp.	7-4181
Consyne Corp.	7-4182
Cox Cable Communications, Inc.	7-4183
Creative Management Associates, Inc	7-4184
Crowell Collier & Macmillan, Inc.	7-4185
DCL Inc.	7-4186

Upon receipt of a request, on or before July 8, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9855 Filed 6-28-72;8:48 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

JUNE 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 21, 1972 through June 30, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9849 Filed 6-28-72;8:48 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

JUNE 22, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 25, 1972, through July 4, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9851 Filed 6-28-72;8:48 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1972, through July 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9850 Filed 6-28-72;8:48 am]

[Files Nos. 7-4188—7-4197]

DREW NATIONAL CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 23, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the

following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Drew National Corp	7-4188
Ehrenreich Photo-Optical Industries, Inc	7-4189
General Educational Services Corp	7-4190
Kleinert's Inc	7-4192
Ralston Purina Co	7-4194
Tappan Co	7-4195
Tenna Corp	7-4196
Unexcelled, Inc	7-4197

Upon receipt of a request, on or before July 8, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-9856 Filed 6-28-72;8:48 am]

[811-1140]

INDUSTRY CAPITAL CORP.

Notice of Proposal To Terminate Registration

JUNE 22, 1972.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that the Industry Capital Corp. (Industry), 208 South La Salle Street, Chicago, Ill., an Illinois corporation, registered under the Act as a management, closed-end nondiversified investment company, has ceased to be an investment company.

Industry registered under the Act on December 26, 1961. On March 1, 1963, Industry's Registration Statement filed under the Securities Act of 1933 was withdrawn. The Commission's records disclose that Industry never commenced doing business, and that on September 23, 1963, is was dissolved pursuant to shareholder's approval. Further, no securities are outstanding, all liabilities are paid, and all assets have been distributed.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-9852 Filed 6-28-72;8:48 am]

INTERNATIONAL TELEPHONE & TELEGRAPH CORP. AND NORTHERN ILLINOIS GAS CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 23, 1972.

In the matter of applications of the the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
International Telephone & Telegraph Corp., $2.25 cumulative convertible series N preferred stock	7-4191
Northern Illinois Gas Co., $1.90 cumulative convertible preference stock	7-4193

Upon receipt of a request, on or before July 8, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requested a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-9857 Filed 6-28-72;8:48 am]

[811-930]

SPRING STREET CAPITAL CO.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be An Investment Company

JUNE 22, 1972.

Notice is hereby given that Spring Street Capital Co. (Applicant), 618 South Spring Street, Los Angeles, California 90014, registered under the Investment Company Act of 1940 (Act) as a closed-end nondiversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the applications on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant's winding up and dissolution, which pursuant to applicable State law was adopted by the vote of a majority of Applicant's outstanding voting securities, commenced on May 20, 1971, by the adoption of a plan of complete liquidation pursuant to which all of the corporation's assets were to be distributed in cash or in kind prior to April 30, 1972.

On April 7, 1972, Applicant was dissolved under the law of its State of incorporation, California, upon the filing with the appropriate State authorities of a certificate of winding up and dissolution.

Applicant has no assets and no stockholders, since under its plan of complete liquidation the distributions of its assets were applied in complete cancellation of all outstanding stock. Wheeler, Munger & Co., Applicant's former majority shareholder, has assumed and agreed to pay any remaining liabilities of Applicant.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-9853 Filed 6-28-72;8:48 am]

[7-4201]

WARNER COMMUNICATIONS, INC. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 23, 1972.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Warner Communications, Inc. (Delaware), File No. 7-4201.

Upon receipt of a request, on or before July 8, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Marketing (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-9858 Filed 6-28-72;8:48 am]

[811-1740]

W, S & W SPECIAL FUND, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

JUNE 22, 1972.

Notice is hereby given that W, S & W Special Fund, Inc. (Special Fund), 20 Exchange Place, New York, N.Y. 10005, formerly a New York corporation registered as an open-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Special Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Special Fund states that on February 24, 1971, its shareholders approved the sale of substantially all of its assets in exchange for shares of common stock of W, S & W Fund, Inc. (W, S & W), a New York corporation, registered under the Act as an open-end, nondiversified management investment company.

Special Fund further states that pursuant to the agreement of sale W, S & W's common stock was distributed to Special Fund's shareholders. Special Fund represents that all liabilities of Special Fund have been paid or assumed by W, S & W; that on June 21, 1971, a Certificate of Dissolution of Special Fund was filed by the Department of State of New York and Special Fund was thereby dissolved under the laws of the State of New York; and there are no security holders of Special Fund who have not surrendered their holdings in exchange for the common stock of W, S & W.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than July 15, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-9854 Filed 6-28-72;8:48 am]

TARIFF COMMISSION

[AA1921-93]

CADMIUM FROM JAPAN

Determination of Injury

JUNE 23, 1972.

On March 23, 1972, the Tariff Commission received advice from the Treasury Department that cadmium from

Japan is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921–93 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on May 16, 1972. Notice of the investigation and hearing was published in the FEDERAL REGISTER of March 31, 1972 (37 F.R. 6607).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[2] has unanimously determined that an industry in the United States is being injured by reason of the importation of cadmium from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. In this investigation, the Commission has made an affirmative determination because sales of Japanese cadmium at less than fair value (LTFV) have sharply penetrated the U.S. market and contributed to a severe depression of domestic prices, thereby causing injury to an industry in the United States. In making its determination, the Commission has considered the domestic industry to consist of the facilities of the domestic producers devoted to the production of cadmium. In recent years, cadmium has been produced in the United States by several producers of primary slab zinc as a byproduct of their zinc operations. Cadmium, a scarce silver-white metal that is used chiefly in electroplating metal articles, is present in minute quantities in most zinc ores. Cadmium-bearing materials are extracted as impurities during the smelting and refining of such ores; these cadmium-bearing materials can then be further refined to yield cadmium metal.

Sales at less than fair value. The Treasury Department investigated sales of cadmium from Japan to the United States during the period September 1970 through February 1971. The Treasury's investigation disclosed that a large part of U.S. imports of cadmium from Japan were sold at less than fair value. The margin by which the LTFV cadmium was sold below fair value varied widely, but was substantial for most of the LTFV sales.

Market penetration. The United States has imported cadmium from Japan for some years. The volume of the annual imports has fluctuated, but Japan has not generally supplied a large share of the U.S. supply (shipments by domestic producers plus imports). In the late 1960's, for example, the share of annual U.S. supply accounted for by Japanese cadmium ranged from 1 percent in 1969 to 5 percent in 1968. In the last half of 1970, however, Japan's penetration of the U.S. cadmium market increased suddenly. While Japanese cadmium accounted for 2 to 3 percent of U.S. supply in each of the first two quarters of the year, it represented 12 percent in the third quarter and 26 percent in the fourth quarter. Imports from Japan amounted to 565,000 pounds in the fourth quarter of 1970, an amount that exceeded by far imports from that country in all of 1969. The heavy imports of cadmium from Japan continued into the first quarter of 1971, when they amounted to 532,000 pounds and represented 19 percent of U.S. supply. Conversely, domestic producers saw their market share diminish to about 50 percent during the fourth quarter of 1970 and 65 percent during the first quarter of 1971, compared with 92 percent in 1969. After the first quarter of 1971, the imports from Japan decreased steadily during the remainder of the year, subsequent to filing of the dumping complaint with Treasury. Thus, Japanese cadmium producers achieved a sudden marked penetration into the U.S. market during the period when Treasury found sales at less than fair value, but then sharply reduced sales to the United States when a dumping complaint was filed.

Price depression and market disruption. The sudden foray of Japanese cadmium into the U.S. market beginning in the last half of 1970 was achieved by dint of severe price discounting and underselling in the U.S. market. In the first half of 1970, Japanese cadmium was being sold in the United States at historically high prices (in the neighborhood of $4 per pound) which were generally equivalent to or higher than the prices at which domestic cadmium and cadmium from other foreign sources were being sold. In the last half of 1970, prices of Japanese cadmium in the United States dropped precipitously, dipping below $2 per pound on some sales by the end of the year. Japanese cadmium, moreover, generally undersold the domestic product in the late months of 1970, sometimes by as much as 23 percent of the price for domestic cadmium. These pricing circumstances generally prevailed during the early part of 1971; Japanese cadmium was priced at or below $2 per pound, and generally undersold domestic cadmium. In substantial measure, the low Japanese prices were made possible by the LTFV margin that existed for sales of Japanese cadmium to the United States in the last part of 1970 and early part of 1971. Although the price of Japanese cadmium has remained at a low level during the latter part of 1971 and early 1972, sales to the United States, likely as a result of the antidumping investigation, have been greatly curtailed.

The decline in the price of Japanese cadmium and the underselling of domestic cadmium in the U.S. market coincided with a sharp reduction in demand for cadmium. The inevitable effect on the market prices of U.S. cadmium was a significant erosion of the prices of domestic cadmium which began in August 1970, when U.S. purchasers first reported buying Japanese cadmium at lower prices than were being paid for the domestic product. In that month, the domestic producers reduced their posted price of $4 per pound (which had prevailed since late in 1969) to $3.25 per pound. By the end of 1970, the posted price of domestic producers was down to $2.25 per pound, a bit over half what it had been 5 months earlier. In early 1971 prices stabilized, but remained at a low level. After easing further in midyear, prices rose late in 1971 and early 1972 beginning at about the time that appraisement of entries of Japanese cadmium was withheld. The price erosion in the domestic price structure for cadmium in 1970 and 1971 undoubtedly reflected in considerable measure the soft market of those years; U.S. consumption of cadmium in both years was only two-thirds of 1969. Nevertheless, the aggressive pricing of LTFV Japanese cadmium in the U.S. market in substantial measure contributed to the disastrous price reductions that occurred.

As a result of the severe price declines and sharply reduced sales of cadmium, the domestic producers have experienced increasing inventories and deteriorating profits. While producers' stocks of cadmium had been less than 1 million pounds at the close of 1968 and 1969, they increased to 3.3 million pounds at the close of 1970 and 4.2 million pounds in mid-1971. Although the producers curtailed operations during those years, the lack of sales forced the inventory accumulation. The producers' financial experience on their cadmium operations also eroded in 1970 and 1971. Where returns on their cadmium-producing operations had been improving during the years immediately preceding 1970, a significant downturn occurred in profit ratios in that year, and a further drastic drop occurred during 1971.

Conclusion. The sales of LTFV cadmium from Japan have been important factors contributing to price depression and market instability in the United States, with the associated adverse effects on the operations of the domestic industry. Accordingly, we determine that, within the meaning of the Antidumping Act, 1921, an industry in the United States is being injured by reason of the importation of cadmium from Japan sold at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-9881 Filed 6-28-72;8:53 am]

[1] Notice of the Treasury Department's determination of sales at less than fair value and the reasons therefor were published in the FEDERAL REGISTER of Mar. 24, 1972 (37 F.R. 6121).

[2] Commissioner Young did not participate in the determination.

[AA1921-97]

INSTANT POTATO GRANULES FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on June 7, 1972, that instant potato granules from Canada are being, or are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on July 25, 1972. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, July 20, 1972.

Issued: June 26, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-9883 Filed 6-28-72;8:53 am]

[AA1921-96]

PENTAERYTHRITOL FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on June 2, 1972, that pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Japan is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commissuch merchandise into the United States. section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on July 18, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, July 13, 1972.

Issued: June 26, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-9882 Filed 6-28-72;8:53 am]

INTERSTATE COMMERCE COMMISSION

[Notice 83]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73550. By order of June 23, 1972, the Motor Carrier Board approved the transfer to Timber Treated Products, Inc., Post Office Box 183, Rogers, AR, of Certificate No. MC-127875, issued November 23, 1966, to E. C. Eversole and Clayton Eversole, a partnership, doing business as E. C. Eversole Stave Co., Post Office Box 183, Rogers, AR, authorizing the transportation of: Equipment and materials incidental to the erection and completion of concrete silos, and concrete and lightweight building blocks and component metal wall ties, and metal joint reinforcers, between Fort Smith, Rogers, and Springdale, Ark., on the one hand, and, on the other, points as specified in Missouri, Oklahoma, Kansas, and Louisiana.

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

[FR Doc.72-9905 Filed 6-28-72;8:52 am]

[Notice 88]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 23, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 35 TA), filed June 6, 1972. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: Ward W. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid and nitric acid propellant*, from Buffalo, N.Y., to Santa Cruz, Calif., Sunnyvale, Calif., Edwards Air Force Base, Calif., Santa Susana, Calif., San Juan Capistrano, Calif., Holloman Air Force Base, N. Mex., and Eglin Air Force Base, Fla., for 180 days. Supporting shipper: Department of the Army, Washington, D.C. 20310. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 19665 (Sub-No. 6 TA) (Correction), filed May 12, 1972, published in the FEDERAL REGISTER. issue of June 2, 1972, corrected and republished as corrected this issue. Applicant: JONES TRUCK LINE, INC., Post Office Box 59, West Highway, Baker, OR 97814. Applicant's representative: John G. McLaughlin, 100 Southwest Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of size or weight, require the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of the commodities authorized above, in interstate or foreign commerce (a) between points in Baker, Union, Wallowa, Malheur, and Grant Counties, Oreg., and (b) between points in (a) above, on the one hand, and, on the other, points in Washington east of

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

the summit of the Cascade Mountain Range; points in Adams, Boise, Ada, Canyon, Gem, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho, for 180 days. Supporting shippers: Hobson Construction, Inc., Post Office Box 481, Baker, OR 97814; Western Equipment Co., Box 7487, Boise, ID 83707; Foulger Equipment Co., of Idaho, Post Office Box 8085, Boise, ID 83707; Braden, Melson, and Herndon Construction Co., 22 West Alder, Walla Walla, WA 99362. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204. NOTE: The purpose of this republication is to redescribe the authority sought.

