

# Regulations

THURSDAY, MARCH 29, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 60

Pages 8125-8224



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

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**federal register**

Phone 962-8626



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# List of CFR Parts Affected

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

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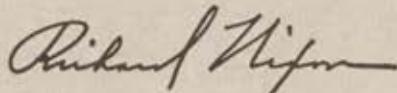
# Presidential Documents

## Title 3—The President

### EXECUTIVE ORDER 11709

#### Inspection by Department of Agriculture of Income Tax Returns Made Under the Internal Revenue Code of 1954 of Persons Having Farm Operations

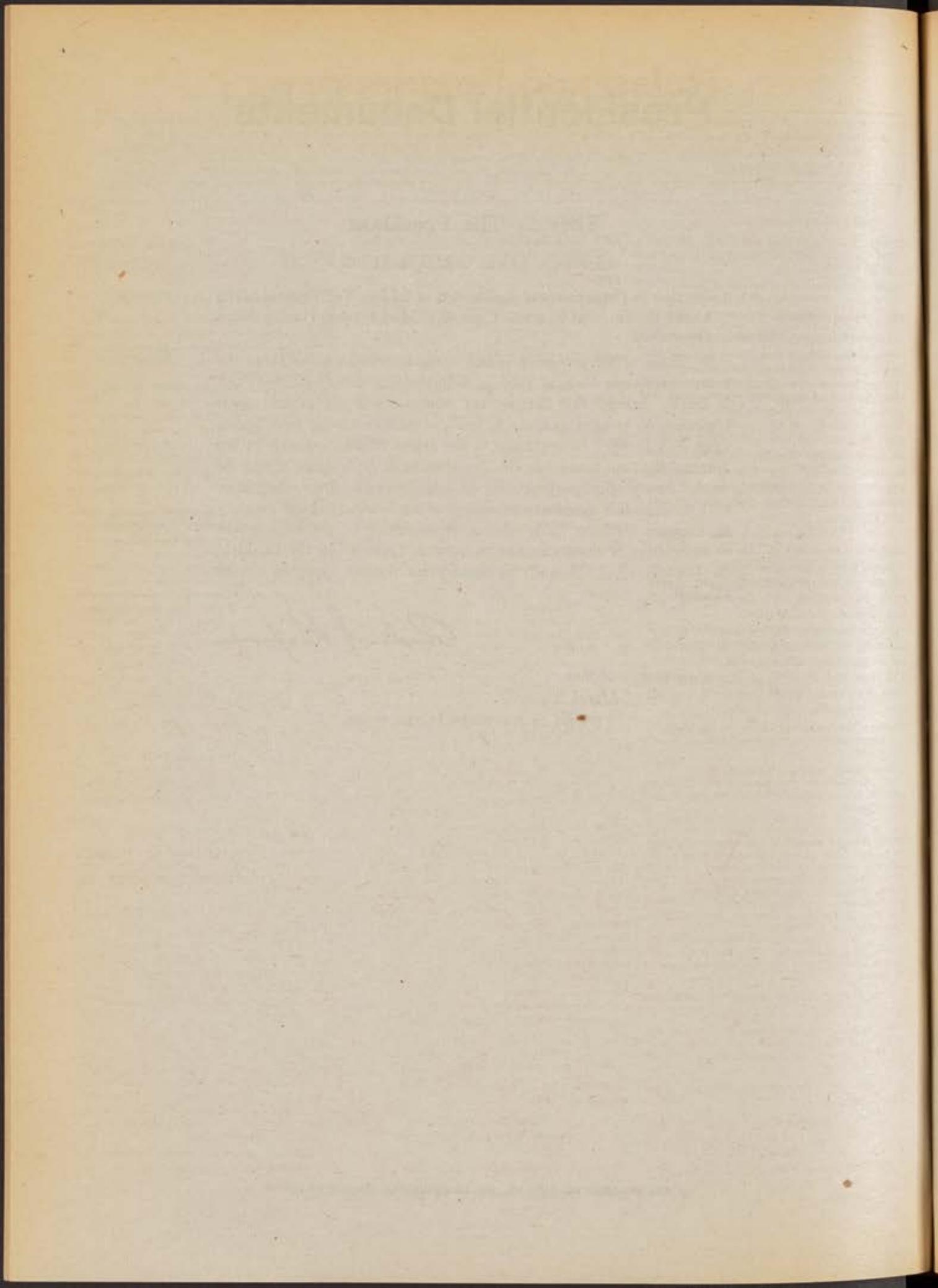
By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that income tax returns made for taxable years beginning on or after January 1, 1967, of persons having farm operations shall be open to inspection to the extent readily available in the Internal Revenue Service by the Department of Agriculture as may be needed for statistical purposes only, in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 7255, relating to inspection by the Department of Agriculture of certain income tax returns, approved by the President on January 17, 1973, and the amendment thereto approved by me this date.



THE WHITE HOUSE,

March 27, 1973.

[FR Doc.73-6149 Filed 3-27-73;2:59 pm]



# Rules and Regulations

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

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

## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-4-AD; Amdt. 39-1612]

### PART 39—AIRWORTHINESS DIRECTIVES

#### General Dynamics 22M Series Airplane

There has been a failure of the rudder boost actuator fitting on the General Dynamics Model 22M airplane that could result in loss of adequate rudder control particularly at low speeds. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the actuator fitting for cracks and replacement, if necessary, on the General Dynamics Model 22M airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**GENERAL DYNAMICS.** Applies to Model 22M Series airplanes certificated in all categories.

Compliance required as indicated.

To detect cracks and prevent further failures of the actuator fitting, accomplish the following:

(1) Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 250 hours' time in service, and thereafter at intervals not to exceed 400 hours' time in service from the last inspection, inspect the rudder boost actuator fitting P/N 30-15701-1 in accordance with General Dynamics 880M S.B. No. A27-47 dated March 1, 1973, or later FAA-approved revision.

(2) If, as a result of the inspection required by paragraph (1), cracks are found, replace the defective fittings with an identical part.

This amendment becomes effective March 29, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1344(a), 1421, 1423; sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Hawthorne, Calif., on March 16, 1973.

ROBERT C. BLANCHARD,  
Acting Director,  
FAA Western Region.

[FR Doc. 73-5948 Filed 3-28-73; 8:45 am]

[Airspace Docket No. 73-AL-5]

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

#### Redescribe Colored Federal Airways and Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (FAR's) is to redescribe Red Federal airway 27, Blue Federal airway 26, and redesignate the Summit, Alaska, radio range as a radio beacon.

The Alaska supplement publication currently advises that the Summit low frequency range is to be used as a non-directional radio beacon, because the range courses are out of tolerance and this condition appears irreparable.

On March 1, 1971, the Federal Aviation Administration, Alaskan region, issued a notice proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons (Aeronautical Study No. 71-AL-18NR), and no objections were received.

Since this amendment reflects the actual condition and use of the radio facility, and no substantive change in the burden upon the public is made, thereby notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective May 24, 1973.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. Section 71.107 (38 FR 306) is amended as follows:

In R-27 "Summit, Alaska, RR" is deleted and "Summit, Alaska, RBN" is substituted therefor.

2. Section 71.109 (38 FR 306) is amended as follows:

In B-26 "Summit, Alaska, RR; INT north course Summit RR and southwest course Fairbanks, Alaska, RR;" is deleted and "Summit, Alaska, RBN; INT Summit RBN 007° bearing and southwest course Fairbanks, Alaska, RR;" is substituted therefor.

3. Section 71.211 (38 FR 618) is amended as follows:

In Summit, Alaska, RR "RR" is deleted and "RBN" is substituted therefor. (Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 73-5951 Filed 3-28-73; 8:45 am]

[Airspace Docket No. 72-SW-81]

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

#### Extension of VOR Federal Airway

On January 23, 1973, a notice of proposed rulemaking (NPRM) was published in the **FEDERAL REGISTER** (38 FR 2219) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend Victor Airway 62 from the Cabezon Intersection, N. Mex., to Gallup, N. Mex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

In V-62 "from INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, via Santa Fe;" is deleted and "from Gallup, N. Mex.; INT Gallup 089° and Santa Fe, N. Mex., 268° radials; Santa Fe;" is substituted therefor.