No. MC 50493 (Sub-No. 49 TA), filed June 9, 1972. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. 18069. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fish meal*, dry, in bulk, from Port Monmouth, N.J., to Lafayette, Ind., for 180 days. Supporting shipper: J. Howard Smith, Inc., Port Monmouth, N.J. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 89684 (Sub-No. 80 TA), filed June 9, 1972. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street (84101), Post Office Box 366, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except classes A and B explosives, poisons, household goods as defined by the Commission, and commodities in bulk and those requiring special equipment or handling; restricted to 150 pounds per piece and in the aggregate of 1,000 pounds from one consignor to one consignee in 1 day. (1) Between Smoot, Afton, Fairview, Grover, Auburn, Thayne, Freedom, and Etna, Wyo., on the one hand, and, on the other, Salt Lake City, Provo, and Ogden, Utah; Denver, Colo., and Boise, Twin Falls, Pocatello, Blackfoot, and Idaho Falls, Idaho: Service is to be regular route in character and as set forth below: Service between the points set forth in item (1) will be operated over the following designated regular routes, and serving the off-route points and the intermediate points as designated below: From Denver, Colo., over Interstate Highway 25 to Fort Collins, Colo., thence over U.S. Highway 287 to Laramie, Wyo., I–80 to junction 30N, thence Highway 30N to junction 30N and U.S. Highway 89 to junction U.S. Highway 26 and 89 serving all points between Geneva, Idaho, and Alpine, Wyo., including off-route points of Fairview, Auburn, and Freedom, Wyo., and return over the same route, from Boise, Idaho, over U.S. Highway 30N and I–80 to Burley, Idaho, thence U.S. Highway 30N and I–15W to Pocatello, thence I–15 and U.S. Highway 91 to Idaho Falls, Idaho, thence U.S. Highway 26 to Alpine Junction (U.S. Highways 26 and 89), thence U.S. Highway 89 to Geneva, Idaho, serving all points between Alpine, Wyo., and Geneva, Idaho, including the off-route points of Freedom, Auburn, and Fairview, Wyo., and return over the same routes; from Twin Falls, Idaho, over U.S. Highway I–80 to Burley, Idaho; thence U.S. Highway 30N and I–15W to Pocatello, thence I–15 and U.S. Highway 91 to Idaho Falls, Idaho, thence U.S. Highway 26 to Alpine Junction (U.S. Highways 26 and 89), thence U.S. Highway 89 to Geneva, Idaho, serving all points between Alpine Junction and Geneva, Idaho, including the off-route points of Fairview, Auburn, and Freedom, Wyo., and return over the same routes;

From Pocatello and Blackfoot, Idaho over I–15 and U.S. Highway 91 to Idaho Falls; thence U.S. Highway 26 to Alpine Junction (U.S. Highways 26 and 89), thence U.S. Highway 89 to Geneva, Idaho, serving all points between Alpine Junction, Wyo., and Geneva, Idaho, including the off-route points of Freedom, Auburn, and Fairview, Wyo., and return over the same routes; from Idaho Falls, Idaho, over U.S. Highway 26 to Alpine Junction (U.S. Highways 26 and 89), thence over U.S. Highway 89 to Geneva, Idaho, serving all intermediate points between Alpine Junction and Geneva, Idaho, including off-route points of Freedom, Auburn, and Fairview, Wyo., and return over the same routes; from Salt Lake City, Provo, and Ogden, Utah, over I–80N to Tremonton, Utah; thence U.S. Highway 191 and I–15 to Downey, Idaho; thence I–15 and U.S. Highway 91 to Idaho Falls, thence U.S. Highway 26 to Alpine Junction (U.S. Highways 26 and 89), thence U.S. Highway 89 to Geneva, Idaho, serving all intermediate points between Alpine Junction and Geneva, Idaho, including the off-route points of Freedom, Auburn, and Fairview, Wyo., and return over the same routes; from Salt Lake City, Provo, and Ogden, Utah, over I–80N and I–80 U.S. Highways 30S to Junction I–80 and U.S. Highway 189 to Junction 189 and 30N at Kemmerer, Wyo., thence U.S. Highway 30N to Junction 30N and U.S. Highway 89, thence U.S. Highway 89 to Junction U.S. Highways 26 and 89 at Alpine, Wyo., serving all intermediate points between Geneva, Idaho, and Alpine, Wyo., including off-route points of Fairview, Auburn, and Freedom, and return over the same routes, for 180 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 95540 (Sub-No. 853 TA), filed June 7, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Seapak Corp., in Glynn and Chatham Counties, Ga., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Seapak Corp., Box 677, St. Simons Island, Ga. 31522. Send protests to: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 98952 (Sub-No. 27 TA), filed June 7, 1972. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Post Office Box 2203, Decatur, IL 62526. Applicant's representative: C. E. Maxey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery houses, from Galesburg, Ill., to points in Iowa and Missouri, for 180 days. Supporting shippers: R. V. Haugen, Assistant Transportation Manager, Motor Transportation, CPC International Inc., International Plaza, Englewood Cliffs, N.J. 07632; C. F. Zeman, Traffic Manager, United Facilities, Inc., Post Office Box 539, Peoria, IL 61601. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 106398 (Sub-No. 608 TA), filed June 9, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). 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 the plantsite of Clinton Manufacturing Co., in Clinton, La., to points in Arkansas, Oklahoma, and Texas, for 180 days. Supporting shipper: William F. Lester, G. M. Clinton Manufacturing Co., Post Office Box 659, Clinton, LA 70722. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114265 (Sub-No. 16 TA), filed June 9, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden I beam trusses and component*

parts, from Fort Lupton, Colo., to points in Oklahoma, Kansas, Texas, and Arizona, for 180 days. NOTE: Applicant states it does not intend to tack or interline authority sought herein. Supporting shipper: Trus-Joist Corp., 9777W. Chinden Boulevard, Boise, ID 83704. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 115311 (Sub-No. 135 TA), filed June 9, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and materials,* from the plantsite of Georgia-Pacific Corp. at Brunswick, Ga., and Marietta, Ga., to points in Florida, for 180 days. Supporting shipper: Georgia-Pacific Corp., Southern Division, Post Office Box 909, Augusta, GA 30903. 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 123392 (Sub-No. 38 TA), filed June 9, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, TX 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid nitrogen, liquid oxygen, and liquid argon* in bulk, in cryogenic trailers, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. NOTE: Applicant intends to tack at points in Tennessee to MC–123392, Sub 29 TA. Supporting shipper: R. E. Bryant, Manager, Distribution Liquid Air, Inc., 1 Embarcadero Center, San Francisco, Calif. 94111. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, TX 79101.

No. MC 129355 (Sub-No. 1 TA), filed June 6, 1972. Applicant: GILMORE ENTERPRISES, INC., Post Office Drawer D, 29 Industrial Street, Post Office Box 575, Fort Walton Beach, FL 32548. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and also restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Okaloosa, Walton, Holmes, Santa Rosa, and Escambia Counties, Fla., for 180 days. NOTE: Applicant seeks duplicating authority to serve Okaloosa County, Fla., to avoid tacking problems. Supporting shipper: Department of the Army, Washington, D.C. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 Bay Street, Jacksonville, FL 32203.

No. MC 129516 (Sub-No. 7 TA), filed June 8, 1972. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from points in Washington and California to ports of entry on the United States-Canada Boundary line at Blaine, Sumas, and Oroville, Wash., for 180 days. Supporting shipper: Scott National Co. Ltd., Box 970, Calgary, Alberta, Canada. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 133106 (Sub-No. 20 TA), filed June 12, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Acklie & Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lamps and related advertising and packaging materials,* from the plantsite and storage facilities used by International Telephone & Telegraph Corp. at or near Lynn, Mass., to points in Illinois, Oklahoma, Indiana, Colorado, Texas, Wisconsin, California, Oregon, Missouri, and Nebraska, under continuing contract with International Telephone & Telegraph Corp., for 180 days. Supporting shipper: International Telephone & Telegraph Corp., 320 Park Avenue, New York, NY. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133780 (Sub-No. 5 TA), filed June 12, 1972. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue (Markham), Rural Route 1, Harvey, IL 60426, Tinley Park, IL 60477. Applicant's representative: Robert W. Loser, 320 North Meridian Street, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products, dip-n-dressing, fruit juices, and yogurt,* from the plantsite and storage facilities of Sealtest Foods Division of Kraftco Corp., Milwaukee, Wis., to points in Lake County, Ill. Restriction: Limited to transportation service to be performed under a continuing contract or contracts with Sealtest Foods Division of Kraftco Corp., for 180 days. Supporting shipper: Sealtest Foods Division, Kraftco Corp., 455 East Grand Avenue, Chicago, IL 60611. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135509 (Sub-No. 4 TA), filed June 8, 1972. Applicant: WILLIAM R. WADE, doing business as WADE'S MOBILE HOME MOVERS, 8015 East 58th Street, Kansas City, MO 64129. Applicant's representative: Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mobile homes and double-wides,* between points in Missouri, on the one hand, and, on the other, points in Kansas and Illinois, for 150 days. Supporting shippers: Highway No. 40 Mobile Home Sales, Kansas City, Mo.; Pitts Mobile Homes, Kansas City, Mo.; Woody Trailer Sales, El Dorado Springs, Mo.; Elwood Long & Co., Fayette, Mo. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135647 (Sub-No. 1 TA), filed June 13, 1972. Applicant: ROBERT EMANUEL & MARGARET EMANUEL, doing business as EMANUEL'S EXPRESS, 201 East Township Line Road, Kirklyn, PA 19082. Applicant's representative: Byron R. Lavan, Suite 400, 117 South 17th Street, Philadelphia, PA 19103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, for 180 days. Supported by: There are approximately 36 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 136647 TA (Amendment), filed April 24, 1972, published in the FEDERAL REGISTER issue of May 11, 1972, amended and republished as amended this issue. Applicant: GREEN MOUNTAIN CARRIERS, INC., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier,* by motor

vehicle, over irregular routes, transporting: *Pharmaceutical products*, except in bulk, restricted to the use of vehicles equipped with mechanical temperature control and also restricted to a transportation service to be performed at plantsites, warehouses, or suppliers of Ayerst Laboratories located in the following cities: Rouses Point, N.Y., Albany, N.Y., Baltimore, Md., Little Falls, N.J., Clifton, N.J., Cleveland, Ohio, Detroit, Mich., Chicago, Ill., and Chamblee, Ga., between Rouses Point, N.Y., on the one hand, and, on the other, Chicago, Ill., Cleveland, Ohio, and Baltimore, Md., in connection with stopoff and pickup privileges to partially load or unload at, Little Falls, N.J., Clifton, N.J., Albany, N.Y., and Detroit, Mich., from Rouses Point, N.Y., to Chamblee, Ga., with stopoff privileges to partially load or unload at Little Falls, N.J., Clifton, N.J., Albany, N.Y., and Baltimore, Md. The issuance of this certificate will in no way duplicate that authority held by Vigeant Motor Freight, Inc., MC–111 and subs thereunder, for 180 days. Supported by: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207. NOTE: The purpose of this republication is to broaden the territorial scope, to add the restriction, and to include additional shippers.

No. MC 136694 (Sub-No. 1 TA), filed June 1, 1972. Applicant: MACK TRANSPORT, INC., 4868 Etiuanda Street, Post Office Box 306, Mira Loma, CA 91752. Applicant's representative: Stuart W. Knight, 2030 West Lincoln, Suites H & I, Anaheim, CA 92801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and modular buildings and homes complete*, including all component parts, materials, parts and fixtures, (1) from Fountain Valley, Calif., to Luke Air Force Base and Williams Air Force Base, Phoenix, Ariz., (2) from Colorado Springs, Colo., to Minot Air Force Base, Minot, N. Dak., Malstrom Air Force Base, Great Falls, Mont., Grand Forks Air Force Base, Grand Forks, N. Dak., Offutt Air Force Base, Omaha, Nebr., and Lackland Air Force Base, San Antonio, Tex., and (3) from St. Petersburg and Clearwater, Fla., to Keesler Air Force Base, Bilotxi, Miss., and Robins Air Force Base, Macon, Ga., for 90 days. Supporting shipper: Hallamore Homes, Inc., 18060 Euclid Street, Fountain Valley, CA 92708. Send protests to: John E. Nance, Officer-in-Charge, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

No. MC 136703 (Sub-No. 1 TA), filed June 5, 1972. Applicant: S. A. NORWOOD, doing business as NORWOOD TRUCK LINES, 701 South Main Street, Emporia, VA 23847. Applicant's representative: S. A. Norwood (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre Fab houses and component parts*, from Emporia, Va., to points in North Carolina, for 180 days. Supporting shipper: Miller Manufacturing Co., Inc., Post Office Box 1356, Richmond, VA 23211. Send protests to: R. W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 136711 (Sub-No. 1 TA), filed June 2, 1972. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 616 South Western Avenue, Oklahoma City, OK 73125. Applicant's representative: David G. McCorkle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel* from Arcola Sand and Gravel Co., at Alma and Jenny Lind, Ark., to the plantsite of Cornell Construction Co., Inc., approximately 4 miles south of Poteau, Okla., for 180 days. Supporting shipper: D. K. Robertson, Project Manager, Cornell Construction Co., Inc., Post Office Box 186, Clinton, OK 73601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136719 (Sub-No. 1 TA), filed June 6, 1972. Applicant: KIRSCHMAN DISTRIBUTING COMPANY, INC., 315 22d Street, South, Bismarck, ND 58501. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural machinery and implements;* and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from Bismarck, N. Dak., to points in Washington, Oregon, Idaho, California, Nevada, Montana, Wyoming, Utah, Arizona, Colorado, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Wisconsin, Illinois, Michigan, New Mexico, and Arkansas; (B) *materials and supplies* used in the manufacture and distribution of commodities described in (A) above, except commodities in bulk, from Chicago, Rockford, Joliet, Quincy, and Irvington, Ill., Kansas City and St. Louis, Mo., Lansing, Flint, Saginaw, and Owosso, Mich., Milwaukee, Wis., Duluth, Minneapolis, and St. Paul, Minn., Gary and Kewanna, Ind., to Bismarck, N. Dak., for 180 days. Supporting shipper: Kirschmann Manufacturing Co., Inc., 323 Airport Road, Bismarck, ND 58501. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 136767 (Sub-No. 1 TA), filed June 6, 1972. Applicant: VAN IPEREN FEED & GRAIN CO., 9 Main Street, Post Office Box 27, Hospers, IA 51238. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients and feed supplements*, in bulk, in tank vehicles, from Muscatine and Sioux City, Iowa, to points in Nebraska, Minnesota, and South Dakota, for 180 days. Supporting shipper: Kent Feed, Inc., Muscatine, Iowa. Send protests to: Carroll Russel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136777 (Sub-No. 1 TA), filed June 6, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Golden Rule Department Stores, Inc., from facilities and warehouses located in Ohio, to the Golden Rule Stores in Montana, for 180 days. Supporting shipper: Golden Rule Department Stores, Inc., 3939 Harrison Avenue, Butte, MT 59701. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136785 (Sub-No. 1 TA), filed June 8, 1972. Applicant: EDWARD ALBERT DRAEGER, doing business as DRAEGERS TRUCK SERVICE, 611 Densmoor Street, Markesan, WI 53946. Applicant's representative: Edward A. Draeger (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded polystyrene plastic articles*, from Markesan, Wis., to points in Minnesota, Iowa, and Illinois, for 180 days. Supporting shipper: Robin Manufacturing Inc., Markesan, Wis. 53946. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-9906 Filed 6-28-72;8:52 am]

OFFICE OF PROCEEDINGS

[Notice 52]

Motor Carrier, Broker, Water Carrier, and Freight Forwarder Applications

JUNE 23, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from

approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules 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.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 610 (Sub-No. 5), filed May 7, 1972. Applicant: H. M. SKINNER & SONS, INC., New Bethlehem, Pa. 16242. Applicant's representative: H. Ray Pope, 10 Grant Street, Clarion, PA 16214. 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 Allegheny County, Pa., on the one hand, and, on the other, Jenks Township, Forest County, Pa., restricted, however, to operations of traffic interchanged at Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 906 (Sub-No. 86), filed May 9, 1972. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, MO 63106. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Marshalltown, Iowa, from St. Louis over Interstate Highway 70 to the junction of U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 14, thence over Iowa Highway 14 to Marshalltown, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 1641 (Sub-No. 97), filed May 11, 1972. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* as described in appendix XIII in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 294, in bulk, in tank vehicles, from Superior, Nebr., to points in Kansas on and north of U.S. Highway 40; and (2) *liquid fertilizer solutions*, in bulk, in tank vehicles, from Denison, Iowa, to points in Kansas, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo:, or Wichita, Kans.

No. MC 2368 (Sub-No. 34) (Amendment), filed March 23, 1972, published in the FEDERAL REGISTER, issue of April 27, 1972, and republished as amended, this issue. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Suite 705, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid and nitric acid propellant*, in bulk, in tank vehicles, from Buffalo, N.Y., to Vandenberg Air Force Base, Calif., Santa Cruz, Sunnyvale, Edwards Air Force Base, Santa Susana, San Juan Capistrano, and Huntington Beach, Calif.; Holloman Air Force Base, N. Mex.; and Eglin Air Force Base and Cape Kennedy, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 408), filed June 5, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as above). 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, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Decatur, Ill., and Newton, Iowa, (A) from Decatur over U.S. Highway 36 to the junction of U.S. Highways 36 and 24, thence over U.S. Highway 24 to the junction of U.S. Highways 24 and 63, thence over U.S. Highway 63 to the junction of U.S. Highway 63 and Interstate Highway 80, thence over Interstate Highway 80 to Newton; and (B) from Decatur to the junction of U.S. Highways 24 and 63 as specified above, thence over U.S. Highway 63 to the junction of U.S. Highway 63 and Iowa Highway 163, thence over Iowa Highway 163 to the junction of Iowa State Highways 163 and 14, thence over Iowa Highway 14 to Newton and return over the same route, as an alternate route for operating convenience only and serving the junction of U.S. Highways 24 and 63 for purposes of joinder only in (A) and (B) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3252 (Sub-No. 81), filed May 11, 1972. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from (a) Fort Ann, N.Y.,

to points in Vermont and New Hampshire; (b) from Burlington, Vt., to points in New Hampshire, except those located in Coos and Grafton Counties, and (c) from Westport, N.Y., to points in Vermont except St. Albans Bay and Burlington; (2) *synthetic resins*, in bulk, in tank vehicles, from Portland, Maine, to points in Connecticut, New Jersey, Maryland, Ohio, Wisconsin, Louisiana, Georgia, West Virginia, Michigan, and Pennsylvania; (3) *precut buildings*, from Bangor, Maine, to points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and the District of Columbia; (4) *prefabricated buildings*, knocked down, or in sections, beams, arches, and A-frames; and (5) *materials, supplies, and equipment* used in the installation and erection of the commodities described in (4) above, when moving in connection therewith, from South Windham, Maine, to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Michigan; and (6) returned shipments of the commodities specified in the commodity description next above, from points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Michigan to South Windham, Maine. 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, Maine, or Boston, Mass.

No. MC 5623 (Sub-No. 13), filed May 11, 1972. Applicant: ARROW TRUCKING CO., a corporation, 3131 North Lewis, Post Office Box 6027, Tulsa, OK 74106. Applicant's representative: Kenneth Weeks (same address as applicant). 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., located at Houston, Tex., 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 Houston, Tex.

No. MC 6031 (Sub-No. 43), filed May 26, 1972. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, aluminum, and plastic products*, from Milwaukee, Wis., to points in the Upper Peninsula of Michigan, under a continuing contract or contracts with Joseph T. Ryerson & Son, Inc., of Milwaukee, Wis. NOTE: Applicant holds common carrier authority under MC 123765, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 8600 (Sub-No. 27), filed May 9, 1972. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road, St. Paul, MN 55165. 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 regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, dangerous explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, serving Spring Park, Minn., as an off-route point in connection with applicant's authorized regular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 16903 (Sub-No. 31) (Correction), filed May 15, 1972, published in the FEDERAL REGISTER, issue of June 15, 1972, and republished as corrected, this issue. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, IN 47402. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. NOTE: The purpose of this republication is to correct the spelling of Albany County, N.Y., which appeared under item (2)(b) as *Alanby* County in error. The rest of the notice remains as previously published.

No. MC 16965 (Sub-No. 3), filed May 19, 1972. Applicant: FRANKLIN TRUCKING, INC., 210 East Washington Street, Post Office Box 412, Hartford City, IN. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Hartford City, Ind., to Bardstown, Ky., under contract with Minnesota Mining & Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 18121 (Sub-No. 14), filed May 30, 1972. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First Street, Milwaukee, WI 53207. Applicant's representative: John D. Varda and Philip H. Porter, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Racine and Kenosha Counties, Wis., on and east of U.S. Highway 41 (I–94) on the one hand, and, on the other, points in Illinois and Indiana bounded by a line beginning at Zion, Ill., and extending along Illinois Highway 173 to Harvard, Ill., thence along U.S. Highway 14 to junction Illinois Highway 31, thence along Illinois Highway 31 to Aurora, Ill., thence along U.S. Highway 30 to junction Indiana Highway 55, thence along Indiana Highway 55 to Gary, Ind., and thence along the shoreline of Lake Michigan to the point of beginning: Regular routes: *General commodities* (as specified above) between points in Wisconsin and Illinois, over U.S. Highway 45, between junction Wisconsin Highway 50 and Milwaukee; over Wisconsin Highway 36, between Waukesha, Burlington and junction with U.S. Highway 45; and over Wisconsin Highway 11, between Racine and Burling, Wis., for operating convenience only. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 19665 (Sub-No. 7), filed May 15, 1972. Applicant: JONES TRUCK LINE, INC., Post Office Box 717, Baker, OR 97814. 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: *Commodities*, the transportation of which, by reason or size or weight, requires the use of special equipment; and of *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above, (a) between points in Baker, Union, Wallowa, Malheur, and Grant Counties, Oreg.; and (b) between points in (a) above, on the one hand, and, on the other, points in Washington east of the Summit of the Cascade Mountain Range, and points in Adams, Boise, Ada, Canyon, Gem, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho. NOTE: Applicant states tacking would occur any points in Baker or Union Counties service from points in eastern Washington. Applicant now holds limited authority in its Sub 5 certificate, that would duplicate that here sought, however, no duplicating authority is sought by applicant in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 24136 (Sub-No. 13) (Amendment), filed February 22, 1972, published in the FEDERAL REGISTER, issues of March 23, 1972, and May 18, 1972, and republished as amended this issue. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Post Office Box 445, Meadow Lands, PA 15347. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail-order

houses and department stores, the business of which is the sale of general commodities, between Chartiers Township, Pa., on the one hand, and, on the other, Auburn, Binghamton, Cortland, Elmira, Geneva, Hornell, Lockport, Olean, Rochester, and Syracuse, N.Y., and points in that part of New York on and west of a line beginning at Olcott and extending along New York Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 62, thence along U.S. Highway 62 to Hamburg, and thence along U.S. Highway 219 to the New York-Pennsylvania State line. NOTE: Applicant states that it intends to tack the requested authority with its existing authority wherever possible. The actual tack point would be Chartiers Township, Pa. The sole purpose of this republication is to redescribe the territory involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 25798 (Sub-No. 231), filed May 18, 1972. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrated coffee*, from points in Florida to points in the United States (except Alaska, Alabama, Georgia, Florida, Hawaii, Idaho, Maine, Oregon, Washington, and Vermont). 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 Tampa, Fla.

No. MC 29120 (Sub-No. 141), filed May 8, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading between Des Moines, Iowa, and Omaha, Nebr., as an alternate route for operating convenience only, from Des Moines over Interstate Highway 235 to junction with Interstate Highway 80, thence over Interstate Highway 80 to Omaha and return over the same route. (Also from junction Interstate Highway 80 and Interstate Highway 80N near Neola, Iowa, to junction Interstate Highway 29 and thence over Interstate Highway 29 to Omaha and return over the same route, serving the junction of Interstate Highways 29 and 80N near Loveland, Iowa, for joinder only.) NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29392 (Sub-No. 18), filed June 5, 1972. Applicant: LES JOHNSON CARTAGE CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight require the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities transported on trailers; and (3) *machinery and equipment* weighing 15,000 pounds or more, in truckaway service, and related machinery, tools, parts, and supplies in connection therewith, from points in Wisconsin to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its Sub 16, from upper Michigan to points in Wisconsin. However, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 29648 (Sub-No. 12), filed May 18, 1972. Applicant: E. F. SMITH, INC., Post Office Box 73, Roaring Spring, PA 16673. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Roaring Spring, Pa., to points in Delaware, Indiana, Maryland (except paper products to Baltimore, Frederick, Takoma Park, and points in Maryland in the Washington, D.C., commercial zone, and, except printing and wrapping paper to Silver Spring, Md.), Michigan, New York (except paper products to New York, N.Y., and points in New York within 25 miles of the City Hall, New York, N.Y.), Ohio, Pennsylvania, Virginia (except paper products to points in Virginia in the Washington, D.C. commercial zone), and West Virginia; and (2) *materials, supplies, and equipment*, used in the production of paper and paper products, from points in Delaware, Indiana, Maryland (except Baltimore), Michigan, New York (except New York, N.Y.), Ohio, Pennsylvania, Virginia, and West Virginia, to Roaring Spring, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 29886 (Sub-No. 278) (Amendment), filed February 22, 1972, published in the FEDERAL REGISTER issue of March 23, 1972, and republished as amended this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbines and electrical and mechanical power generating and transmission equipment, industrial furnaces, control systems and parts, and accessories of the items named herein*, which because of size or weight require the use of special equipment, and (2) *commodities* listed in (1) above, which because of size or weight do not require the use of special equipment when moving in mixed shipments with the items in (1) above, (a) in foreign commerce from ports of entry in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin and to the plants and storage facilities of the Brown Boveri Corp. in North Brunswick, N.J., and Chesterfield County, Va., and (b) between the plants and storage facilities of Brown Boveri Corp. in North Brunswick, N.J., and Chesterfield County, Va., to points in the States of Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, and 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 and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to show that applicant proposes to operate in foreign commerce only in 2(a) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 283), filed June 7, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except (1) trailers and farm tractors, and (2) commodities requiring special equipment) in initial movement, in driveaway and truckaway service, and bodies, cabs, and parts of the accessories for such vehicles when moving in connection therewith, from Hayward, Calif., to points in the United States (except California and Hawaii), restricted against transportation from Newark and San Leandro, Calif. 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 30204 (Sub-No. 31), filed May 26, 1972. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, MA 02740. Applicant's representative: Carroll B. Jackson, 5600 Midlothian Turnpike, Richmond, VA 23225. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Winchester, Va., and New York, N.Y., and (2) between Winchester, Va., and Altona, Pa., serving Williamsburg (Blair County), Pa., as an off-route point in connection with carrier's existing regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 30844 (Sub-No. 408), filed May 15, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaner filter paper*, from the plantsites and facilities of Knowlton Bros., at Watertown, N.Y., and from Hollingsworth and Vose at Greenwich, N.Y., to Cresco, Iowa, Minneapolis-St. Paul, Minn., and Kirksville, Mo., restricted to shipments originating at the above origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 35628 (Sub-No. 333), filed May 24, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Signal Products Operations, Energy Systems Division, Olin Corp., near Peru, Ind., as off-route point in connection with operations to and from Peru, Ind., as authorized on Sheet 12 of MC-35628. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 41432 (Sub-No. 125), filed May 30, 1972. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: W. P. Furrh (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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Dallas, Tex., to San Antonio, Tex. From Dallas over Interstate Highway 35 to San Antonio, as alternate route for operating convenience only. Restriction: The operations authorized herein are restricted to traffic moving from or through St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 42092 (Sub-No. 2), filed May 19, 1972. Applicant: ACME CARTAGE COMPANY, a corporation, 3414 Second Avenue South, Seattle, WA 98104. Applicant's representative: Edward C. Pewters, 5403 Rainer Avenue South, Seattle, WA 98118. 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 requiring special equipment, and those injurious or contaminating to other lading), between points in Snohomish, King, Pierce, and Thurston Counties, Wash. NOTE: Applicant states that the requested authority can be tacked at Seattle, Wash., with its existing authority under MC 42092. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 42478 (Sub-No. 791), filed May 30, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. 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 requiring special equipment, serving as off-route points in connection with carriers regular route authorities, points in an area of Sullivan County, Tenn., beginning at the Sullivan County line and extending along U.S. Highway 11E to junction U.S. Highway 19E, thence along U.S. Highway 19E to the Sullivan County line, and thence along the Sullivan County line to the point of beginning. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 47848 (Sub-No. 4), filed May 8, 1972. Applicant: HUDSON TRUCKING CO., INC., Post Office Box 222, Kendallville, IN 46755. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Kendallville, Ind., to points in the Lower Peninsula of Michigan (except Grand Rapids and Detroit), and points in Ohio (except Cleveland and Cincinnati), under contract with Kraft Foods Division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 48441 (Sub-No. 11), filed June 7, 1972. Applicant: CITY EXPRESS, INC., Post Office Box 418, Streator, IL 61364. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, sheet iron or steel*, capacity not exceeding 1 gallon, from Danville, Ill., to Franklin, Ky. 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 49567 (Sub-No. 7), filed June 8, 1972. Applicant: GOLDEN BROS., INC., 234 East McClure Street, Kewanee, IL 61443. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators, including parts and equipment* incidental thereto, between Kewanee, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin, under a continuing contract or contracts with the Kewanee Boiler Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Springfield, Ill.

No. MC 51146 (Sub-No. 272), filed May 9, 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: *Paper and paper products, and products manufactured or distributed by manufacturers or converters of paper and paper products* (except commodities in bulk), from Hudson Falls, N.Y., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. 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. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 273), filed May 9, 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) *Paper and paper products, and products manufactured or distributed by manufacturers of converters of paper and paper products* (except commodities in bulk), from Troy, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and (2) *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), from the destination States outlined in (1) above to Troy, Ohio. 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 51146 (Sub-No. 274), filed May 9, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products produced or distributed by manufacturers and converters of paper and paper products and plastic products* (except commodities in bulk), from Louisville, Ky., to points in the United States (except Alaska and Hawaii). 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. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 51146 (Sub-No. 279), filed May 17, 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: *Such commodities* that are dealt in by discount and department stores, from Green Bay, Wis., to points in Michigan, Wisconsin, Minnesota, Illinois, and Iowa. 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 52953 (Sub-No. 41), filed June 2, 1972. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, TN 37601. Applicant's representative: H. M. Cook, Post Office Box 449, Johnson City, TN 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving Elk Mills (Carter County), Tenn., as an off-route point in connection with applicant's otherwise authorized regular routes; (2) serving the plantsite and warehouse facilities of the Pulvair Corp. in Shelby County, Tenn., as an off-route point in connection with applicant's otherwise authorized regular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 53965 (Sub-No. 84), filed May 25, 1972. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. 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, 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 Emporia, Kans., to points in Arkansas and Louisiana, restricted to traffic originating at the plantsites or storage facilities of Iowa Beef Processors, Inc., at or near Emporia, Kans., and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 55898 (Sub-No. 48), filed May 17, 1972. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, wood products, wood chips, composition board, and pulpboard*, (1) between points in Maine, New Hampshire, Vermont, and Massachusetts; (2) between points in New York, Vermont, New Jersey, and Pennsylvania; (3) between points in New York, Vermont, and New Hampshire, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (4) between points on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan, on the one hand, and, on the other, points in the United States east of the Mississippi River as described in the destination in (3) above. NOTE: Applicant states that the requested authority can be tacked with MC 55898 and various subs. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.; Montpelier, Vt.; Boston, Mass.; or Hartford, Conn.

No. MC 60186 (Sub-No. 44), filed May 30, 1972. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Applicant's representative: Vernon V. Baker, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fruits, vegetables, and fruit and vegetable products*, processed, canned, cooked and/or frozen, from points in Maine and points within the commercial zone of Boston, Mass., on the one hand, and, on the other, points in Florida, Georgia, South Carolina, North Carolina, Virginia, and West Virginia; (B) *foodstuffs*, from Newburgh, N.Y., to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Mississippi, and Florida; (C) *foodstuffs*, from Buffalo, N.Y., to points in New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida; and (D) *citrus products*, canned, chilled, or frozen; nonalcoholic drinks, juices; drink and juice concentrates, canned, frozen, or bottled; from Bradenton, Fla., to points in Virginia, West Virginia, Pennsylvania, Maryland, Delaware, the District of Columbia, and New York. 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 Tampa, Fla., or Washington, D.C.

No. MC 60580 (Sub-No. 28), filed May 8, 1972. Applicant: HIGHWAY EXPRESS LINES, INC., 1314 North Irving Street, Allentown, PA 18103. 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: *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 warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, New York, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to points in named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 67020 (Sub-No. 4), filed May 19, 1972. Applicant: SEATTLE TRANSFER & STORAGE COMPANY, a corporation, 26 South Hanford Street, Seattle, WA 98134. Applicant's representative: Austin H. Bowman (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, commodities in bulk, commodities that require special equipment because of size and weight and those injurious or contaminating to other lading), restricted to freight having a prior or subsequent movement by aircraft, between Seattle-Tacoma International Airport, Seattle, Wash., and Portland International Airport, Portland, Oreg., over Interstate Highway 5, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 95540 (Sub-No. 850), filed June 7, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common 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 (except hides and commodities in bulk), from Dubuque, Iowa, to points in Illinois, Kentucky, Arkansas, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 95876 (Sub-No. 125), filed May 5, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Snowmobiles;* (b) *snowmobile trailers;* (c) *parts, attachments, and accessories* for the commodities in (a) and (b) above; (d) *snowmobile clothing and accessories*, from Twin Valley, Minn., to points in the United States (except Alaska and Hawaii); and (2) (a) *snowmobile clothing and accessories*, and (b) *parts, materials, supplies, and equipment* utilized in (1) (a), (b), and (c) (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Twin Valley, Minn. NOTE: Applicant states that joinder is possible with its Sub No. 9 if the commodities in this application fall within "size and weight" authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 103993 (Sub-No. 715), filed May 31, 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 Sumner 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. 717), filed May 31, 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 Dakota County, 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 Minneapolis, Minn.