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

Issued in Washington, D.C., on March 21, 1973.

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

[FR Doc. 73-5949 Filed 3-28-73; 8:45 am]

[Airspace Docket No. 72-GL-79]

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

#### Designation and Alteration of VOR Federal Airways

On February 8, 1973, a notice of proposed rulemaking (NPRM) was published in the **FEDERAL REGISTER** (38 FR 3610) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-7, V-9, V-45, V-78, V-191, V-215, V-233, V-271, V-420, and V-430 in the Minneapolis and Chicago Air Route Traffic Control Centers areas and would designate a new airway between Marquette, Mich., and Schoolcraft County, Mich., and revoke Menominee, Mich., additional control area.

Interested persons were afforded an opportunity to participate in the pro-

posed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., May 24, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307 and 37 FR 23329) is amended as follows:

1. In V-7 "Escanaba, Mich." is deleted and "Marquette, Mich.; including an east alternate via Escanaba, Mich." is substituted therefor.

2. In V-9 "via Marquette, Mich." is deleted and "via Marquette, Mich., and also a west alternate from Green Bay to Houghton via Rhinelander, Wis." is substituted therefor.

3. In V-45 "Pellston, Mich." is deleted and "Sault Ste. Marie, Mich." is substituted therefor.

4. In V-78 "Eau Claire, Wis." is deleted and "Eau Claire, Wis.; Rhinelander, Wis.; Iron Mountain, Mich.; Escanaba, Mich.; Schoolcraft County, Mich.; Pellston, Mich.; to Alpena, Mich." is substituted therefor.

5. In V-191 "Ironwood, Mich." is deleted and "Ironwood, Mich.; including an east alternate;" is substituted therefor.

6. In V-215 "White Cloud, Mich." is deleted and "White Cloud, Mich.; to Gaylord, Mich." is substituted therefor.

7. In V-233 "and Gaylord, MI, 206" radials; Gaylord; Pellston, MI." is deleted and "and Gaylord, Mich., 207" radials; Gaylord; to Pellston, Mich.; including a west alternate from Mount Pleasant to Pellston via Traverse City, Mich." is substituted therefor.

8. In V-271 "to Manistee, Mich." is deleted and "Manistee, Mich.; to Escanaba, Mich." is substituted therefor.

9. In V-420 "Mount Pleasant, Mich." is deleted and "Gaylord, Mich.; to Alpena, Mich." is substituted therefor.

10. In V-430 "Escanaba, Mich., from Traverse City, Mich.; Gaylord, Mich.; Alpena, Mich." is deleted and "to Escanaba, Mich." is substituted therefor.

11. V-224 is added as follows:

"V-224 from Marquette, Mich.; to Schoolcraft County, Mich."

Section 71.163 (38 FR 344) is amended as follows:

"Menominee, Mich." title and text is deleted.

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

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 73-5952 Filed 3-28-73; 8:45 am]

[Airspace Docket No. 72-NE-22]

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

**Designation of Control Zone and Alteration of Transition Area; Change in Effective Date**

On page 2963 of the FEDERAL REGISTER dated January 31, 1973, the Federal Avi-

ation Administration issued an amendment effective 0901 g.m.t., March 29, 1973, which designated a Danbury, Conn., control zone and altered the Danbury, Conn., transition area.

It has now been determined that the new air traffic control tower at the Danbury Municipal Airport will not be commissioned until on or about May 14, 1973, and the effective date for this amendment is being changed to correspond with that date. In addition, the hours of operation of the control zone are being modified from 0700 to 1900 hours local time daily to 0800 to 2000 hours local time daily.

Since this action effects no substantive change to the rule as initially adopted, and since thirty (30) days will elapse from the time of publication of these amendments, as modified herein, to this new effective date, these changes are made in compliance with section 4 of the Administrative Procedure Act.

In view of the foregoing, the regulations are further amended as follows:

1. The effective date for this amendment is amended to read 0901 g.m.t., May 14, 1973, in lieu of 0901 g.m.t., March 29, 1973.

2. Section 71.171 of the Federal Aviation Regulations, as published on page 2963 of Volume 38 of the FEDERAL REGISTER, is amended by deleting the words "0700 to 1900 hours local time daily" from the description of the Danbury control zone and inserting the words "0800 to 2000 hours local time daily" in lieu thereof.

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

Issued in Burlington, Mass., on March 21, 1973.

FERRIS J. HOWLAND,  
Director, New England Region.

[FR Doc. 73-5953 Filed 3-28-73; 8:45 am]

[Airspace Docket No. 73-SO-11]

**PART 73—SPECIAL USE AIRSPACE**

**Alteration of Restricted Area**

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the time of designation for Restricted Area R-2101, Anniston Army Depot, Ala.

A review of the planned utilization for R-2101 has shown that the using agency does not require this restricted area on Saturday.

Since this amendment makes a minor reduction in the time of designation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., May 24, 1973, as hereinafter set forth.

In § 73.21 (38 FR 630) Restricted Area R-2101, Anniston Army Depot, Ala., is amended by deleting the present environmental impact.

time of designation and substituting the following therefor:

From 0700 to 1800 c.s.t., Monday through Friday.

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

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 73-5950 Filed 3-28-73; 8:45 am]

[Docket No. 12135; Amdt. 91-113]

**PART 91—GENERAL OPERATING AND FLIGHT RULES**

**Speed Limits in Terminal Control Areas**

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to rescind the airport traffic area speed limits within those airport traffic areas which are located within Terminal Control Areas (TCA's). This amendment was proposed in Notice No. 72-22, issued on August 9, 1972 (37 FR 16622).

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. Due consideration was given to all relevant matter presented.

The public comments generally supported the proposal or offered no objection. One comment concurred in the proposed rule change but suggested that the amendment be changed to eliminate all airspeed limitations in TCA's. The FAA believes that elimination of all airspeed limitations within TCA's is not justified. One of the stated purposes of the 250-knot speed limit (when originally established below 10,000 feet m.s.l. within 30 miles of the destination airport) was to enhance the pilot's ability to comply with IFR flight procedures in terminal areas. Since the air traffic situation in terminal areas is constantly changing, the pilot operating under IFR within such areas must be prepared, with little prior notice, to enter a holding pattern, to turn his aircraft to a new course or to interrupt, or to begin a climb or descent. To ensure rapid compliance with such air traffic control clearances or instructions, the speed of the aircraft must be limited in such a manner as to permit maneuvering without using the excessive amount of airspace required by high speed operations. Retention of the 250-knot limit in TCA's is, therefore, desirable.

One comment suggested that 200 knots be established as the speed limitation for all aircraft operating in TCA's. It is believed, however, that this would be unnecessarily restrictive. The 250-knot limitation is adequate to ensure a safe operating environment within TCA's.

Another comment suggested that the proposed change be held in abeyance until it is determined whether implementation would have an adverse environmental impact. The FAA has given consideration to the probable environmental impact of the proposed rule change and has concluded that eliminating the 200-knot speed limit would have no significant environmental impact.

(Sec. 307, 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1448, 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended effective April 28, 1973, as hereinafter set forth:

A new flush paragraph is added, following § 91.70(b), to read as follows:

**§ 91.70 Aircraft speed.**

(b) \* \* \*

Paragraph (b) of this section does not apply to any operations within a Terminal Control Area. Such operations shall comply with paragraph (a) of this section.

Issued in Washington, D.C., on March 22, 1973.

ALEXANDER P. BUTTERFIELD,  
Administrator.

[FR Doc. 73-5954 Filed 3-28-73; 8:45 am]

[Docket No. 12652, Amdt. 857]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Miscellaneous Amendments**

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

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

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

Since a situation exists that requires immediate adoption of this amendment,

I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective May 10, 1973.