No. MC 103993 (Sub-No. 718), filed May 31, 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: *Fabricated metal products*, from Geenfield, Ind., 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 Indianapolis, Ind.

No. MC 106497 (Sub-No. 70), filed May 30, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912 (Business Route I–44 East), Joplin, MO 64801.

No. MC 106497 (Sub-No. 70), filed May 30, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912 (Business Route I–44 East), Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, and parts* for material handling equipment, from Fairfield, Iowa, to points in Idaho, California, Nevada, Montana, Utah, Arizona, North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, Maine, Vermont, New Hampshire, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida. NOTE: Applicant can tack with its Subs Nos. 4, 35, and 48 where size or weight commodities are involved, but applicant does not intend to tack. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106663 (Sub-No. 1), filed May 30, 1972. Applicant: BRENNAN WISHNER, Rural Delivery 2, Ridge Road, Washington, Pa. 15301. Applicant's representative: Frank C. Carroll, 33 West Bezu Street, Washington, PA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes and fillers and rejected or damaged shipments* of the above-specified commodities, from points in North Strabane Township, Washington County, Pa., to Pittsburgh, Pa., points in Ohio and Maryland and those in West Virginia on and north of U.S. Highway 50; and from the specified destination points to the designated origin points for rejected and damaged items. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Philadelphia, Pa.

No. MC 106674 (Sub-No. 93), filed May 17, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. 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: (1) *Plastic foam and plastic foam insulation panels*, from the plantsite and facilities of Elliott Co. of Indianapolis at or near Zionsville, Ind., to points in Pennsylvania, Illinois, Ohio, Michigan, Kentucky, Tennessee, Wisconsin, Minnesota, Missouri, Arkansas, Texas, Louisiana, Florida, North Carolina, South Carolina, Iowa, Kansas, Oklahoma, South Dakota, Nebraska, Mississippi, Alabama, West Virginia, Virginia, Georgia, New York, Vermont, New Hampshire, Maine, Massachusetts, New Jersey, Connecticut, Maryland, Delaware, Rhode Island, and the District of Columbia; and (2) *materials* used or useful in the manufacture of plastic foam insulation panels (except liquid commodities in bulk), from points in the above-named destination States, to the plantsite and facilities of Elliott Co. of Indianapolis at or near Zionsville, Ind. 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 107107 (Sub-No. 422), filed June 7, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *yogurt and prepared desserts*, from Walton, N.Y., Elizabeth, N.J., and Hagerstown, Md., 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.

No. MC 107295 (Sub-No. 613), filed May 10, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam products*, (1) from Bremen, Ind., to points in Illinois, Michigan, Missouri, Ohio, West Virginia, Wisconsin, Iowa, Kansas, Kentucky, and Tennessee, and (2) from Belvidere, Ill., to points in the United States (except Alaska, Hawaii, and Illinois). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplications anticipated, however should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 614), filed May 10, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Archbald, Pa., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, Wisconsin, Iowa, Missouri, Tennessee, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplications anticipated, however, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 803), filed May 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: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Allentown, Pa., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Nebraska, Kansas, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 804), filed May 23, 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: *Foodstuffs, meats, meat products, and meat byproducts* (except in bulk), in vehicles equipped with mechanical refrigeration, from the terminal facilities of Refrigerated Transport Co., Inc., at Doraville and Forest Park, Ga., to points in the United States on and east of U.S. Highway 85 (except those in North Dakota, South Dakota, Colorado, and New Mexico). NOTE: Applicant states that tacking possibilities exist with its No. MC 107515 and various subs. Common control and dual operations may be involved. No duplicating authority is sought. If a hearing is deemed necesary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 805), filed May 23, 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: *Resin impregnated fiberglass and broadgoods, adhesives, liquid resin, liquid plastic, molding compounds, epoxy adhesives and primers*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from points in California, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Kentucky, Illinois, Indiana, Ohio, Wisconsin, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. Common control and dual operations may be involved. If a hearing is deemed necesary, applicant requests it be held at Los Angeles, Calif.

No. MC 107515 (Sub-No. 806), filed May 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: (1) *Animal feed and related advertising material* (except in bulk), from Sebring, Ohio, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio); and (2) *ingredients, materials, and supplies* used in the manufacturing, packaging, and distribution of animal feed (except commodities in bulk), from points in the United States east of U.S. Highway 85 (except Ohio), to Sebring, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 107515 (Sub-No. 807), filed May 17, 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: *Meats, meat products, and meat byproducts*, as defined by the Commission (except hides and commodities in bulk), from Alma, Ga. to points in Florida, Alabama, Tennessee, Mississippi, Louisiana, North Carolina, South Carolina, Michigan, Ohio, Illinois, Indiana, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Virginia, West Virginia, Kentucky, Arkansas, Texas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, and Delaware. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. No duplicating authority is sought and applicant has no objection to the Commission imposing appropriate duplicating authority restrictions. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107544 (Sub-No. 109), filed June 5, 1972. Applicant: LEMMON TRANSPORT COMPANY, INC., Post Office Box 580, Marion, VA 24354. 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: *Lime and limestone products*, in bulk, from the facilities of James River Limestone Co. in Botetourt County, Va., to points in North Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be

served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 108393 (Sub-No. 59), filed April 26, 1972. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, (1) between Milwaukee, Wis., on the one hand, and, on the other, St. Joseph, Mich., and Danville, Ky.; (2) between Delaware and Fremont, Ohio, on the one hand, and, on the other, Danville, Ky.; and (3) between Carpentersville, Ill., and Evansville, Ind., under a continuing contract or contracts with Whirlpool Corp. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 63), filed May 30, 1972. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, between Tiffin, Ohio, and St. Joseph, Mich., under continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 274), filed May 30, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Business Route I–44 East, Joplin MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and mechanical antipollution systems and parts thereof* (except as are used in automobiles), from Warren, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant can tack with its Sub No. 195 where "size or weight" commodities are involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110098 (Sub-No. 126), filed May 25, 1972. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. 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: *Such commodities*, as are dealt in by The R. T. French Co., from Fresno, Calif., to points in Washington, Oregon, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico, and Colorado. 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 Los Angeles or San Francisco, Calif.

No. MC 110098 (Sub-No. 127), filed May 25, 1972. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. 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: *Animal food*, in containers, from Los Angeles, Calif., to points in Oregon, Washington, Idaho, Montana, Utah, Nevada, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 110252 (Sub-No. 62), filed May 19, 1972. Applicant: JAMES J. WILLIAMS, INC., East 5711 Third Avenue, Post Office Box 2825 Terminal Annex, Spokane, WA 99220. Applicant's representative: John D. Robertson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 110525 (Sub-No. 1037), filed May 30, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dallas, Tex., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia. 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 Dallas, Tex.

No. MC 111401 (Sub-No. 366), filed May 22, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn flour*, in bulk, in tank vehicles, from points within a 3-mile radius of Atchison, Kans., to Mapleton, Ill.; (2) *petroleum products*, in bulk, in tank vehicles, from Cleveland, and Wynnewood, Okla., to points in Utah and Nevada; and (3) *chemicals*, in bulk, in tank vehicles, from Geismar, La., Louisville, Ky., and St. Louis, Mo., to those ports of entry on the international boundary between the United States and Mexico, located in Texas, in foreign commerce only. 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 Oklahoma City, Okla., or Houston, Tex.

No. MC 111434 (Sub-No. 83), filed June 2, 1972. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Denver, Colo., to points in Nebraska, New Mexico, Utah, and Wyoming. 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 Denver, Colo.

No. MC 111672 (Sub-No. 6), filed May 4, 1972. Applicant: R & M TRUCK LINE, INC., Post Office Box 198, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbonitrate*, from Seneca, Ill., to all points in Iowa. 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 111940 (Sub-No. 54), filed May 24, 1972. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, PA 17756. Applicant's

representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *petroleum wax, petroleum tar, oil emulsions, fuel oil treating compounds, petroleum vehicle body sealers or sound deadeners, compounded oil and greases, and lubricating greases, iron and steel rust-preventing or removing compound (other than petroleum), metal cutting or drawing or drilling compounds (other than petroleum), brake fluid (other than petroleum), cleaning or washing or scouring compounds*, in containers, and related advertising materials and supplies, from points in Hancock County, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, and the return of rejected or damaged shipments and used pallets. 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 111956 (Sub-No. 27), filed May 22, 1972. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, PA 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bedford, Pa., and Baltimore, Md.: From Bedford over U.S. Highway 220 to its junction with the Pennsylvania Turnpike; thence over the Pennsylvania Turnpike to the Breezewood, Pa., interchange; thence over Interstate Highway 70 and 70N to Baltimore, and return over the same route; from Bedford over U.S. Highway 30 to its junction with Interstate Highway 81 near Stofferstown, Pa.; thence over Interstate Highway 81 to its junction with Interstate Highway 70 near Hagerstown, Md.; thence over Interstate Highway 70 and 70N to Baltimore, and return over the same route; from Bedford over U.S. Highway 220 to Cumberland, Md.; thence over U.S. Highway 40 to its junction with Interstate Highway 70 east of Hancock, Md.; thence over Interstate Highway 70 and 70N to Baltimore, and return over the same route; from Bedford over U.S. Highway 30 to its junction with Interstate Highway 70 at Breezewood, Pa.; thence over Interstate Highway 70 and 70N to Baltimore, and return over the same route, serving all points in Maryland and those in Pennsylvania and West Virginia within 50 miles of Bedford, Pa., as intermediate or off-route points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112210 (Sub-No. 2), filed May 30, 1972. Applicant: ROBERT G. OWEN TRUCKING, INC., 49 Ohio Street, Navarre, OH 44662. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, from the plantsite of Massillon Container Corp. at Navarre, Ohio to Erlanger, Ky., and *corrugated paper sheets* from the plantsite of Ohio Packaging Corp. at Massillon, Ohio, to Monroe, Mich.; Washington, Pa.; and Weston and Paden City, W. Va.; under contract with Massillon Container Corp. and Ohio Packaging Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 300), filed June 5, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin to the facilities of the Polymers and Chemical Division of the W. R. Grace & Co., at Owensboro, Ky., restricted to traffic originating at points in the above-named States and destined to the said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 113267 (Sub-No. 287), filed May 17, 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Nashville, Tenn.; Owensboro, Lexington, and Bowling Green, Ky., to points in Alabama, Arkansas, North Carolina, South Carolina, Colorado, South Dakota, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority could be tacked at each of the origins, however, tacking is 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 Nashville, Tenn.

No. MC 113828 (Sub-No. 202), filed June 2, 1972. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from Baltimore, Md., to points in North Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 113855 (Sub-No. 254), filed May 12, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment* designed for use in conjunction with tractors, (3) *attachments* for the above-described commodities, (4) *parts* of the above-described commodities when moving in mixed loads with such commodities, and (5) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities described in (1) through (4) above, between Fargo, N. Dak., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its Sub-84 certificate, but tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114045 (Sub-No. 364), filed May 19, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 skins and commodities in bulk), from the plantsite of Swift and Co. at Clovis, N. Mex., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 114123 (Sub-No. 40), filed May 26, 1972. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and syrup blends, molasses, honey, sugar, and sugar substitutes, and corn products*, in bulk, from the facilities used by J. Stromeyer Co., Inc., in East Whiteland Township, Chester County, Pa., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the named origins and destined to the named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118661 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 114284 (Sub-No. 56), filed May 8, 1972. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, 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 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, commodities in bulk, in tank vehicles), from the plant and storage facilities of Dold Packing Co., at or near Wichita, Kans., to Oklahoma City, Okla., for purposes of joinder only, for service to points in Arizona, New Mexico, and points in that part of Texas within 25-mile radius of El Paso, and points in Texas within an area bounded by a line beginning at junction U.S. Highway 66 and the Oklahoma-Texas State line, and extending north and west along the Oklahoma-Texas State line to the Texas-New Mexico State line, thence south and west along the Texas-New Mexico State line to junction U.S. Highway 285, thence southeast along U.S. Highway 285 to Pecos, Tex., thence in a northeast direction along U.S. Highway 80 to Abilene, Tex., thence along Texas Highway 351 via Hamby, Tex., to junction U.S. Highway 180, thence along U.S. Highway 180 to Mineral Wells, Tex., thence along U.S. Highway 281 to Jacksboro, Tex., thence along Texas Highway 24 to Decatur, Tex., thence along U.S. Highway 81 to junction U.S. Highway 82, near Ringgold, Tex., thence along U.S. Highway 82 to Gainesville, Tex., thence along U.S. Highway 77 to the Oklahoma-Texas State line, and thence along the Oklahoma-Texas State line to point of beginning, with no transportation for compensation on return, except as otherwise authorized. Restriction: The operations herein are restricted to traffic originating at the plant and storage facilities of Dold Packing Co. at Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114301 (Sub-No. 72), filed May 25, 1972. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zybult, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and vinyl siding*, from Hagerstown Md., to points in Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and Washington, D.C. 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 114334 (Sub-No. 22), filed May 30, 1972. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, TN 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* from points in Roane County, Tenn., to points in Arkansas and Mississippi; and (2) *equipment, materials, and supplies* used in the manufacture and production of iron and steel and iron and steel articles from points in Arkansas and Mississippi to points in Roane County, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114569 (Sub-No. 101), filed May 24, 1972. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Bingstown, PA 17072. Applicant's representative: James W. Hagar, Post Office Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Char and charcoal briquettes, and wood blocks, wood chips, sawdust, fuel lighting liquids, flavoring sticks or pellets, vermiculite* (other than crude), *perlite* (other than crude), and *related advertising materials and display racks*, when shipped with char and charcoal briquettes; (2) *compressed fireplace logs, and related advertising materials and display racks*, when shipped with compressed fireplace logs, from Marion, Ohio, to points in Connecticut, Massachusetts, Virginia, and Rhode Island. 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 Washington, D.C.

No. MC 115006 (Sub-No. 1), filed May 15, 1972. Applicant: PETER J. WALSTRA, Rural Route No. 2, Box 273, DeMotte, IN 46310. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, between points in Illinois, Indiana, Wisconsin, and Michigan, under contract with IMC (International Minerals & Chemicals Corp.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115022 (Sub-No. 24), filed May 22, 1972. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 26 George Street, Thomaston, CT. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06177. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air traffic control systems and component parts pertaining thereto*, mounted on wheeled under-carriages with hitch ball/pindle hood connector in initial movements, from points in Tolland County, Conn., to points in the United States (except Hawaii, but including Alaska). 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 Hartford, Conn., or Boston, Mass.

No. MC 115311 (Sub-No. 134), filed May 22, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. 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) *Lumber, millwork, forest products, doors, plastic pipe,*

composition boards, building, construction, and contractors materials and supplies, and prefabricated building; and (2) *materials and supplies* used in the manufacture of commodities listed in (1) above, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, and Virginia. 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 posibilities 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 Atlanta, Ga.

No. MC 115691 (Sub-No. 23), filed May 22, 1972. Applicant: MURPHY TRANSPORTATION, INC., Post Office Box 1090, Anniston, AL 36201. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and plywood paneling,* from the plantsite, warehouse, and storage facilities of Plywood Panels, Inc., at or near New Orleans, La., to points in Alabama, Georgia, Florida, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Birmingham, Ala.

No. MC 115841 (Sub-No. 432), filed June 7, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy 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), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. 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 Oklahoma City, Okla., St. Louis, Mo., or Washington, D.C.

No. MC 116073 (Sub-No. 239), filed May 12, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. 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 Johnson 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 Knoxville, Tenn.

No. MC 116073 (Sub-No. 243), filed May 24, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. 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 Dyer 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 Knoxville or Nashville, Tenn.

No. MC 117119 (Sub-No. 458), filed May 19, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* canned or preserved (except commodities in bulk), from Neosho, Mo., to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee, Texas, and Utah. NOTE: Applicant states it holds authority which could be tacked with authority sought herein, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application will result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 118831 (Sub-No. 90), filed May 5, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, NC 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from points in Mecklenburg County, N.C., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh or Charlotte, N.C.