Carlsbad, Calif.—Palomar Airport, VOR-A, Amdt. 1.

Dallas, Tex.—Dallas Love Field, VOR/DME Runway 13R, Original.

Dallas, Tex.—Dallas Love Field, VOR/DME Runway 31L, Original.

Hanford, Calif.—Hanford Municipal Airport, VOR-A, Amdt. 1.

Hayward, Calif.—Hayward Air Terminal, VOR-A, Amdt. 3.

Hayward, Calif.—Hayward Air Terminal, VORTAC-A, Amdt. 1.

Oakland, Calif.—Metropolitan Oakland International Airport, VOR Runway 9R, Amdt. 3.

Sheridan, Wyo.—Sheridan County Airport, VOR/DME Runway 31, Amdt. 3.

Wise, Va.—Lonesome Pine Airport, VOR Runway 24, Amdt. 1.

\* \* \* Effective May 3, 1973.

Lynchburg, Va.—Lynchburg Municipal/Preston Glenn Field, VOR Runway 3, Amdt. 7.

Lynchburg, Va.—Lynchburg Municipal/Preston Glenn Field, VOR/DME Runway 21, Amdt. 5.

\* \* \* Effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, VOR Runway 13, Original.

Arcata-Eureka, Calif.—Arcata Airport, VOR/DME-A, Amdt. 1, Canceled.

Arcata-Eureka, Calif.—Arcata Airport, VOR/DME Runway 1, Original.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective May 10, 1973.

Dallas, Tex.—Dallas Love Field, LOC(BC) Runway 13R, Amdt. 7.

La Crosse, Wis.—La Crosse Municipal Airport, LOC(BC) Runway 36, Amdt. 2.

Sacramento, Calif.—Sacramento Metropolitan Airport, LOC(BC) Runway 34, Amdt. 5.

\* \* \* Effective March 22, 1973.

Philadelphia, Pa.—Philadelphia International Airport, LOC(BC) Runway 27R, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective May 10, 1973.

Sacramento, Calif.—Sacramento Metropolitan Airport, NDB Runway 16, Amdt. 6.

Salem, Oreg.—McNary Field, NDB Runway 31, Amdt. 10.

Waterville, Maine—Waterville Robert La Fleur Airport, NDB-A, Amdt. 7.

\* \* \* Effective April 12, 1973.

Lafayette, La.—Lafayette Regional Airport, NDB Runway 28, Original.

\* \* \* Effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, NDB-A, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 10, 1973.

Dallas, Tex.—Dallas Love Field, ILS Runway 31L, Amdt. 8.

Sacramento, Calif.—Sacramento Metropolitan Airport, ILS Runway 16, Amdt. 7.

Salem, Oreg.—McNary Field, ILS Runway 31, Amdt. 15.

\* \* \* Effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, ILS Runway 31, Amdt. 19.

Presque Isle, Maine—Presque Isle Municipal Airport, ILS Runway 1, Original.

\* \* \* Effective March 22, 1973.

Philadelphia, Pa.—Philadelphia International Airport, ILS Runway 9L, Amdt. 22.

\* \* \* Effective March 16, 1973.

Duluth, Minn.—Duluth International Airport, ILS Runway 9, Amdt. 9.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective May 10, 1973.

Carlsbad, Calif.—Palomar Airport, RNAV Runway 6, Amdt. 2.

**Correction.** In Docket No. 12630, Amdt. 855, to Part 97 of the Federal Aviation Regulations, published in the **FEDERAL REGISTER** dated Thursday, March 15, 1973, on pages 6990 and 6991, disregard all procedures listed under College Station, Texas—Easterwood Field. Previous amendments remain in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 22, 1973.

JAMES F. RUDOLPH,  
Director,  
Flight Standards Service.

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

[FR Doc. 73-5947 Filed 3-28-73; 8:45 am]

[Docket No. 12057; Amdt. No. 103-15]

**PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS**

**Etiologic Agents**

The purpose of these amendments to Part 103 of the Federal Aviation Regulations is to specify the reporting requirements that are applicable to incidents involving etiologic agents.

This amendment is related to the amendment of the Hazardous Materials Regulations in Docket No. HM-96; Amendment No. 171-18 published on page 8161 of this issue and is based on the notice of proposed rulemaking, Docket No. 12057; Notice No. 72-18, published in the **FEDERAL REGISTER** on July 22, 1972 (37 FR 14727). That notice was issued concurrently with a notice issued by the Hazardous Materials Regulations Board. The Board's evaluation of the comments received is discussed in detail in the Docket No. HM-96 document published in this issue. On the basis of the reasons stated therein, the Federal Aviation Administration has decided to amend Part 103 of the Federal Aviation Administration regulations.

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective June 30, 1973, as follows:

1. By redesignating paragraph (a)(4) as (a)(6) and (a)(5) as (a)(4) and by adding a paragraph (a)(5) to read as follows:

**§ 103.28 Reporting certain dangerous article incidents.**

(a) \*\*\*

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents. In place of the report required by paragraph (a) of this section, a report on an incident involving etiologic agents may be made by telephone directly to the Director, Center for Disease Control, U.S. Public Health, Atlanta, Ga., Area Code 404-633-5313.

(Title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on March 23, 1973.

JAMES F. RUDOLPH,  
Board Member,  
Federal Aviation Administration.

[FIR Doc.73-5972 Filed 3-28-73;8:45 am]

**CHAPTER V—NATIONAL AERONAUTICS  
AND SPACE ADMINISTRATION**

**PART 1260—GRANTS**

This Part 1260 prescribes policies and regulations relating to the award and administration of NASA research grants. It represents a significant NASA step in the publication and dissemination of NASA policies and procedures.

One of the Nation's most significant achievements in the space effort has been the mobilization of large resources to develop and apply scientific knowledge and advanced technology to attain clearly defined national goals. Universities and other nonprofit organizations have played a major role in this marshaling of research facilities and scientific talent.

Publication of this part is consistent with the NASA policy of disseminating to the academic community information of mutual interest designed to further our close cooperative working relationship in achieving national goals.

Part 1260 of Title 14, Code of Federal Regulations establishes for the National Aeronautics and Space Administration (NASA) uniform policies and procedures relating to the negotiation, award and administration of research grants as follows:

**Subpart A—General**

Sec.	
1260.100	Purpose.
1260.101	Applicability.
1260.102	Arrangement.
1260.103	Contents.
1260.104	Amendment.
1260.106	Deviations.
1260.107	Definitions.

**Subpart B—Basic Policies**

1260.200	Authority.
1260.201	Policy.

Sec.	
1260.202	Unsolicited proposals.
1260.203	Processing unsolicited proposals.
1260.204	Criteria for selection of grant.
1260.205	Recommendation for acceptance of unsolicited proposal.
1260.206	Processing the grant instrument.
1260.207	Civil Rights Act of 1964—nondiscrimination in federally assisted programs.
1260.208	Aircraft noise research and development programs.
1260.209	Barring of recruiting personnel.
1260.210	Printing, binding and duplicating.
1260.211	Denial of funds resulting from disruption of activities of educational institutions.

**Subpart C—Award of Research Grants**

1260.301	Instrument.
1260.302	Grant format.
1260.303	Determination of amount.
1260.304	Cost sharing.
1260.305	Funding of grants [Reserved].
1260.306	Numbering of grants.
1260.307	Distribution of grants and grant supplements.
1260.308	Retention of grant documents for on-site audit.

**Subpart D—Research Grant Provisions**

1260.400	General.
1260.401	Technical reports and publications.
1260.402	Extension of grants.
1260.403	Revocation.
1260.404	Travel.
1260.405	Allowable costs.
1260.406	Accounting records.
1260.407	Payment.
1260.408	Equipment.
1260.409	Property rights in inventions.
1260.410	Rights in data.
1260.411	Security.
1260.412	Civil rights.
1260.413	Safety.
1260.414	Subcontracts.
1260.415	Changes in principal investigator or technical objectives.

**Subpart E—Administration of Research Grants**

1260.501	General.
1260.502	Grant instrument.
1260.503	Grant period.
1260.504	Grant payments.
1260.505	Adherence to original budget estimates.
1260.506	Vesting of title to research equipment.
1260.507	Revocation of grants.
1260.508	Transfer of grants to other institutions.
1260.509	Accounting procedures.
1260.510	Travel.
1260.511	Audit [Reserved].
1260.512	Use of GSA supply sources by grantees [Reserved].

**Subpart F—Reports**

1260.600	General.
1260.601	Reporting of grants.
1260.602	Individual Procurement Action Report (NASA Form 507).
1260.603	Committee on Academic Science and Engineering (CASE) reports.
1260.604	Grantee Quarterly Cash Requirement Report (NASA Form 1031).
1260.605	Status and final reports.

**AUTHORITY:** Public Law 85-934, 72 Stat. 1793 (42 U.S.C. 1891-1893).

**Subpart A—General**

**§ 1260.100 Purpose.**

This Part 1260, issued by the Director of Procurement under authority delegated by the Administrator, establishes for the National Aeronautics and Space

Administration (NASA) uniform policies and procedures relating to the negotiation, award and administration of research grants.

**§ 1260.101 Applicability.**

This part applies to all research grants made by NASA which obligate appropriated funds.

**§ 1260.102 Arrangement.**

**General plan.** This part is divided into subparts, each one of which deals with a separate aspect of research grants. Each subpart is further subdivided into sections.

**§ 1260.103 Contents.**

This Part 1260 contains policies and procedures relating to the negotiation, award and administration of research grants, and is designed to achieve maximum uniformity throughout NASA. This part will be amended from time to time to set forth improved procedures which reduce grant preparation time, simplify and standardize grant forms, and improve the administration of grants.

**§ 1260.104 Amendment.**

**Changes.** This part will be amended by changes containing revised sections or subparts.

**§ 1260.106 Deviations.**

(a) **Applicability.** A deviation shall be considered to be any of the following:

(1) When a prescribed grant clause is set forth verbatim in this Part 1260, use of a clause covering the same subject matter which varies from, or has the effect of altering, the prescribed clause, or changing its application;

(2) When a grant clause is set forth in this part but not for use verbatim, use of a clause covering the same subject matter which is inconsistent with the intent, principle and substance of the grant clause or related coverage of the subject matter;

(3) Omission of any mandatory grant clause;

(4) When a NASA or other form is prescribed by this part, use of any other form for the same purpose;

(5) Alteration of a NASA or other form prescribed in this part except as authorized herein;

(6) When limitations are imposed by this part upon the use of a grant clause, form, procedure, or any other grant action, the imposition of lesser or greater limitations; or

(7) When a policy, procedure, method, or practice of conducting grant actions is prescribed in this part, any policy, procedure, method, or practice inconsistent therewith.

(b) **Approval of deviations.** Deviations will be authorized only when essential to effect necessary grant actions or where special circumstances make such deviations clearly in the best interests of the Government. Such deviations will be approved only by the Director of Procurement or his duly authorized representative.

(c) *Requests for deviations.* Requests for authority to deviate from this part shall be submitted to the Director of Procurement (Code KDP-1). Such requests shall be signed by the Procurement Officer of a field installation (or the Director in the case of the Headquarters Contracts Division) and shall be submitted as far in advance as exigencies of the situation will permit. Where the deviation involves more than a unique special situation, i.e., will affect grantees as a class, concurrence of the Assistant Administrator for University Affairs is additionally required. Each request for a deviation shall contain as a minimum:

- (1) Identification of the requirement from which a deviation is sought;
- (2) A full description of the deviation and the circumstances in which it will be used;
- (3) A description of the intended effect of the deviation;
- (4) A statement as to whether the deviation has been requested previously, and, if so, circumstances of the previous request;

(5) The name of the grantee and identification of the grant affected, including the dollar value; and

(6) Detailed reasons supporting the request, including any pertinent background information which will contribute to a fuller understanding of the deviation sought.

#### § 1260.107 Definitions.

As used throughout this Part 1260, the words and terms defined in this section shall have the meanings set forth below, unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular subpart or portion thereof.

(a) *Administrator.* The Administrator or Deputy Administrator of NASA.

(b) *Basic scientific research.* Research directed toward the increase of knowledge in science wherein the primary aim of the investigator is to gain a fuller knowledge or understanding of the subject under study.

(c) *Director of Procurement.* The Director of the Procurement Office, Office of Industry Affairs and Technology Utilization, NASA Headquarters (Code KD).

(d) *Educational institution.* Any institution which has a faculty, offers courses of instruction and is authorized to award a degree upon completion of a specific course of study.

(e) *Equipment.*—(1) *Government-furnished equipment.* Equipment in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to a grantee.

(2) *Technical equipment.* Equipment of a scientific nature required for carrying out the purposes of a research grant.

(3) *Grantee-acquired equipment.* Equipment purchased with grant funds by a grantee, for the performance of research under its grant.

(f) *Grant.* An award of funds included in a written instrument executed by the

Administrator or his duly authorized representative.

(g) *Grants officer.* A contracting officer who has been delegated authority to award and administer grants.

(h) *Grant specialist.* Any employee of NASA who is assigned the responsibility of negotiating with potential grantees the terms and conditions of specific grants, and the administration of such grants.

(i) *NASA.* The National Aeronautics and Space Administration.

(j) *Nonprofit organization.* Any corporation, foundation, trust or institution whose primary purpose is the conduct of scientific research, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(k) *Subcontract.* A written agreement between a grantee and a third party for the furnishing of services or supplies necessary to carry out the research under a grant.

(l) *Technical officer.* The official of the cognizant NASA program office who is responsible for monitoring the technical aspects of the work under a grant.

#### Subpart B—Basic Policies

##### § 1260.200 Authority.

Under the Act of September 6, 1958 (42 U.S.C. 1891-1893), entitled "An Act to Authorize the Expenditure of Funds Through Grants for Support of Scientific Research and for Other Purposes," NASA is authorized to make grants for basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research. This Act also provides discretionary authority for vesting title to equipment purchased with grant or contract funds in these institutions and organizations, under grants or contracts for the conduct of basic or applied scientific research, without further obligation to the Government, or on such terms and conditions as NASA deems appropriate.

##### § 1260.201 Policy.

(a) NASA policy is to use the grant instrument to sponsor required basic research at nonprofit institutions or organizations when it is desired to provide latitude to investigators that will encourage maximum creativity, and to have the minimum administration consistent with the public interest.

(b) In addition, it is NASA policy to provide appropriate continuity of support in research sponsored under grants. In general, initial obligation of funds shall not be made for a period of more than 3 years.

##### § 1260.202 Unsolicited proposals.

(a) It is NASA's policy to inform organizations and individuals of scientific and technological areas encompassed by NASA's mission, and to encourage the submission of unsolicited proposals containing relevant new ideas. An unsolicited proposal is a written offer to perform work which does not result from a formal written request for proposals issued by NASA. However, inquiries re-

garding NASA interest in supporting research and development in a particular technical area shall not be construed as proposals. Unsolicited proposals are offered in the hope that NASA will support the proposer in research or development activities, or the testing of new products. Many of the proposals eventually become a part of a NASA program; others may have little or no value.

(b) Proposals for flight experiments to be carried on earth satellites or space-craft present special problems of coordination, evaluation, and selection. NASA Handbook "Opportunities for Participation in Space Flight Investigations" (INHB 8030.1A), provides detailed instructions for the preparation and submission of flight experiment proposals. This Handbook may be obtained from the Office of Space Science (Code SS), National Aeronautics and Space Administration, Washington, D.C. 20546.