No. MC 118989 (Sub-No. 72), filed April 28, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corrugated, fiberboard, or pulpboard boxes,* from the plantsite of Hoerner Waldorf Corp. at Milwaukee, Wis., to Chicago, West Chicago, and Chicago Height, 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 Chicago, Ill., or Milwaukee, Wis.

No. MC 119641 (Sub-No. 105), filed May 22, 1972. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors with vehicle beds, bed frames, or fifth wheels), *Agricultural machinery and implements, industrial and construction machinery and equipment,* such merchandise as is dealt in by lawn, garden, and recreation vehicle dealers, except chemicals and commodities in bulk, *equipment* designed for use in connection with the above referred to commodities, *internal combustion engines, attachments, parts* and *accessories* for all of the foregoing commodities, *materials, equipment, and supplies* used in the manufacture, sale or distribution of all the foregoing commodities (1) Between Detroit, Mich.; Kaukauna, Wis.; Des Moines, Iowa; Clearfield, Utah; Cuyahoga Falls, Ohio; Baltimore, Md.; Philadelphia, Pa.; and Norfolk, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) Between ports of entry on the United States-Canadian boundary line located in Michigan and New York on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The service authorized in (1) and (2) is restricted to the transportation of shipments either originating at or destined to the plants, warehouse sites and experimental farms and facilities of Massey-Ferguson, Inc., and its affiliates and subsidiaries located at Detroit, Mich.; Kaukauna, Wis.; Des

Moines, Iowa; Clearfield, Utah; Cuyahoga Falls, Ohio; Baltimore, Md.; Philadelphia, Pa.; and Norfolk, Va.; Toronto, Brantford, and Long Branch, Ontario. NOTE: Applicant states that the requested authority cannot tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119669 (Sub-No. 31), filed May 25, 1972. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor 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, South Carolina, Virginia, and West Virginia, 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 119767 (Sub-No. 289), filed May 8, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from Cincinnati, Ohio, to points in Iowa, Minnesota, and Wisconsin; (2) *boxes*, from Lockland and Cincinnati, Ohio, to points in Iowa, Minnesota, and Wisconsin; (3) *egg cartons*, from Dayton, Ohio, Chicago, and Morris, Ill., to points in Iowa, Minnesota, and Wisconsin; (4) *paper labels*, from St. Charles, Ill., to points in Iowa, Minnesota, and Wisconsin; and (5) *paper boxes and labels*, from Morris, Ill., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 291), filed June 5, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of grain*, except in bulk, in tank vehicles, from Alton, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (Sub-No. 47), filed June 7, 1972. Applicant: EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors*, from Longview Tex. to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that its present authority could be tacked with its existing authority whereby applicant could join Mercer and Earth Drilling subs; if authorized move by tacking occurs, applicant intends 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 necesary, applicant requests it be held either in Longview, Dallas, or Houston, Tex., or Shreveport, La.

No. MC 119774 (Sub-No. 48), filed June 7, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished and unfinished plywood*, from New Orleans, La., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, Baton Rouge, and Shreveport, La., or Dallas, Tex.

No. MC 119934 (Sub-No. 182), filed June 2, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, in bulk, in tank vehicles, from Portland, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Pennsylvania. NOTE: Applicant states that it has no intention of tacking or joining with its present authority. Applicant holds contract carrier authority under MC 128161 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 123124 (Sub-No. 6), filed May 22, 1972. Applicant: BOOTH DELIVERY SERVICE, INC., 408 15th Street North, Fargo, ND 58102. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, except hides and commodities in bulk, from Fargo, N. Dak., to points in Divide, Burke, Williams, Mountrail, McKenzie, Golden Valley, Billings, Dunn, Stark, Slope, Hettinger, Bowman, Adams, Mercer, Oliver, Grant, Sioux, Emmons, McIntosh, Logan, Lamoure, Dickey, Ransom, and Sargent Counties, N. Dak. 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 Fargo, N. Dak., or St. Paul, Minn.

No. MC 124170 (Sub-No. 29), filed June 5, 1972. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, MI 48207. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed shipments with bananas, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, restricted to traffic originating at the named origin point and to traffic having a prior movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124078 (Sub-No. 524), filed May 26, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski, 628 South 28th Street, Milwaukee, WI 53246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Limestone*, in bulk, (1) from Cartersville, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin; and (2) from Roberts, Wis., to points in Minnesota. 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 124211 (Sub-No. 215), filed May 15, 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: *Candy and confectionery products, and nuts and snack foods*, from Chicago, Ill., and points in Cook County, Ill., to points in Oklahoma, Oregon, Idaho,

Texas, 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 Chicago, Ill.

No. MC 124212 (Sub-No. 62), filed May 8, 1972. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, 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*, in bulk, in tank vehicles, from the plantsite of the Lehigh Portland Cement Co. located at Pasco, Wash., to points in Wasco, Sherman, Jefferson, Gilliam, Wheeler, Morrow, Grant, Umatilla, Union, Wallowa, and Baker Counties, Oreg. 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 Washington, D.C.

No. MC 124212 (Sub-No. 63), filed May 11, 1972. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, 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*, in bulk, (1) between points in Connecticut, (2) between points in New York, and (3) between points in Massachusetts and Rhode Island, restricted (1) to traffic originating at manufacturing plant of Alpha Portland Cement Co. located at Cementon, N.Y., (2) to shipments having an immediate prior movement by rail, and (3) against the joinder or tacking of such authority with any other authority held by applicant. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124544 (Sub-No. 10), filed May 22, 1972. Applicant: HILLARD F. LONG AND MEDARD SCHMITZ (VIOLA LANG, JOHN F. LANG, AND FRANK LANG TRUSTEES), doing business as LANG CARTAGE, 338 South 17th Street, Milwaukee, WI 53233. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household products, cosmetics, and grooming aids*, from the plantsite and storage facilities of Stanley Home Products, Inc., at Dubuque, Iowa, to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., and Vernon, La Crosse, Grant, Crawford, Trempealeau, Buffalo, Eau Claire, Chippewa, Rusk, Barron, Polk, St. Croix, Pierce, Dunn, Juneau, Pepin, Burnett, Washburn, Sawyer, Richland, Lafayette, Price, Taylor, Clark, Jackson, Monroe, and Iowa Counties, Wis., under contract with Stanley Home Products, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124656 (Sub-No. 5), filed June 2, 1972. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Sapulpa, Okla., to points in Arizona, California, Oregon, Utah, and Washington, under a continuing contract or contracts with Bartlett-Collins Co. of Sapulpa, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 124692 (Sub-No. 92), filed May 9, 1972. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except in bulk, in tank vehicles), between points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 125370 (Sub-No. 3), filed July 5, 1972. Applicant: MALDWYN JAMES, doing business as JAMES TRANSFER, 1134 Hawthorne Avenue East, St. Paul, MN 55106. Applicant's representative: J. Max Harding, 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: *Malt beverages and empty containers*, from St. Paul and Minneapolis, Minn., to points in Nebraska and points in Iowa on and west of U.S. Highway 65. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 48844 and subs, therefore dual operations may be involved. Applicant further states that the purpose of this application is for converting applicant's existing contract carrier authority to common and for an extension of destination territory. In the event this application is approved, applicant is willing to surrender all of his existing contract carrier authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126049 (Sub-No. 11), filed May 5, 1972. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa 50484. Applicant's representative: Clayton L. Worson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and packaged ice cream, ice milk and sherbet and ice cream, ice milk, sherbet and fruit flavored novelty items*, from Mason City, Iowa, to Pekin, 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 Mason City or Des Moines, Iowa.

No. MC 126278 (Sub-No. 8), filed May 18, 1972. Applicant: FRIGIDWAY CARTAGE CO., a corporation, 4500 West 44th Place, Chicago, IL 60632. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, drugs, and plastic and rubber articles*, from Sturgis, Mich., to Peoria and Chicago, Ill., Milwaukee, Wis., Minneapolis and St. Paul, Minn., and St. Louis, Mo. 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 126278 (Sub-No. 9), filed June 5, 1972. Applicant: FRIGID WAY CARTAGE CO., a corporation, 4500 West 44th Place, Chicago, IL. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., to points in Ohio, Michigan, Indiana; Louisville, Ky., and points in Pennsylvania on and west of U.S. Highway 15, restricted to traffic originating at the plantsites and warehouses of Pronto Foods Corp. and Produce Terminal Cold Storage in Chicago, 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 Chicago, Ill.

No. MC 126278 (Sub-No. 10), filed June 5, 1972. Applicant: FRIGID WAY CARTAGE CO., a corporation, 4500 West 44th Place, Chicago, IL. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from New Hampton, Iowa, to points in Illinois, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Kitchens of Sara Lee at New Hampton, Iowa; (2) from Chicago, Ill., and Deerfield, Ill., to points in Iowa, restricted to the transportation of traffic originating at the plantsites and warehouse facilities of the Kitchens of Sara Lee at Chicago, Ill., and Deerfield, Ill., and (3) from Deerfield, Ill., to Chicago, Ill., restricted to the transportation of traffic originating at the plantsite and warehouse facilities of the Kitchens of Sara Lee at Deerfield, 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 Chicago, Ill.

No. MC 126305 (Sub-No. 46), field May 22, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the facilities of the Day Companies, Inc., Suffolk, Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and 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.

No. MC 126422 (Sub-No. 6), filed May 19, 1972. Applicant: QUALITY TRANSPORT, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Wm. E. Livingstone III, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete mix, dry*, from New Orleans, La., to points in Alabama, Arkansas, Florida, Mississippi, and Texas; (2) *industrial sands* from New Orleans, La., to points in Alabama, Arkansas, Florida, Mississippi, and Texas; and (3) *concrete pipe* from New Orleans, La., to points in Mississippi. 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 New Orleans, La.

No. MC 126545 (Sub-No. 7), filed May 22, 1972. Applicant: GLENERY, INC., 173 Hickory Street, Kearny, NJ 07029. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Percipiated blank fixe*, in bags, in steamship owned containers, between the Port of New York, on the one hand, and, on the other, Trenton, N.J., under contract with Chemetron Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 127867 (Sub-No. 9), filed May 22, 1972. Applicant: TRANSOL COMPANY, a corporation, 116 Forest Avenue, Des Moines, IA 50314. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, from El Dorado and Wichita, Kans., to points in Nebraska, Iowa and points in Missouri on and north of U.S. Highway 36, under contract with Barton Solvents, Inc., Barton Solvents Co., and Barton Naphtha Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 128273 (Sub-No. 128), filed May 25, 1972. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden tractors, attachments, accessories, and parts thereof*, from Belleville, Pa., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128648 (Sub-No. 10), filed May 5, 1972. Applicant: TRANS-UNITED, INC., 1226 West Chicago Avenue, East Chicago, IN 46312. Applicant's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sliding and folding door hardware and locksets*, from Monrovia and San Demis, Calif., to points in the United States (excluding Alaska and Hawaii), under contract with Acme General Corporation of Monrovia, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 128944 (Sub-No. 10), filed May 19, 1972. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives and commodities requiring special equipment), (1) between Sheffield, Ala., and Chattanooga, Tenn., from Sheffield over U.S. Highway 72 to its junction with Interstate Highway 24 near South Pittsburg, Tenn., thence over Interstate Highway 24 to Chattanooga, and return over the same route, serving all intermediate points between Sheffield and Scottsboro, Ala., including Scottsboro, but with closed doors between Scottsboro (not including Scottsboro) and Chattanooga; (2) between Sheffield, Ala., and Huntsville, Ala., over U.S. Highway Alternate 72, serving no intermediate points; (3) between Huntsville, Ala., and Fayetteville, Tenn., over U.S. Highway 231, serving no intermediate points, and restricted against handling any traffic moving between Fayetteville and Nashville, Tenn., and (4) between Nashville, Tenn., and Huntsville, Ala., from Nashville over Interstate Highway 65 to Ardmore, Ala., thence over Alabama Highway 53 to Huntsville, and return over the same route, serving no intermediate points. (With all of the foregoing authority to be used in conjunction with all of applicant's other authority and each other.) NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 128944 (Sub-No. 11), filed May 19, 1972. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives and commodities requiring special equipment), between Birmingham, Ala., and Chattanooga, Tenn., over Interstate Highway 59 (also over U.S. Highway 11), serving only the intermediate points of Gadsden and Attalla, Ala. in conjunction with all of applicant's other authority. NOTE: If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala.

No. MC 128965 (Sub-No. 2) filed May 18, 1972. Applicant: PAUL HEIDE, 746 South Rutan, Wichita, KS 67218. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed feed-feed ingredients, items used and dealt in by wholesale and retail manufacturers and processors of feed and feed ingredients; agricultural chemicals, insecticides and herbicides, commercial fertilizer ingredients*, from points in Sedgwick and Reno Counties, Kans., to points in Missouri, Arkansas, Texas, Oklahoma, New Mexico, Colorado, and Arizona. Also from points in Oklahoma along the Kerr-McCellan Waterway Verdigris River, to points in Kansas, Colorado, Texas, Oklahoma, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed ncessary, applicant requests it be held at Oklahoma City, Okla.; Washington, D.C., or Wichita. Kans.

No. MC 129032 (Sub-No. 8), filed May 11, 1972. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Post Office Box 7608, Tulsa, OK 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in containers, from Tulsa, Okla., to points in Arizona. 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 or Oklahoma City, Okla.

No. MC 129068 (Sub-No. 14), filed May 26, 1972. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South Douglas Boulevard, Oklahoma City, OK 73150. Applicant's representative: Jack Griffin (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Housetrailers* (mobile homes), between points in Oklahoma. NOTE: Applicant states that the requested authority can be tacked at Lawton, Okla., to points in Texas, New Mexico, Colorado, Wyoming, Kansas, Missouri, Arkansas, Louisiana, to and from all points in Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 129076 (Sub-No. 5), filed May 15, 1972. Applicant: SPECIALIZED CARRIER, INC., 522 East LeGrande, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions, castings and associated components and materials and supplies* used in manufacturing and processing thereof, between the plantsite of National Aluminum Corp., Howe Engineering Division, Indianapolis, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, Michigan, Maryland, New York, Pennsylvania, North Carolina, Virginia, Oklahoma, Texas, Vermont, Delaware, New Jersey, Minnesota, Tennessee, Georgia, Illinois, Kentucky, Maine, New Hampshire, Missouri, Nebraska, Kansas, Massachusetts, Rhode Island, and South Carolina, under contract with National Aluminum Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 129456 (Sub-No. 6), filed May 11, 1972. Applicant: TRANS CANADIAN COURIER, LTD., 20 Morse Street, Toronto 8, ON, Canada. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) from the port of entry on the United States-Canada boundary line located at or near the Detroit River, and Detroit, Mich., to Detroit, Mich., under contract with Canadian Imperial Bank of Commerce; and (2) from Buffalo, N.Y., to the port of entry on the United States-Canada boundary line at or near the Niagara River and Buffalo, N.Y., under contract with Marine Midland Bank-Western. NOTE: Applicant holds common carrier authority under MC 129742 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133566 (Sub-No. 19), filed May 17, 1972. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., Post Office Box 676, Logansport, IN 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of the Kitchens of Sara Lee at or near New Hampton, Iowa, to points in Illinois, Indiana, Michigan, Kentucky, and Tennessee. Restriction: Restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133591 (Sub-No. 2), filed May 16, 1972. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mount Vernon, MO 67712. Applicant's representative: Harry Ross, 716 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned chicken and poultry products*, from Hope, Ark., to points in California, Oregon, Nevada, Washington, Idaho, Colorado, Arizona, New Mexico, Missouri, Utah, Kansas, Oklahoma, Illinois, and Indiana. NOTE: Applicant holds contract carrier authority under MC 134494 (Subs 1 and 2), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133591 (Sub-No. 3), filed May 16, 1972. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mount Vernon, MO 65712. Applicant's representative: Harry Ross, 716 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from Booneville, Ark., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada. NOTE: Applicant holds contract carrier authority under MC 134494 (Subs 1 and 2), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133655 (Sub-No. 57), filed May 9, 1972. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: D. J. Schneider, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets, lighter fluid, wood chips, barbeque base and fireplace logs*, (1) from Waupaca, Wis., to points in Pennsylvania; and (2) from Scotia and Stamford, N.Y., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Ohio, Michigan, Indiana, Wisconsin, Minnesota, Iowa, Illinois, West Virginia, Maryland, Delaware, North Dakota, South Dakota, Missouri, and Nebraska. NOTE: Common control may be involved. Applicant seeks no duplicating authority. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134454 (Sub-No. 5), filed June 5, 1972. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second Street, Dayton, OH 45401. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings*, between points in Lucas County, Ohio, and the plantsites and facilities of Price Brothers Co. in Montgomery, Wyandot, Franklin, Lorain, Stark, and Portage Counties, Ohio; Oakland, Wayne, and McComb Counties, Mich., on the one hand, and, on the other, points in Ohio, Indiana, and Michigan, under a continuing contract or contracts with Price Brothers Co. of Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it beheld at Columbus, Ohio.