(c) All proposals should be specific and, as a minimum, include the information set forth below. (Although it is desired that unsolicited proposals be prepared in conformance with the standards set forth below, NASA may accept unsolicited proposals for evaluation purposes which do not conform thereto):

(1) Name and address of the organization submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and abstract of the proposed effort or activity for which support is being sought;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) The name of the principal investigator (and other key personnel), social security number and brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs, proposed cost sharing and overhead. Statement whether professional salaries will be accounted for on time and attendance record basis, or whether stipulated salary support is requested in accordance with Exhibit B of this part.

(10) Names of any other Federal agencies receiving the proposal and/or funding the proposed effort or activity;

(11) Brief description of the proposer's facilities, particularly those which would be used in the proposed effort or activity;

(12) If available, a descriptive brochure and a current financial statement;

(13) If proposed effort or activity requires or may generate classified security information, the security status of the organization and the major investi-

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gators, and identification of the cognizant security office;

(14) Period for which proposal is valid;

(15) Names and telephone numbers of proposer's business and technical personnel whom NASA may contact during evaluation and/or negotiation;

(16) Continuation proposals should be accompanied by an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the grant anniversary date. The approximate amounts spent for salaries and wages, equipment, etc.—the usual categories—during the past grant period should be listed;

(17) Each proposal containing technical data, which the submitter intends to be used by NASA for evaluation purposes only, should be marked on the cover sheet with the following, or similar, legend:

Technical data contained in pages—of this proposal shall not be used or disclosed, except for evaluation purposes, provided that if a contract or grant is awarded to this submitter as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract or grant. This restriction does not limit the Government's right to use or disclose any technical data obtained from another source without restriction.

(18) Signature of a responsible official of the proposing organization or a person authorized to obligate such organization.

(d) Proposals for new projects should be submitted well in advance of the desired beginning date of support, while renewal proposals should be submitted at least 4 months in advance of the expiration date of the grant. Five copies of renewal proposals, 10 copies of initial proposals and 15 copies of bioscience research proposals (either new or renewals) are required to allow simultaneous study by all reviewers.

(e) All unsolicited proposals from educational and nonprofit scientific institution, proposals to NASA Headquarters from other sources, and requests for additional information regarding the preparation of unsolicited proposals should be submitted to:

National Aeronautics and Space Administration, Proposal Control Officer, Office of University Affairs (Code PY), Washington, D.C. 20546.

(f) Proposals from nonuniversity sources, that relate particularly to the activities of a NASA field installation, may be submitted directly to the installation.

(g) Policies and procedures governing the submission and processing of unsolicited proposals for research which, if accepted, would result in a contract are contained in Chapter 18, Title 41.

#### § 1260.203 Processing unsolicited proposals.

(a) All unsolicited proposals shall be processed in an expeditious manner. Proposals shall be acknowledged as soon

after receipt as possible. Submitters shall be notified as to the ultimate disposition of their proposals.

(b) Prior to making a comprehensive evaluation of a document apparently submitted as an unsolicited proposal, the initial receiving office shall determine that the document:

(1) Contains sufficient technical and cost information to enable meaningful evaluation;

(2) Has been approved by a responsible official of the proposing organization or a person authorized to obligate such organization; and

(3) Does not merely offer to perform standard services or to provide "off-the-shelf" articles.

If the document does not meet these requirements, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the submitter, indicating how the document is being interpreted and the reason for not considering it a proposal.

(c) Every unsolicited proposal that is circulated for comprehensive evaluation shall be subject, where applicable, to the requirements of § 18-1.304 *Restrictions on data and other information* (41 CFR 18-1.304).

(d) In evaluating a proposal, the evaluating office(s) shall consider, in addition to any other criteria, the following factors:

(1) The overall scientific, technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to NASA's specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal; and

(4) The unique qualifications, capabilities and experience of the proposed principal investigator and/or key personnel.

Comprehensive evaluations of the university proposals and of proposals to Headquarters from nonuniversity sources shall be coordinated according to procedures to be established by the Office of University Affairs. If such a proposal is not to be accepted, the submitter shall be informed by a suitable letter, and a copy of the letter and associated proposal shall be retained in the files of the Office of University Affairs.

#### § 1260.204 Criteria for selection of grant.

Selection of the research support instrument (grant or contract), normally (but not necessarily) based upon an unsolicited proposal, shall be made by the contracting officer of the funding installation, taking into account NASA policies for dealing with universities, the special needs of the cognizant technical office, the nature of the proposed research, the manner in which it will be performed,

and the nature and extent of technical direction and management control planned by NASA. Research grants may be made only to support basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research. Subject to these basic requirements, some of the significant factors to be considered in determining whether to select the grant as the research support instrument are set forth in paragraphs (a) and (b) of this section:

(a) Factors generally indicating the use of the grant instrument are as follows:

(1) The primary purpose is to aid or support the acquisition of knowledge or understanding of the subject or phenomena under study;

(2) The exact course of the work and its outcome are not defined precisely and specific points in time for achievement of significant results are not specified;

(3) NASA desires, or the nature of the proposed investigation is such, that the grantee will bear prime responsibility for the conduct of the research, and exercise judgment and original thought toward attaining the scientific goals within broad parameters of the research areas proposed and the related resources provided;

(4) The research problem is such that long term support (i.e. in excess of 1 year) is required for the study to mature to maximum scientific effectiveness (however, this does not preclude shorter-term grants in special cases);

(5) Meaningful technical reports (as distinguished from the Semiannual Status Reports required pursuant to § 1260.401) will be prepared only as new findings are made, rather than on a predetermined time schedule;

(6) Simplicity and economy in execution and administration are mutually desirable; and

(7) Simplified advance payment is desired by the institution and is acceptable to NASA.

(b) Factors generally indicating the use of a contract rather than the grant instrument are as follows:

(1) The primary purpose is to buy or procure well-defined research or development in direct support of a programmed NASA mission or project;

(2) The work to be conducted is directed closely toward the solution of a specific problem;

(3) A specific service, piece of hardware, or improved performance of a specific device is the end product;

(4) NASA considers it necessary to exercise control over the objectives, direction, specifications, costs or methods of the research, and schedule control is desirable and feasible;

(5) The work to be conducted is classified (however, access to security classified information may be given grantees where a demonstrated need exists);

(6) The end result is clearly defined and/or parameters and specifications are prepared in advance of the work; and

(7) A significant portion of the total effort will be performed by an organization other than the one submitting the proposal, and such portion will involve the development, fabrication or acquisition of instruments or hardware.

**§ 1260.205 Recommendation for acceptance of unsolicited proposal.**

(a) Where it is known that the grant will be used as the research instrument to support the unsolicited proposal, a "Recommendation for Acceptance of Unsolicited Proposal" shall be prepared by the technical office sponsoring the research and shall include findings set forth in paragraph (a) (1) or (a) (2) of this section:

(1) The grant will provide support to an educational institution for the development or improvement of that institution's capability to contribute to the national aeronautical and space program; the contemplated work consists of basic scientific research; and the proposal was selected on the basis of its overall merit, cost and contribution to NASA program objectives.

(2) The grant is for basic scientific research at a nonprofit institution of higher education or at a nonprofit organization whose primary purpose is the conduct of scientific research; and the proposal was selected on the basis of its overall merit, cost, and contribution to NASA program objectives.

(b) In addition, the recommendation shall include the facts and circumstances that support the proposed action. The following illustrations represent factors which should be considered, as appropriate, in preparing the recommendation:

(1) The scientific/technical merits of the unsolicited proposal and its potential contribution to NASA's program objectives;

(2) The qualifications, capabilities and related experience of the submitting institution, principal investigator and/or key personnel; and

(3) Unique facilities, instrumentation or techniques.

**§ 1260.206 Processing the grant instrument.**

(a) If the grant is selected as the research support instrument, negotiations with the grantee shall not begin until a proposal control number has been assigned by the Office of University Affairs (Code PY), NASA Headquarters. (See § 1260.306(a)(2).)