No. MC 134477 (Sub-No. 22), filed May 17, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). 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) and frozen foods and canned goods, from Minneapolis-St. Paul, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134922 (Sub-No. 31), filed May 22, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from St. Francisville and New Belledeau, La., to points in Kentucky, Michigan, Missouri, Illinois, Indiana, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135524 (Sub-No. 4), filed May 24, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing, iron and steel; pipe and tubing, structural, iron and steel;* other than commodities such as are included in the first findings of the Interstate Commerce Commission in *T. E. Mercer and G. E. Mercer Extension Oil Field Commodities*, 74 M.C.C. 459 and 453, from the plantsites of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., Houston, Tex., 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 Houston, Tex., or Columbus, Ohio.

No. MC 135524 (Sub-No. 5), field May 22, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, tubing, ducts or raceways, wrought iron or steel, iron or steel articles, conduit pipe or tubing, welded steel, fittings and accessories*, on trailers equipped with mechanical self unloaders, from Niles, Ohio, and New Kensington, Pa., to points in Connecticut, Delaware, Georgia, Indiana, 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Pittsburgh, Pa.

No. MC 135524 (Sub-No. 7), filed May 22, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McColum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ladders aluminum, stepladders aluminum, stools and stepladders combined, aluminum articles, footwalks aluminum, scaffolds aluminum or aluminum and wood combined, sink frames, hardware steel, plumbers' goods, fittings for sinks, nuts, bolts, screws, steel, sheet steelware, aluminum bars, aluminum ingots, aluminum shapes, moundings or extrusions*, from Chicago, Ill. and Greenville, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and (2) *ladders aluminum, stepladders aluminum, stools and stepladders combined, aluminum articles, footwalks aluminum, scaffolds aluminum or aluminum and wood combined, sink frames, hardware steel, plumbers' goods, fittings for sinks, nuts, bolts, screws, steel, sheet steelware, aluminum bars, aluminum ingots, aluminum shapes, mouldings or extrusions*, from points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, to Chicago, Ill., and Greenville, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Cleveland, Ohio.

No. MC 135524 (Sub-No. 6), filed May 24, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ladders aluminum, stepladders aluminum, stools and stepladders combined, aluminum articles, footwalks aluminum, scaffolds aluminum or aluminum and wood combined, sink frames, hardware steel, plumbers' goods, fittings for sinks, nuts, bolts, screws, steel, sheet steelware, aluminum bars, aluminum ingots, aluminum shapes, mouldings, or extrusions*, from Chicago, Ill., and Greenville, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *ladders aluminum, stepladders aluminum, stools and stepladders combined, aluminum articles, footwalks aluminum, scaffolds aluminum or aluminum and wood combined, sink frames, hardware steel, plumbers' goods, fittings for sinks, nuts, bolts, screws, steel, sheet steelware, aluminum bars, aluminum ingots, aluminum shapes, mouldings, or extrusions*, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, District of Columbia, and Wisconsin to Chicago, Ill., and Greenville, Pa. NOTE: Application states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 135524 (Sub-No. 8), filed June 5, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing and plastic fittings, accessories and supplies* for same, from Houston, Tex., 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 Houston, Tex., or Columbus, Ohio.

No. MC 135845 (Sub-No. 3), filed May 22, 1972. Applicant: CATER, INC., 920 Holiday Drive, Moorhead, MN 56560. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* exempt from economic regulation under section 203(b)(6) of Part II of the Interstate Commerce Act when moving at the same time and in the same vehicle with commodities named in (2), (3), (4), (5), and (6) below from and to the points specified in (2), (3), (4), (5), and (6) below; (2) *corn syrup solids and dextrose*, from Keokuk, and Clinton, Iowa, to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, and Minnesota, (3) *Sugar*, from Sidney, Mont., Drayton, N. Dak. and Moorhead, Crookston, and East Grand Forks, Minn., to points in North Dakota, South Dakota, and Montana, (4) *cheese starter media*, from points in Wisconsin to Moorhead, Minn., and points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, and South Dakota, (5) *lactose*, from Bongards, and Rochester, Minn., to points named in (4) above, and (6) *such merchandise* as is dealt in by retail and wholesale food and grocery business houses, from points in Idaho, Illinois, Iowa, Minnesota, and Wisconsin to Fargo, N. Dak., under contract with Clark O. Orth Co., and Big Red Grocery Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 136079 (Sub-No. 2), filed June 4, 1972. Applicant: INDUSTRIAL INDUSTRIES, INC., a corporation, doing business as INDUSTRIAL TRUCKING, 6 Southeast 80th, Portland, OR 97215. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and irrigation system parts, accessories, attachments, tools, devices, and apparatus* used in the manufacture, installation and erection thereof, (a) between the plantsite and warehouse facilities of Pierce Corp., at or near Eugene, Oreg., on the one hand, and, on the

other, points in the United States (except Hawaii but including Alaska), (b) *irrigation system parts, accessories, and attachments,* from Boise, Idaho, to points in the United States (except Hawaii but including Alaska), (c) *irrigation system gear boxes* from Durst, Wis., to points in in the United States (except Hawaii but including Alaska), and (d) *iron and steel,* from Portland, Oreg., and Seattle, Wash., to the plantsite and warehouse facilities of Pierce Corp. at or near Eugene, Oreg., under a continuing contract with Pierce Corp. (2) *Concrete mixing plants and two-wheel concrete delivery trailers,* not exceeding 2 cubic yards in carrying capacity, from Vancouver, Wash., to points in the United States (except Alaska and Hawaii), under a continuing contract with U-Cart Concrete Systems, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136107, filed October 12, 1972. Applicant: JEAN NOEL GRONDIN, doing business as J. N. GRONDIN TRANSPORT, J. N. GRONDIN TRANSPORT ENRG, Post Office Box 215, Senneterre, PQ Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, PQ Canada. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dressed lumber,* kiln fired, from ports of entry on the international boundary line between the United States and Canada located in New York and Vermont, to points in New York, Vermont, New Hamphire, Pennsylvania, New Jersey, and Connecticut, restricted to traffic originating in the counties of Abibiti-Est, Abitibi-Quest, and Temiscaming, Province of Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant request it be held at Albany, N.Y., or Montpelier, Vt.

No. MC 136247 (Sub-No. 2), filed May 18, 1972. Applicant: WRIGHT TRUCKING, INC., 1303 10th Street SE., Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and articles* dealt in or used by wholesale beverage distributors, from Belleville, Ill., and St. Louis, Mo., to points in North Dakota, restricted against service to Fargo and Portland, N. Dak., and the warehouse and storage facilities of Valley Sales Co., Inc., at Jamestown and Valley City, N. Dak. 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 Fargo, N. Dak., or St. Paul, Minn.

No. MC 136464 (Sub-No. 2), filed June 5, 1972. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, NC 28052. Applicant's representative: Phillip R. Hedrick, Eighth Floor, City National Bank Building, Charlotte, N.C. 28202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Slide fasteners (zippers)* finished and/or semifinished; *slide fastener parts; miscellaneous materials, or supplies, or equipment* necessary for the manufacture, sale and distribution of slide fasteners; sewing thread on spools, cotton and/or nylon; tape, braid; lace; binding; ribbon and webbing, from Stanley, N.C.; La Grange, Ga., and Morton, Miss., to points in California, under contract with Talon, Division of Textron. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 136468 (Sub-No. 1), filed May 23, 1972. Applicant: VIRGINIA AIR FREIGHT INC., Lynchburg Municipal Airport, Post Office Box 1043, Lynchburg, VA 24505. Applicant's representative: H. Neil Garson, Court Square West Building, 1400 North Uhle Street, Arlington, VA 22201. 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 Alleghany, Amherst, Appomattox, Bedford, Botetourt, Campbell, Craig, Floyd, Franklin, Giles, Halifax, Henry, Mecklenburg, Montgomery, Patrick, Pittsylvania, Prince Edward, Pulaski, Rockbridge, Roanoke Counties, Va.; and Lynchburg and Roanoke, Va., on the one hand, and, on the other, Dulles International Airport located at or near Chantilly, Va., National Airport located at or near Arlington, Va., Friendship Airport located at or near Glen Burnie, Md., Byrd Airport located at or near Sandston, Va., Lynchburg Municipal Airport located at or near Lynchburg, Va., and Woodrum Airport located at or near Roanoke, Va., restricted to the transportation of shipments having an immediately prior or subsequently movement by air. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lynchburg or Roanoke, Va.

No. MC 136478 (Sub-No. 2), filed May 30, 1972. Applicant: BENSON TRANSPORT, INC., Route 3, Post Office Box 286, Lakeville, MN 55044. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen pizza,* from Minneapolis-St. Paul, Minn., commercial zone to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona; and (2) *material and supplies* used in the manufacture and distribution of frozen pizzas on return, for the account of Totino's Finer Foods, Inc., Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136524 (Sub-No. 2), filed June 2, 1972. Applicant: DOWNTOWN STORAGE COMPANY, a corporation, 812 Live Oak Street, Houston, TX 77003. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies,* including tools used in the construction and maintenance of telephone systems and communications, between points in Harris County, Tex., and points in Harris, Robertson, Leon, Jasper, Houston, Madison, Lee, Burleson, Brazos, Grimes, Walker, Montgomery, Fayette, Washington, Waller, Austin, Colorado, Fort Bend, Wharton, Hardin, Polk, San Jacinto, Liberty, and Newton Counties, Tex., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136592 (Sub-No. 1), filed June 5, 1972. Applicant: JONES MOVING & STORAGE CO., INC., 1002 West Jackson, Harlingen, TX 78550. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies, including tools,* used in the construction and maintenance of telephone systems and communications, between points in Cameron County, Tex., and points in the counties of Cameron, Willacy, Kennedy, Brooks, Hidalgo, Starr, Jim Hogg, and Zapata, Tex., under contract with Western Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136658 (Sub-No. 2), filed May 8, 1972. Applicant: ARALDO C. RICHIE, doing business as A. R. TRUCKING, 12 Spurr Place, Nutley, NJ 07110. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by a manufacturer or ranges, from Kearny and Clifton, N.J., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, District of Columbia, that part of New York on, south and east of a line starting at the Massachusetts-New York State line over New York Highway 2 to junction with New York Highway 7, thence over New York Highway 7 to junction with Interstate Highway 81, thence over Interstate Highway 81 to the New York-Pennsylvania State line, that part of Pennsylvania on and ast of Interstate Highway 81, that part of Maryland on and east of Interstate Highway 81, that part of Virginia on east and north of a line beginning at the Virginia-West Virginia State line over Interstate Highway 81 to junction with U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 301, thence over U.S. Highway 301 to the Potomac River, and

(2) *used commodities* of the same description in (1) above, on return, under contract with The Tappan Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136716, filed May 12, 1972. Applicant: BARRY, INCORPORATED, 120 East National Avenue, Milwaukee, WI 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* used or distributed by a manufacturer of costmetics, from Milwaukee, Wis., to points in that part of Wisconsin on and east of Wisconsin Highway 69 between the Illinois-Wisconsin State line and Madison, Wis., on and east of U.S. Highway 51 between Madison and Wisconsin Highway 29, and on south of Wisconsin Highway 29, under a continuing contract with Avon Products, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 136734, filed May 11, 1972. Applicant: GRANTSBURG AND FALUN LUMBER CO., INC., Grantsburg, Burnett County, Wis. 54840. Applicant's representative: Charles H. Sturgeon, 914 Strowbridge Drive, Huron, OH 44839. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic and pneumatic couplers*, from Grantsburg, Wis., to Minneapolis-St. Paul, Minn.; and (2) *material, supplies, and equipment* used in the manufacture of hydraulic and pneumatic couplers, from Chicago, Ill., commercial zone and the Minneapolis-St. Paul commercial zone to Grantsburg, Wis., for the account of the Parker-Hannifin Corp. in (1) and (2) above with rejected material on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., Cleveland, Ohio, or Washington, D.C.

No. MC 136737, filed May 15, 1972. Applicant: THE DENVER BRICK & PIPE COMPANY, a corporation, Post Office Box 2329, Denver, CO 80201. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wall board*, from the plantsite of American Gypsum Co. at Albuquerque, N. Mex., to points in Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136757, filed May 12, 1972. Applicant: INTERSTATE ROAD RUNNER, INCORPORATED, 74-16 Grand Avenue, Maspeth, NY 11378. Applicant's representative: E. Stephen Heisley, 666 11th Street NW, Washington, DC. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet tubing; electrical fittings; electrical conduit; microphone stands; pipe and fittings; and materials, equipment, and supplies* used or useful in the manufacture, production, distribution, and sale of the above-named commodities, between Maspeth, N.Y., Metuchen, N.J., and Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restrictions: (1) The above authority is restricted to the transportation of traffic originating at or destined to the plantsites of or facilities used by Berger Industries, Inc., its subsidiaries, affiliates or divisions at Maspeth, N.Y.; Metuchen, N.J.; and Chicago, Ill., or points within their commercial zones, and (2) the above authority is restricted to transportation of traffic moving under a continuing contract or contracts with Berger Industries, Inc., its subsidiaries, affiliates, or divisions. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136758, filed May 15, 1972. Applicant: KENNETH OLSEN, doing business as MESA TRANSPORT, 2412 East Edgewood Street, Mesa, AZ 85204. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, AZ 85018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dwellings and cabins, prefabricated and precut components, fixtures and appliances, including floors, walls, roofing, hardware, sections, porches, plumbing fixtures, paint, jacks, electrical fixtures, refrigerators, stoves, heaters, and cooling systems* necessary for the assembly of prefabricated and precut buildings, from the plantsite of Forest Homes, Inc., located at or near Mesa, Ariz., to points in California, Colorado, Nevada, New Mexico, and Utah; and (2) *lumber* from points in Colorado and New Mexico to the plantsite of Forest Homes, Inc., located at or near Mesa, Ariz., under contract with Forest Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 136759, filed May 17, 1972. Applicant: JOYCO ENTERPRISES, INC., Post Office Box 346, Pinedale, CA (mailing address); 7010 North Motel Drive, Herndon, CA 93721. Applicant's representative: Eldon M. Johnson, 105 Montgomery Street, Suite 1100, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail paint and variety stores*, from the Standard Brands Paint Co. manufacturing and distribution facility in Torrance, Calif., to the Standard Brands Paint Co. warehouse and retail outlets in the counties of King, Pierce, and Snohomish, Wash., under contract with Standard Brands Paint Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 136761, filed May 18, 1972. Applicant: HUGH LODEN AND ALVIN VINSON doing business as LODEN & VINSON GARAGE & WRECKER SERVICE, 701 Robert E. Lee Drive, Tupelo, MS 38801. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, abandoned vehicles, and replacement vehicles, and parts and equipment* thereof, when moved by towtruck or wrecker equipment, between points in Mississippi and Tennessee on the one hand, and, on the other, points in the United States (except Washington, Idaho, Oregon, Montana, Nevada, Utah, Alaska, and Hawaii). NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136787, filed May 25, 1972. Applicant: BIBEY TRUCKING COMPANY, INC., 937 Mill Creek Avenue, Perryville, MD 21903. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, other than malt beverages, in plastic containers, from Port Deposit, Md., to points in North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, Delaware, New Jersey, New York, and the District of Columbia, under contract with Ecological Refreshment Corp. NOTE: Applicant holds common carrier authority under MC 115777 and Sub-No. 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Sub-No. 45), filed May 26, 1972. Applicant: AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Wichita, KS 67201. Applicant's representative: C. Zimmerman, Post Office Box 730, Wichita, KS 67201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Davenport, Iowa, and Muscatine, Iowa, from Davenport over Iowa Highway 22, to Muscatine, Iowa, and return over the same route, serving all intermediate points. NOTE: Applicant requests revocation of the certificate of its wholly owned subsidiary, Muscatine, Davenport, and Clinton Bus Co., under No. MC 107652 upon the grant of applicant's certificate. If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa.