(b) Grants Officers at field installations will furnish to the Office of University Affairs copies of the technical evaluation and procurement request, identified by assigned proposal control number, at the time negotiation is begun, and a copy of the executed grant after award.

(c) Grants Officers at field installations and the Headquarters Contracts Division will furnish to the Office of University Affairs completed NASA Forms 1356, "Committee on Academic Science and Engineering (C.A.S.E.) Report on Support of Colleges and Universities" after award. (See § 1260.603.)

**§ 1260.207 Civil Rights Act of 1964—Nondiscrimination in federally assisted programs.**

(a) Section 602 of the Civil Rights Act of 1964 (Public Law 88-352; 42 U.S.C. 2000d-1), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, and requires that each Government agency which is empowered to extend such financial assistance shall issue rules or regulations effectuating title VI (sections 601-605) of the Act with respect to such programs or activities administered by the agency. NASA's Civil Rights regulation is published in the *FEDERAL REGISTER* of January 9, 1965, 30 FR 301-305, 14 CFR 1250.

(b) Research grants made under the authority of Public Law 85-934, approved September 6, 1958 (42 U.S.C. 1891-1893) are within the purview of title VI of the Act.

(c) Further implementation, setting forth procedures and guidance, and assigning responsibility to NASA officials, is contained in NASA Management Instruction 2090.1.

(d) (1) No grant shall be made unless and until an Assurance of Compliance, NASA Form 1206 (Exhibit A) has been obtained in accordance with the requirements of NMI 2090.1, or until proceedings pursuant to § 1250.107 of the NASA Civil Rights regulation (14 CFR 1250.107(c)) have been conducted and terminated in favor of the prospective grantee. NASA shall not be obligated to provide assistance in such a case during the pendency of any administrative proceedings under the NASA Civil Rights regulation.

(2) If an unsolicited proposal relating to a covered program does not contain or refer to a prescribed Assurance and it does not appear that the proposer is aware of the requirement for the Assurance, prior to making any grant, the proposer shall be furnished a copy of the desired form of Assurance and shall be informed of the requirements of the NASA Civil Rights regulation and of this § 1260.207.

(e) If a grantee under a grant prior to February 8, 1965, refuses to furnish an Assurance required under § 1250.104 of the NASA Civil Rights regulation (14 CFR 1250.107(b)), or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that Section, NASA shall institute proceedings under the NASA Civil Rights regulation but shall continue assistance during the pendency of the proceedings.

**§ 1260.208 Aircraft noise research and development programs.**

NASA and the Department of Transportation have executed an agreement (NMI 1052.103A) to coordinate their research and development efforts in aircraft noise reduction, control, prediction techniques and other aircraft noise related problems. Proposed grant actions

relating to this program will be coordinated with the Deputy Associate Administrator (Programs), NASA Headquarters in accordance with the provisions of the NASA Management Instruction 1052.103A.

**§ 1260.209 Barring of recruiting personnel.**

(a) The NASA Authorization Acts for 1969 and 1970 prohibited the use of appropriated funds authorized thereunder for grants to any non-profit institution of higher learning which bars recruiters of the Armed Forces of the United States from the premises or property of such institution. This prohibition is continued in the Authorization Act for 1971, Public Law 91-303, 84 Stat. 370, approved July 2, 1970, as follows:

(Sec. 1. (h)) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any non-profit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within 60 days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

(b) In order to implement this statutory prohibition, all grants awarded to nonprofit institutions of higher learning and using appropriated funds subject to the above restrictions shall be processed as follows:

(1) The Office of University Affairs will furnish each installation, for the use of grants officers, a current list of the institutions which bar Armed Forces recruiters.

(2) If a proposed grantee institution is not on the foregoing list, but the grants officer nevertheless has reason to believe it is barring recruiting personnel from its premises or property, the circumstances and all the available pertinent information shall be forwarded to the Director of Procurement for further processing and coordination with the Director, Office of University Affairs.

(3) If a proposed grantee institution is not on the list, and in the absence of any other evidence that the institution may be barring recruiters, the grants officer may proceed with negotiation of the grant. Immediately prior to mailing the grant, the grants officer shall verify, with an appropriate official of the grantee institution, that recruiters are not, in fact, being barred at that time. If such verification is obtained, and other necessary agreements have been reached in the negotiation, the grant may be forwarded to the grantee. Prior to forward-

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ing the grant, a statement reading substantially as follows shall be imprinted on the grant document and completed by the grants officer:

Pursuant to telephone conversation between \_\_\_\_\_ and (NASA representative) on \_\_\_\_\_

(Grantee representative) (Date) the grantee represents that at that time no recruiting personnel of any of the Armed Forces of the United States were being barred from the premises or property of \_\_\_\_\_

(Name of institution)

(Signature—Institution Officer Executing)

(4) Upon mailing the grant to the grantee institution, the grants officer shall include a signed statement reading substantially as follows in the grant file:

In accordance with the procedures prescribed in paragraph 209 of the NASA Grant Handbook, I hereby find that \_\_\_\_\_

(Name of institution) is not listed on the report of the Secretary of Defense of institutions barring recruiters of the Armed Forces of the United States and that \_\_\_\_\_

(Name) representing the Grantee, has (Position) stated on \_\_\_\_\_ that recruiters of the (Date)

Armed Forces of the United States are not being barred from its premises or property and I, therefore, hereby determine that \_\_\_\_\_ is not barring re-

(Name of institution) cruiting personnel of the Armed Forces of the United States from the premises or property of the institution at the time of award of this grant.

(5) Where it has been established, at the time of a proposed continuation or renewal of a grant, that the grantee institution bars recruiting personnel from its premises or property, the grants officer shall so notify the cognizant NASA program official. If the program official believes (considering the project's potential contribution to the space program, its cost, and any other relevant factors) that the grant should nonetheless be awarded, he shall provide the grants officer with a written statement to the effect that the grant is considered likely to make a significant contribution to the aeronautical and space activities of the United States, including a clear demonstration as to how and why such contribution is likely to come about. If the grants officer agrees with the opinion of the program official, he shall prepare the following determination and submit it, together with all supporting documentation, to the Director of Procurement for processing and coordination with the Director, Office of University Affairs. The authority to sign such determination has not been delegated and rests with the Administrator or his designee:

I hereby determine that Grant No. \_\_\_\_\_ is a continuation or renewal of a previous grant to \_\_\_\_\_, which is (Name of institution)

likely to make a significant contribution to the aeronautical and space activities of the United States."

The grant document shall not be released to the grantee institution until the foregoing determination has been executed.

(c) When a university embodies two or more schools or divisions, and any individual school or division thereof bars recruiting personnel from its premises or property, the statutory prohibition cited in paragraph (a) of this section will apply to any and all schools or divisions of the university if the university as a whole is a single legal entity (i.e., where the individual schools and divisions do not have separate and individual entities of their own). Grants officers shall refer questionable cases in this connection to the Director of Procurement for coordination with the Director, Office of University Affairs.

(d) Grants officers, through official channels, shall advise the Director of Procurement and the Director, Office of University Affairs, of any significant actions, problems or matters of substance related to the implementation of this procedure.

#### § 1260.210 Printing, binding, and duplicating.

Printing, binding, and duplicating required by NASA shall be obtained in accordance with the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States, and NMI 1490.2, "Responsibilities, Procedures, and Standards for NASA Printing, Duplicating, and Binding." Technical proposals should be carefully reviewed to assure that unauthorized printing, binding, or volume duplicating constituting printing are not included in grants. When a proposed grant may involve printing, binding, or duplicating, close coordination will be effected with the Installation Central Printing Management Officer in the review process to insure compliance with these regulations.

#### § 1260.211 Denial of funds resulting from disruption of activities of educational institutions.

(a) Beginning with the Authorization Act for 1970, the National Aeronautics and Space Administration Authorization Acts have contained a provision which requires institutions of higher education to deny payment of funds otherwise due under NASA programs to certain individuals who disrupt the educational activities of said institutions if the institutions make certain determinations after notice and opportunity for a hearing. This disruptive activity may involve either a violation of law, or a breach of the legitimate regulations of the institution concerned. In either case, the individuals charged with disruptive activities are to be afforded notice and an opportunity for a hearing upon the issues, before a determination to deny payments may be made by the institution concerned. Any such determination to deny funds to an individual is effective for a period of 2 years, and applies to other educational institutions which employ or which are attended by such individuals during this period.

(b) In order to implement this provision, the following clause shall be included in all grants or extensions and supplements thereto with an institution of higher education using funds subject to the National Aeronautics and Space Administration Authorization Act, 1970 (Public Law 91-119), 83 Stat. 196, approved November 18, 1969, and any other subsequent act of Congress, providing for the denial of funds resulting from disruption of activities of educational institutions.

#### DENIAL OF CERTAIN PAYMENTS

(a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after November 18, 1969, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of 2 years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after November 18, 1969, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958.

(c) Nothing in this clause shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(d) Nothing in this clause shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(e) Nothing in this clause shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

#### Subpart C—Award of Research Grants

##### § 1260.301 Instrument.

(a) The grant instrument shall be brief in format, containing only those provisions necessary to protect the fundamental interests of the Government.

including provision for acquisition by the Government of title to and rights in inventions arising out of the research, and for revocation of the grant, if necessary, after consultation between the grantee institution and NASA.

(b) The grant instrument shall provide for audit of grants by NASA or its representatives at all reasonable times during the life of the grant and for 3 years thereafter. In this connection, the NASA audit program for grants shall involve sample audits on a selective basis. The Government's audit of NASA grants shall generally be for the purpose of appraising and evaluating the grantee's performance from a business management standpoint and not for the purpose of adjustment of grant amounts.

#### § 1260.302 Grant format.

NASA Forms 1463, Research Grant and 1463A, Provisions for Research Grants shall be used for the award of all NASA research grants.

#### § 1260.303 Determination of amount.

(a) Regulations governing contracts generally are not appropriate for application to grants. However, in general, Exhibit B of this part is the basic guidance document in determining the allowability of costs chargeable to research supported by NASA under grants. (Subpart 18-15.3 of 41 CFR Part 18-15 applies to educational institutions, and Subpart 18-15.2 of 41 CFR Part 18-15 to non-profit organizations other than educational institution.)

(b) In no case shall an overhead rate used for determining grant amounts exceed, in equivalence, the most recent overhead rate at the grantee institution for comparable research contracts of the Government.

(c) Grant amounts determined at the time of the award shall not be reduced other than in case of revocation or in the event grant funds are not committed by the grantee prior to completion of the research involved.

(d) It is the responsibility of the grantee to manage the granted funds in such a manner that they cover the full period of the grant. NASA is not obligated to reimburse over-expenditures. However, this stricture does not preclude acceptance of a proposal requesting supplemental funding to extend the research.

#### § 1260.304 Cost sharing.

NASA's Appropriation Acts for several years have included provisions requiring cost sharing by the grantee under research grants resulting from unsolicited proposals. Office of Management and Budget, Circular A-100, dated December 18, 1970, also sets forth circumstances under which cost sharing should be encouraged in certain grants even when not required by statute. In accordance with the foregoing, and pursuant to the general NASA policy set forth in NMI 8310.2, "Cost Sharing on Research Grants and Contracts," dated October 20, 1971, the following basic guidelines will

be implemented in the negotiation of all research grants and in supplements to such grants which require additional funding.

(a) *When cost sharing is applicable.* (1) Cost sharing by non-Federal organizations is mandatory in any grant for basic research which results from an unsolicited proposal.

(2) Cost sharing by non-Federal organizations shall be encouraged in any grant for basic research which does not result from an unsolicited proposal but in which the parties nevertheless have considerable mutual interest in the research (e.g., when it is probable that the performing organization or institution will receive significant future benefits from the research, such as: increased technical knowledge useful in future operations; additional technical or scientific expertise or training for its personnel; and the opportunity to benefit through patent rights).

(3) Cost sharing by non-Federal organizations which is not otherwise appropriate under paragraph (a) (1) or (2) of this section may nevertheless be accepted when voluntarily offered by a performing organization.

(b) *When cost sharing is not applicable.* Except when cost sharing is mandatory pursuant to paragraph (a) (1) of this section, it is not applicable to grants to which the Grants Officer has determined that:

(1) The research effort has only minor relevance to the non-Federal activities of the performing organization, which is proposing to undertake the research primarily as a service to the Government;

(2) The performing organization has little or no non-Federal sources of funds from which to make a cost contribution;

(3) The performing organization is predominantly engaged in research and development and has little or no production or other service activities, and is therefore not in a favorable position to make a cost contribution; or

(4) Payment of the full cost of the project is necessary in order to obtain the services of the particular organization.

(c) *Amount of cost sharing.* (1) *Educational institutions and affiliated not for profit institutions.* Cost sharing for such institutions normally may vary from 1 percent to as much as 5 percent of the costs of the project. However, amounts greater than 5 percent may be accepted when voluntarily offered by the institution.

(2) *Other performing organizations.* Cost sharing for other organizations may vary from less than 1 percent to 50 percent or more of the costs of the research.

(3) *Additional considerations.* (i) The amount of cost sharing which is appropriate in a given instance is independent of whether cost sharing is mandatory or merely encouraged.

(ii) Mutuality of interest in the results of the work being performed should be of primary significance in assessing the appropriateness of any particular

level of cost sharing within the foregoing ranges.

(d) *Implementation.* The following policies and procedures are established to implement the basic guidelines set forth above:

(1) *Determining mutuality of interest.* Factors which may be considered in determining mutuality of interest include:

(i) The potential of the grantee to recover its contribution from non-Federal sources;

(ii) The extent to which a particular area of research requires special stimulus in the national interest; and

(iii) The extent to which the research effort or result is likely to enhance the grantee's capability or expertise.

(2) *Method of cost sharing.* Cost sharing shall be accomplished by a contribution of part or all of one or more elements of allowable cost of the work being performed, and normally shall be expressed as a stated minimum percentage of the total allowable costs of the project. Costs so contributed may not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(3) *Institutional cost sharing agreements.* (1) *Description.* An institutional cost sharing agreement covers the aggregate of all or some of the research projects (both grants and contracts) supported by NASA at a given performing organization. Eligibility for institutional cost sharing agreements is limited to nonprofit institutions of higher education and nonprofit organizations whose primary purpose is the conduct of scientific research. During the term of such agreements, relatively high contributions by the performing organization on some NASA projects may be offset by relatively low contributions on other NASA projects, provided that:

(a) The agreed aggregate contribution is made, and

(b) A contribution, even if nominal, is made to each of the grants and contracts to which the agreement applies.

(ii) *Applicability.* An institutional cost sharing agreement is entered into only when warranted by a large anticipated volume (normally in excess of \$250,000 annually) of contracts and/or grants which will be negotiated with the performing organization during the term of the agreement and will be subject to cost sharing.

(iii) *Negotiating authority.* The Procurement Office, NASA Headquarters (Code KDO-1) is responsible for the negotiation of all institutional cost sharing agreements. Such agreements, when negotiated, shall be used by all procurement offices.

(iv) *Determination of amount.* The amount of cost sharing negotiated under an institutional cost sharing agreement will be determined in accordance with paragraph (d) (3) (iii) of this section, and should reflect the anticipated mutuality of interest of the parties during

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the term of the agreement. The average amount of cost sharing under previous grants and contracts with the performing organization may be used as a guide for this purpose to the extent that it is consistent with paragraph (d) (3) (iii) of this section. When the negotiated amount of cost sharing differs significantly from this average, appropriate explanation should be included in the institutional cost sharing agreement file.

(V) *Content.* Institutional cost sharing agreements normally shall be executed in the format set forth below. The format may be adapted to fit specific circumstances.