No. MC 136740, filed May 8, 1972. Applicant: HYMAN LEVINE, doing business as HY'S LIVERY SERVICE, 195 Woodin Street, Hamden, CT 06514. Applicant's representative: Edward L. Marcus, 38 Trumbull Street, New Haven, CT 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, with door to door service in a vehicle to accommodate not more than six passengers, between

Orange, Woodbridge, North Haven, West Haven, Wallingford, and Hamden, Conn., on the one hand, and, on the other, J. F. Kennedy International Airport and La Guardia Airport, New York, N.Y., Newark Airport, Newark, N.J., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 136743, filed May 22, 1972. Applicant: PEGGY BRAAMSE, doing business as MARQUETTE BUS SERVICE, 1414 Garfield Avenue, Marquette, MI 49855. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, between points in Marquette County, Mich., on the one hand, and, on the other, (a) points in Wisconsin, Illinois, Ohio, Minnesota, and Indiana; and (b) the ports of entry on the boundary line between the United States and Canada at points in Michigan and Port Huron and Detroit, Mich., and Grand Portage, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Marquette, Escanaba, or Lansing, Mich.

FREIGHT FORWARDER APPLICATIONS

No. FF-415 (Correction) (General Transpac System Freight Forwarder Application) filed April 24, 1972, published in the FEDERAL REGISTER, issue of May 25, 1972, and republished as corrected this issue. Applicant: GENERAL TRANSPAC SYSTEM, doing business as "TRANSPAC", 353 Sacramento Street, San Francisco, CA 94111. Applicant's representative: Charles F. Warren, 1100 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of: *General commodities*, from Chicago, Ill., Los Angeles, San Francisco, and Oakland, Calif., for furtherance to Brisbane, Australia; Guam, Mariana Islands, Koror, Caroline Islands; Melbourne, Australia; Ponape, Caroline Islands; Saipan, Mariana Islands; Sydney, Australia; Truk and Yap, Caroline Islands. NOTE: The purpose of this republication is to include Ponape, Caroline Islands; Saipan, Mariana Islands; and Sydney, Australia, which were erroneously omitted in the previous publication.

No. FF-418 (Kriegsman Transfer Company Freight Forwarder Application), filed June 13, 1972. Applicant: KRIEGSMAN TRANSFER COMPANY, a corporation, 278 Koch Street, Pekin, IL 61554. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by motor vehicle in the transportation of: *General commodities*, having prior or subsequent transportation by air and water, between points in Illinois, Michigan, Indiana, Iowa, Kentucky, Missouri, and Wisconsin.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 16682 (Sub-No. 85), filed June 8, 1972. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island, NY 11101. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institution furniture, fixtures, and equipment, and new furniture* (except commodities which because of size or weight require the use of special equipment), (1) between points in Nebraska on the one hand, and, on the other, points in Iowa, Kansas, and Minnesota; and (2) between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of uncrated commercial and institution furniture, fixtures, and equipment, and uncrated new furniture. NOTE: Applicant states that the requested authority can be tacked with other authorities now held by applicant. However, applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought.

No. MC 112713 (Sub-No. 144), filed May 18, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d at State Line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as above). 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kokomo and Marion, Ind., from Kokomo over U.S. Highway 35 to junction Indiana Highway 37, thence over Indiana Highway 37 to Marion, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations between the same termini, serving no intermediate points.

No. MC 135234 (Sub-No. 6), filed May 22, 1972. Applicant: COMMERCIAL CARTAGE, INC., Stop 24, Winfield Road, Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable, copper coils, and empty reels*, between Decatur, Ill., and Chester, S.C., on the one hand, and, on the other, points in Indiana, Illinois, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia under contract with Essex International, Inc.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 180), filed June 5, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: S. B. Ringwood, 371 Market Street, San Francisco, CA 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between junction U.S. Highway 51 and Wisconsin Highway 70 and Fifield, Wis., from junction U.S. Highway 51 and Wisconsin Highway 70 to junction Wisconsin Highway 13 (Fifield), and return over the same route, in summer season service. NOTE: Applicant has a pending contract carrier application under MC 136186 Sub-No. 2. Common control may be involved.

No. MC 136791, filed March 27, 1972. Applicant: CENTRAL TAXI (ST. CATHARINES) LIMITED, a corporation, 23 Academy Street, St. Catharines, ON, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and parcels* (emergency service only) for and on behalf of commercial and industrial institutions, between ports of entry on the international boundary line between the United States and Canada at Lewiston, Niagara Falls, and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewiston or Niagara Falls, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12645 (Sub-No. 6), filed June 8, 1972. Applicant: PARAGON TRAVEL AGENCY, INC., 680 Purchase Street, New Bedford, MA. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. For a license (BMC-5) to engage in operations as a *broker*, at Atlanta, Ga., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, between points in the United States (including Alaska and Hawaii).

By the Commission.

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

[FR Doc.72-9775 Filed 6-28-72;8:45 am]

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THURSDAY, JUNE 29, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 126

PART II

ENVIRONMENTAL PROTECTION AGENCY

Pesticides containing Aldrin/Dieldrin

■

Notice for Submission of views with respect to uses

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDES CONTAINING ALDRIN/DIELDRIN

Notice for Submission of Views with Respect to Uses

There is published today a determination and order with respect to continued registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of pesticides containing aldrin/dieldrin. This determination and order follows a challenge by 84 registrants to a notice canceling the registrations of all pesticides containing aldrin/dieldrin. Pursuant to a request by the registrants under section 4(c) of the FIFRA (7 U.S.C. 135b(c)), the matter was referred to a Scientific Advisory Committee which furnished its report to this Agency. For the reasons set forth in the determination and order, the cancellation of all aldrin/dieldrin registrations has been affirmed except for those uses involving (1) the dipping of roots or tops of nonfood plants; (2) subsurface ground insertions for termite control; and (3) mothproofing by those manufacturing processes which utilize the pesticide in a closed system.

There remains the question of whether any of the uses for which cancellation has been affirmed should also be suspended, the most drastic administrative remedy available under the FIFRA which immediately halts all interstate shipment of products registered for such uses. At this time, the Environmental Protection Agency (EPA) has not reached a determination on this question. However, this Agency is particularly concerned over the lack of evidence currently available on the degree of need for and benefits to be achieved from those of the canceled uses which involve the greatest hazard, i.e., those uses involving aerial and ground methods of spraying and dusting, and those involving use in and around the home and other buildings. Moreover, in light of its recent decision concerning Mirex registrations, EPA is also concerned over continued use of dieldrin for ant control pending the completion of the cancellation process.

In view of the absence of any existing formal mechanism for a hearing prior to suspension or for rapid administrative or judicial review of decisions to suspend registration, EPA is hereby inviting the informal submission of additional information bearing on the need for the uses listed in the previous paragraph during the pendency of further appeals. Interested persons should, therefore, within 20 days of publication of this notice, submit written comments on such benefits (or lack thereof).

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in triplicate with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20460, within 20 days after the date of publication of this notice in the FEDERAL REGISTER. Please make reference in any submission to "FR Aldrin/Dieldrin Request for Information Notice."

Dated: June 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

DETERMINATION AND ORDER

[I.F. & R. No. 145 etc.]

SHELL CHEMICAL CO. ET AL.

In regard: Shell Chemical Co. et al. (Aldrin-Dieldrin Registrations), I.F. & R. No. 145 etc.

This proceeding, which arises under section 4.c of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 135b(c)), involves a challenge by 84 registrants to a notice cancelling the registrations of all pesticides containing aldrin and dieldrin. Pursuant to a request by the registrants under the governing statute the matter has been referred to a scientific advisory committee, which has furnished me its report. For the reasons that follow, I have determined, based on that report and all other data before me, to affirm the cancellation of all registered label uses of aldrin-dieldrin except those involving (1) the dipping of roots or tops of nonfood plants; (2) subsurface ground insertions for termite control; (3) mothproofing by those manufacturing processes which utilize the pesticide in a closed system.

I. *Background.* Aldrin-dieldrin, a chlorinated hydrocarbon, is a broad spectrum insecticide that is one of the most widely used domestic chemical insecticides. Figures for 1970 show that approximately 11 million pounds of aldrin were used that year and 7 million pounds of dieldrin. Since after application aldrin readily converts to dieldrin, the ultimate concern is with the environmental and toxicological effects of dieldrin.

The chief virtues of aldrin-dieldrin are its persistence and toxicity to a wide range of insect pests. By far the major agricultural use of aldrin-dieldrin is soil application to control soil insects. Corn crops, in particular, are subject to damage from soil insects. Other uses include application to turf; home pest control; dipping of plant roots; treatment of foundations for termite control; seed treatments; and mothproofing of fabric. Method of application for different uses varies greatly. Thus, some uses involve ground-injection; some involve dipping of seeds; others involve aerial spraying; and there may be different methods of application for the same use.

On January 7, 1971, the U.S. Court of Appeals for the District of Columbia Circuit held, in a case involving the registrations of products containing DDT, that the FIFRA requires the Government "to issue notices (of cancellation) and thereby initiate the administrative process whenever there is a substantial question about the safety of a registered pesticide." Environmental Defense Fund v. Ruckelshaus, 439 F.2d 584, 594.

After reviewing all the information on aldrin and dieldrin available to the Agency, I concluded on March 18, 1971, that the impact of aldrin and dieldrin on the environment raised a substantial question as to the safety of all registered products containing those chemicals. Accordingly, I determined to commence the administrative process by cancelling all remaining registrations of products containing aldrin or dieldrin.[1] At At the same time, I determined, based on the evidence then available, that the continued use of aldrin or dieldrin products did not create "an imminent hazard to the public" which would necessitate immediate suspension of the registration. I stressed at that time that the Agency would be prepared to reevaluate the question of suspension at any later stage in the administrative proceedings (Mar. 18 statement, p. 12).

My March 18, 1971, decision on aldrin-dieldrin was assaulted from two directions. Specifically, 84 registrants invoked their statutory right to take administrative appeals from my cancellation order, while the Environmental Defense Fund challenged in court the refusal to order immediate suspension of registrations pending the completion of the cancellation process.[2]

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[1] Under the FIFRA, a registrant who does invoke an administrative appeal from a "cancellation" order may continue to distribute his product in interstate commerce during the pendency of the appeal process. In contrast, a "suspension" order, which may be issued when "necessary to prevent an imminent hazard to the public" is effective immediately and precludes product distribution pending the outcome of further administrative proceedings. On Mar. 6, 1970, the Department of Agriculture's Pesticides Regulation Division issued a notice of cancellation of registrations for all products containing aldrin or dieldrin intended for use in aquatic environments, marshes, wetlands, and adjacent areas, including treatments for control of mosquito larvae, filter fly, larvae in sewage systems, and tabanid larvae in outdoor areas. This action was taken primarily in response to the 1969 recommendation of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health (Mrak Commission) that uses of persistent pesticides, including aldrin and dieldrin, be eliminated except where essential to the preservation of human health and welfare. No administrative appeals were taken from those cancellations, and they took effect and became final 30 days later.

Thereafter, on May 22, 1970, the Department of Agriculture published a notice in the FEDERAL REGISTER affording interested persons an opportunity to submit views and comments on the importance of aldrin-dieldrin in pest control. A special review group was established within the Department to evaluate the substantial number of replies which were received. That review group's final report was forwarded to this Agency—which had by that time succeeded to the Department of Agriculture's regulatory function under the FIFRA—in January 1971.

[2] The Environmental Defense Fund suit in the court of appeals to challenge my refusal to suspend registrations was decided May 5, 1972. Environmental Defense Fund v. EPA, _____ F. 2d _____ (C.A.D.C. No. 71-1365). While the court upheld certain factual conclusions I had relied upon as supported by respectable scientific authority (slip opinion, p. 16), the court determined that the policies and standards that had been applied in reaching the determination not to suspend registrations required further explanation (slip opinion, pp. 17-18, 19-20, 21-22). The matter has been remanded for consideration of its opinion in light of the advisory committee report (slip opinion, p. 24), and the standards of suspension articulated by the court. (Slip. op. 18-19, 20-22.) After the issuance of this order, I shall review the matter of suspension. As noted by the advisory committee, the compilation of scientific data on aldrin-dieldrin is not complete. When I receive further information, I shall be able to make a determination based on the pertinent evidence. (See part V of this order.)

The 84 registrants took administrative appeals by filing petitions for referral of the matter to a scientific advisory committee.[3] The first such petition was filed on April 5, 1971. The advisory committee was appointed on November 11, 1971, and received the relevant data, and its charge, on November 29, 1971.

The charge directed the committee to determine and weigh the nature and magnitude of the foreseeable hazards associated with their continued use. More specifically, the committee was charged to consider and evaluate all relevant scientific evidence and, based thereon, express its opinion and recommendations concerning the scientific issues involved. With respect to the hazards associated with the several uses of aldrin and dieldrin, the committee was to evaluate inter alia, the nature, scope, and possibility of occurrence of any (1) direct hazard to the user and to the general public; (2) hazards to vegetation; (3) hazard to nontarget vertebrate and invertebrate animals; and (4) hazard to the environment generally. On the other hand, it was to evaluate the benefits of aldrin and dieldrin by reporting on, inter alia, (1) the nature and extent of the problem posed by the various insects which aldrin and dieldrin products are used to control; (2) the benefits expected to be achieved by the use of control measures which utilize aldrin and dieldrin, measured against the damage which will occur if no control is undertaken; and (3) the availability and effectiveness of, and the hazards connected with, alternative control measures.

The committee submitted its report on March 28, 1972, having been given, as authorized by statute, a 60-day extension beyond the original due date of January 28, 1972. Under the law, I am required within 90 days of my receipt of the report to "make [a] determination and issue an order, with findings of fact, with respect to registration * * *." 7 U.S.C. 135b(c).

II. *Applicable law.* The FIFRA, as interpreted by the courts, requires this Agency to initiate administrative review proceedings whenever a substantial question of safety arises in connection with particular use or directions for use. EDF v. Ruckelshaus, supra. Having commenced the statutory review process, this Agency then reconsiders the nature of any questions of safety in light of a scientific advisory group's assessment or risks (assuming registrants have sought review). It may be that upon review of the literature and after hearing testimony the committee will find that the "substantial question of safety" initially triggering cancellation does not in fact exist. Where, however, the committee's findings bear out the Agency's original scientific judgments, the Agency must then determine if the benefits of use outweigh the risks. As we stated in our final opinion and order in In Re Stevens, I.F. & R. 63 (June 14, 1972), a prima facie case for cancellation is made when substantial risks to man or the likelihood of harm to nontarget aquatic or terrestrial species are established. This prima facie case can be rebutted by a showing of benefits that would justify a prudent man in taking such risks.

Evidence of benefits may be submitted both to the advisory committee and also to the Agency, which must review the scientific advisory committee's report and such "other evidence" as is submitted. If the record contains sufficient data of a reliable nature to permit this Agency to conclude that the benefits outweigh the risks, cancellation will be lifted. Where, as here, little data is available, or the data is so contradictory as to require further scrutiny through the more formal record compiled after a hearing, the cancellation must be reaffirmed since no evidence of record exists to overcome the established risks.

Thus, in viewing the committee's findings I must look to see if the risks which caused the Agency to cancel do, in fact, exist, and if these risks are real, evidence of record exists to show benefits which overcome them.

Here, I do not find the clear and strong data as to benefits. Consequently, I am continuing the cancellation of all uses except those three listed on page one which pose de minimis risks. Thereby, the procedure for full study and presentation of evidence by both proponents of cancellation and registrants will be initiated.

III. *Discussion of evidence.* At the time I initially instituted these proceedings my primary concern was the general long-range persistence and mobility of aldrin-dieldrin in the environment, its tendency to concentrate in the food chain due to its storage in fatty tissues, and its acute toxicity to aquatic life. Of particular concern were laboratory tests showing that aldrin-dieldrin might be a low-level carcinogen. There was also evidence to indicate that aldrin-dieldrin may also have other sublethal chronic effects not apparent immediately following direct contact with the chemical.[4]

After reviewing the discussion of the advisory committee, I am persuaded that cancellations for most uses must be affirmed. The committee's review of the literature led it to the same factual determinations that originally caused me to cancel.

Aldrin and dieldrin are both chlorinated hydrocarbons, which are in the same family of chemical pesticides as DDT. They possess characteristics similar to those of DDT (*i.e.*, persistence, mobility, solubility in lipids, and bioconcentration with resulting toxicological effects) which make them serious potential and actual threats to a wide variety of living organisms, both aquatic and terrestrial with which they come in contact.

It has been demonstrated both experimentally and from past use that very low levels of exposure to aldrin-dieldrin can have serious toxicological effects on various species of fish and birds. The persistence of these two pesticides allows them through the processes of erosion and runoff from soil application, drift from spraying and dusting application techniques, and volatilization, to find their way into rivers, lakes, and other habitats for wildlife. One instance in which 1 lb./acre of dieldrin was applied to a salt marsh for sandfly control produced a fish kill of drastic proportions (20–30 tons of fish). While direct application of aldrin-dieldrin to aquatic habitats has previously been canceled, there still remains a serious threat of indirect contamination of waterways through many of the remaining uses.

One study, for example, has shown that significant amounts of dieldrin residues are still finding their way, through runoff and erosion, into key river systems annually even where soil applications—which offer a greater possibility of control than aerial spraying—are primarily utilized. Moreover, the committee found that 3 percent of aldrin-dieldrin applied directly to soil will volatilize and thus contaminate the environment. When aerial or other methods of spraying or dusting are employed, the chances of aldrin-dieldrin affecting nontarget organisms are even greater. In either instance it presently appears that no label language is capable of protecting nontarget organisms, including man, from actual and potential injury. On the other hand, the committee found that certain methods of application, dipping or soil injection introduced de minimis quantities of aldrin-dieldrin into the environment.

The advisory committee reached no definitive conclusion on the carcinogenicity of dieldrin. It stated that "if there is a carcinogenic action in dieldrin, it likely is a weak one at a level much like DDT." (Report, p. 45.) In the recently concluded DDT proceeding, I found, based on all the evidence introduced at a full public hearing, that DDT is a potential human carcinogen. Appraisal of the similar laboratory evidence concerning dieldrin leads me to make the same finding here.

This finding, and the possibility of chronic effects or acute effects from chronic exposure, point up the need for caution with respect to any use of aldrin and dieldrin which can be expected to result in residues in food.[5]

On the question of benefits the committee found the evidence before it too inadequate to make any findings. The committee found that the need for aldrin-dieldrin, in many instances, is by no means clear. Some farmers use it even though it may be ineffective or unnecessary. There is some suggestion that the persistence of soil residues makes annual application unnecessary. One economic study is cited in the committee report for its "rough estimates" that the unavailability of aldrin-dieldrin would lead to crop losses of $14 million and $34 million increased cost to replace it with alternative chemicals. That report itself takes note of the disagreement among entomologists as to the efficacy of the substitutes for aldrin-dieldrin. It is not clear what percent increase in variable cost this $34 million represents. Nor is it precisely clear whether or not the acreage most dependent on aldrin-dieldrin could shift to different crops. Compare In Re Stevens, supra.

IV. *Weighing of risks and benefits.* Against the information just discussed, I must hold that, with the exception of the three uses set out on page 1, the evidence thus far available does not justify retention of the uses of aldrin-dieldrin.

The vast bulk of the use of aldrin and dieldrin involves direct application to soils.

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[3] The FIFRA reserves to registrants the right to request a public hearing if they are dissatisfied by the action I take after I receive the advisory committee report. Registrants may, at their option, bypass the committee and ask directly for a public hearing. One registrant did this. That request for a public hearing has been held in abeyance pending the completion of the advisory committee proceedings requested by the other registrants.

[4] The possibility that aldrin-dieldrin may lead to long-term chronic ailments has caused this Agency's Pesticide Tolerance Division to refuse to set a tolerance for aldrin-dieldrin residues in milk and meat. Additionally petitions for revocation of tolerances on other crops are now pending.

[5] While the committee found that there is no evidence of human injury from present or past use of aldrin or dieldrin, it neither discussed nor referenced in its bibliography the report by Dr. Wayland J. Hayes, Jr., Clinical Handbook on Economic Poisons—Emergency Information for Treating Poisonings (U.S.P.H.S. 1963) which noted that "in different countries 2 percent to 40 percent of men applying 0.5 percent to 2.5 percent suspensions or emulsions of (aldrin-dieldrin) at the rate of about 1 gram per square meter developed poisoning within 2 weeks to 24 months after first exposure." This evidence suggests possible chronic toxicity, a danger which could be due to the persistence of aldrin-dieldrin in the body. On the other hand, it may be these applicators did not observe the proper cautions and directions on the label. Cf. In Re Stevens, supra.

While these methods of application are environmentally safer than aerial and other methods of spraying and dusting, the evidence before me indicates that widespread ground application results in large amounts of the chemicals escaping from the point of application and threatening harm to the aquasphere and wildlife. Uses for protection of food or feed crops pose additional hazards from residues in food. This same residue hazard attends the dipping of roots or tops of food plants. Against these risks, there is, as the committee found, almost a complete lack of reliable scientific data indicating with precision the degree of need for and effectiveness of aldrin-dieldrin. For example, the data before me demonstrate not only that some farmers are unaware of the economic threshold involved in aldrin-dieldrin use on their crops, but that in some instances their use of these pesticides is entirely unnecessary to achieve control of certain insect pests. In this regard some farmers claim that they do not use, nor do they need, aldrin-dieldrin to grow corn successfully in the midwest.

The dieldrin registrations for use as a seed protectant present two principal risks. First, while the residues may be quite small, use on seeds of food crops may leave potentially hazardous residues. Second, several documented incidents of bird poisonings illustrate the risk that birds and other wildlife will ingest the seeds after planting.

An additional danger arises when treated seed is packaged in bulk (as opposed to small packs suitable for home gardening). There is always the possibility that such seed may later be diverted or otherwise ingested by animals. While the precise extent to which this occurs is not clear, I am not prepared to find, in the light of evidence that treated corn grain, for example, is used as a feed supplement for cattle, swine and chickens, that this risk can be disregarded.

Environmental hazards also surround surface application to turf, both on grazing and nongrazing areas. An attempt to control such use by requiring the supervision of trained professionals, as recommended by the advisory committee, would contribute little to the alleviation of the substantial question of environmental safety that is involved, particularly by use in grazing areas. While it may be that more specific label directions could minimize the risks and maximize benefits, by restricting use to certain areas or recommending application on a cyclical basis, this has not yet been established. Cf. In Re Stevens, supra.

I must also cancel use of dieldrin in the home or in other structures occupied by humans or livestock. Aldrin has never been registered for use in homes or in agricultural premises. Dieldrin, however, is marketed for use in households for insect (e.g., roach) control, even though insect tolerance has rendered it relatively ineffective. In some cases it is painted on floorboards and woodwork and thus presents the possibility of direct exposure to children and pets. There are recorded incidents of dieldrin poisonings attributed to accidental ingestion of products used in the home. There are much less toxic insecticides which can and are presently being used effectively. All inside use of dieldrin must be canceled.[6]

On the other hand, certain uses present at most a negligible hazard although they result in introduction of aldrin-dieldrin into the soil. Subsurface ground insertions for termite control achieves needed and extremely valuable protection for wooden structures and poses no demonstrable hazard.[7] The dipping of nonfood plants achieves the desired control of insects with the least possible contamination of surrounding soil and does not raise the problem of possible hazard from food residues. Consequently, those uses can be permitted.

I am also permitting retention of use for mothproofing in manufacturing processes where the chemicals are not discharged into aquatic systems. All uses involving direct application to water have previously been finally canceled; the same reasoning which required those cancellations requires cancellation of any mothproofing uses which result in discharge of the chemicals into aquatic systems.

V. *Deferral of determination on suspension.* There remains the question of whether any of the uses for which I have maintained cancellation in effect should also be suspended. At this time, I have not reached a determination on that question. I am, however, particularly concerned over the lack of evidence currently before me on the degree of need for and benefits to be achieved from those of the canceled uses which apparently involve the greatest hazard, i.e., those uses involving aerial and ground methods of spraying and dusting, and those involving use in and around the home and other buildings, and uses for fire ant control.

In view of the absence of any existing formal mechanism for a hearing prior to suspension or for rapid administrative or judicial review of decisions to suspend registrations,[8] I am hereby inviting the informal submission of additional information bearing on the benefits and hazards of the uses just listed. I will announce a decision on the question of the suspension of these and other uses within the next several weeks.

VI. *Further appeals from this decision.* Section 4.c of the FIFRA (7 U.S.C. 135b(c)) provides that administrative appeals from my decision today to maintain cancellations in effect may be taken "within 60 days from the date" of this order, e.g., by August 25, 1972.[9] Appeals are taken by filing objections to this order and requesting a public hearing.

The regulations governing the filing of such appeals are contained in 40 CFR (1972 ed.) Part 164.[10] Subparts A and B of the regulations appearing in the 1972 CFR are presently in effect (see particularly 40 CFR 164.4 (d)); Subpart C was recently amended and appears at 37 F.R. 9478 (May 11, 1972).

The governing statute and regulations provide expressly for administrative appeals only by registrants or applicants. The Agency has determined, however, that other interested persons (e.g., pesticide users) who have standing to seek judicial review of final agency orders under 7 U.S.C. 135b(d), also should be accorded the right to take administrative appeals. See EDF v. Ruckelshaus, supra, 439 F. 2d 584 (C.A. D.C. 1972); In re Stevens Industries, I.F. & R. No. 63 (June 14, 1972), footnote 8. Notification to such persons of the entry of this decision will be made by publication in the FEDERAL REGISTER; appeals by such persons must be filed within the time allotted to registrants.[11]

Administrative appeals complying with the applicable regulations should be submitted to the Agency's hearing clerk at the following address:

Mrs. Betty J. Billings, Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

Particular attention is directed to the requirement that the document filed contain inter alia, the registration number of the pesticides which are the subject of the appeal. 40 CFR 164.21(a) (37 F.R. 9478).

In the absence of administrative appeals, the cancellation of registrations announced in this order will take effect on August 25, 1972. However, subject to any action which I may take in announcing my decision on the question of suspension, finally canceled registrations will be deemed to continue in effect after that date for the limited purpose of further distribution and use of products which have by that time left the possession and control of the registrants.

VII. *Order.* For the foregoing reasons, the cancellation of the registrations of all products containing aldrin or dieldrin is affirmed, except that the cancellation is lifted with respect to those registered uses involving (1) the dipping of roots or tops of nonfood plants; (2) subsurface ground insertions for termite control; and (3) mothproofing by manufacturing processes which utilize the pesticide in a closed system.

WILLIAM D. RUCKELSHAUS,
Administrator.

JUNE 26, 1972.

[FR Doc.72-9929 Filed 6-28-72;8:53 am]

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[6] This Agency on one previous occasion canceled an insecticide paint used in the home which contained 9.75 percent dieldrin in its solution. *In re King Paint & Supply Company*, I.F. & R. Docket No. 46, Order of the Judicial Officer, 2 ERC 1819, July 27, 1971.

[7] I should add that, while I am withdrawing the cancellation of one type of termite control use, there has been no showing that other types of termite control use, which are also of considerable apparent benefit, are without substantial risk of environmental injury. Some uses for termite control do not involve burying the aldrin-dieldrin several feet below the soil close to the foundations of the dwelling. Rather, surface or near surface application appears prevalent, although the precise extent to which this method is used does not appear in the data before me. However, when aldrin-dieldrin are used on or near the surface, the same problems of runoff or accidental poisoning involved with other uses are present. In fact, one such application for termite control resulted in a substantial fish kill when the pesticides ran off the land and into a nearby body of water. Until these safety questions have been clarified and answered, I see no reason at this time to retain additional uses.

[8] Such mechanisms may soon be created. Cf. the regulation proposed at 37 F.R. 5707 with sec. 6(c) of H.R. 10729 as recently reported by the Senate Committee on Agriculture and Forestry.

[9] In contrast, the 30-day time period for appeals from initial notices of cancellation runs from the date of service of the notice. 7 U.S.C. 135b(c).

[10] Those regulations formerly appeared at 7 CFR (1971 ed.) Part 2764.

[11] Interested persons may seek to participate by other methods in appeals taken by registrants. See 40 CFR 164.25 (37 F.R. 9479).

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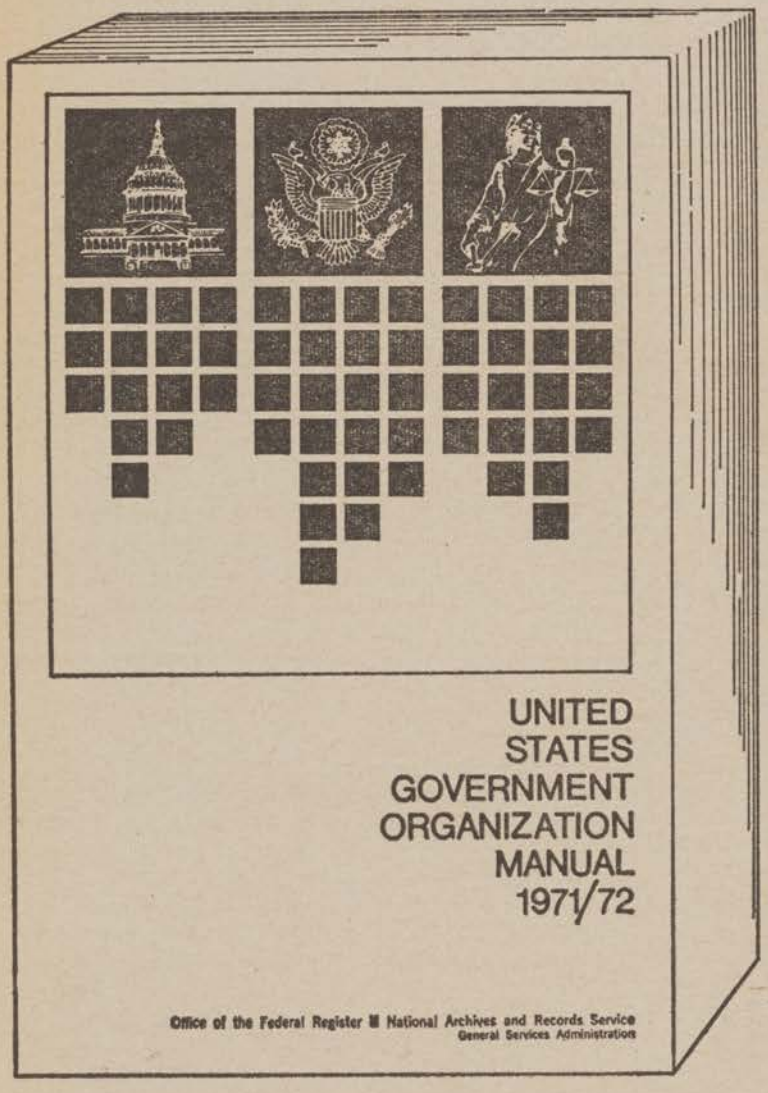

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