INSTITUTIONAL COST SHARING AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND

This Agreement is entered into as of the day of \_\_\_\_\_, 19\_\_\_\_ between the United States of America, hereinafter called the "Government," represented by the Contracting Officer, \_\_\_\_\_ and \_\_\_\_\_, a corporation organized and existing under the laws of the State of \_\_\_\_\_, hereinafter called the "Performing Organization."

1. The Performing Organization may, from time to time during the term of this Agreement, perform research under certain NASA grants and contracts (hereinafter referred to as "subject research agreements") pursuant to which the Performing Organization agrees to share the cost of the research in the manner provided in this Agreement.

2. In each year ending \_\_\_\_\_ during the term of this Agreement, the Performing Organization shall participate in the cost of subject research agreements by contributing, from non-Federal sources, a minimum of \_\_\_\_\_ percent of the aggregate direct and indirect costs which are otherwise allowable in accordance with the cost principles applicable to the subject research agreements. A nominal portion, at least, of the allowable costs of each individual subject research agreement shall be included in the aforementioned aggregate contribution.

3. The Performing Organization shall maintain records of all costs contributed pursuant to this Agreement, as well as costs to be paid by the Government. Such records shall be subject to audit by the Government. Costs contributed by the Performing Organization shall not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

4. This Agreement may be amended only by mutual agreement of the parties, and may be terminated in its entirety by either party upon thirty (30) days written notice to the other party. Amendment or termination of this Agreement shall not affect any subject research agreement theretofore entered into between the parties.

5. Nothing herein contained shall be construed to imply any agreement on the part of the Government to enter into research agreements with the Performing Organization.

6. This Agreement is effective \_\_\_\_\_ and shall remain in effect for a period of three (3) years thereafter unless sooner amended or terminated in accordance with the above.

In Witness Whereof, the parties have executed this Agreement as of the day and year first above written:

UNITED STATES OF AMERICA  
By \_\_\_\_\_  
(Signature of Contracting  
Officer)  
\_\_\_\_\_  
Typed or Printed Name  
\_\_\_\_\_  
(Name of Performing  
Organization)  
By \_\_\_\_\_  
(Signature of Authorized  
Individual)  
\_\_\_\_\_  
Typed or Printed Name  
\_\_\_\_\_  
Title

(4) *Grant clauses.* The appropriate clause set forth in this paragraph d(4) shall be inserted in each grant in which costs are shared by the grantee pursuant to the policies prescribed in this § 1260.304.

(i) In grants for which cost sharing has been individually negotiated, the following clause shall be used. (The clause may be modified to fit specific circumstances):

COST SHARING (MARCH 1972)

The Grantee agrees to share in the cost of the research by charging to the Government not more than \_\_\_\_\_ percent of the costs of performance determined to be allowable in accordance with Exhibit B of the NASA Grant Handbook. The remaining \_\_\_\_\_ percent, or more, of the allowable costs of performance so determined will constitute the Grantee's share and will not be charged to the Government under this grant or under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program). The Grantee will maintain records of all grant costs claimed by the Grantee as constituting part of its share and such records shall be subject to audit by the Government.

(ii) In grants for which cost sharing will be in accordance with a previously negotiated institutional agreement, the following clause shall be used:

COST SHARING UNDER INSTITUTIONAL  
AGREEMENT (MARCH 1972)

The Grantee agrees to share in the cost of the work hereunder in accordance with Institutional Cost Sharing Agreement No. \_\_\_\_\_ dated \_\_\_\_\_.

(5) *Documentation.* Grant files shall contain appropriate documentation setting forth the nature of the mutual interest of the parties and supporting the amount of cost sharing agreed upon. When cost sharing has been waived pursuant to paragraph (b) (4) of this section, documentation shall include the reason for the grantee's refusal to share the cost of the work, and a justification as to why it is necessary for NASA to support the research project notwithstanding the grantee's refusal to share in the costs of the work.

§ 1260.305 Funding of grants. [Reserved]

§ 1260.306 Numbering of grants.

(a) Grants shall be numbered by using a letter prefix, followed by a hyphen and a serial number.

(1) The letter prefix shall be as follows:

(i) Research grant	NGR
(ii) Research grant, step funded	NGL
(iii) Training grant (Headquarters use only)	NGT
(iv) Facilities grant (Headquarters use only)	NGP

(2) The basic serial number of a grant (exclusive of the letter prefix) shall be derived from the proposal control number assigned by the Office of University Affairs, NASA Headquarters (Code PY) and shall consist of eight digits as follows:

(i) A two-digit number representing the State (or foreign country), followed by a hyphen;

(ii) A three-digit number representing the grantee institution, followed by a hyphen; and

(iii) A three-digit number, unique to each grant at a particular institution.

(b) The proposal control number assigned by the Office of University Affairs, NASA Headquarters (Code PY) for new projects contains eight digits and is constructed as in paragraph (a) (2) of this section, except that the last three digits are unique to each proposal submitted by a particular institution. Control numbers for proposals to supplement existing grants contain 11 digits. The first eight correspond to the serial number of the grant, while the last three are unique to the particular supplementing proposal. The serial numbers prescribed in paragraph (a) (2) of this section shall be determined from proposal control numbers in the following manner:

(1) *New awards.* The eight digit numerical portion of the proposal control number is used as the serial number for a new award. Example: Proposal Y-05-020-021 becomes grant NGR (or NGL) 05-020-021. When two or more proposals from the same institution are combined into a single new award, the lowest unique number is used as the serial number. Example: Proposals Y-05-020-037 and Y-05-020-051 are supported in a single grant whose number is NGR (or NGL) 05-020-037.

(2) *Supplements to existing grants.* A supplement to an existing grant bears the same basic serial number as the original grant, plus a consecutively assigned supplement number. Example: Proposal Y-05-020-001-076 is used to supplement grant NGR 05-020-001 (which has not heretofore been supplemented) and the resulting grant supplement is numbered NGR 05-020-001, Supplement No. 1. (The last three digits of the proposal control number are ignored for serial purposes in this type of action.) Further supplements to this grant will then be numbered NGR 05-020-001, Supplement No. 2, NGR 05-020-001, Supplement No. 3, etc.

(3) *New awards based on proposals to supplement existing grants.* If a proposal is submitted to supplement an existing grant, but, instead, is considered by the Grants Officer to be more appropriate for a new award, the first five digits and

last three digits of the 11-digit proposal control number are used as the serial number for the new award. Example: Proposal Y-05-020-001-315, originally submitted to supplement grant NGR 05-020-001, becomes a new grant which is numbered NGR 05-020-315. (The same numbering procedure is followed when a proposal to supplement an existing contract is, instead, converted into a new grant.)

(c) If a serial number cannot be determined by the procedures in paragraph (b) of this section, an appropriate number shall be obtained from the Office of University Affairs, Code PY, NASA Headquarters.

(d) Identification prefixes and basic serial numbers shall be retained unchanged for the life of the instrument. For example, if it is desired to add step-funding to an existing grant with an NGR prefix, the existing grant must be phased out and a new step-funded grant, bearing an NGL prefix, and serially numbered in accordance with paragraph (b) (3) of this section, issued as of the approximate date funds on the existing grant will be exhausted. In such event, closeout procedures for the old grant may consist simply of documentation in the file to the effect that all necessary reports for the project will be found under the new (step-funded) grant number.

#### § 1260.307 Distribution of grants and grant supplements.

Distribution of grants and grant supplements shall be made by the initiating office in accordance with its requirements, except that in all cases not less than two copies will be furnished to paying offices, one copy of which will support the payment file and be retained for audit purposes in accordance with § 1260.308.

#### § 1260.308 Retention of grant documents for on-site audit.

NASA's grants and grant supplements designated in § 1260.307 are subject to on-site audit by the General Accounting Office. The original or a signed copy of each document, with supporting data, shall be retained by the installation to be available to the General Accounting Office for audit purposes.

#### Subpart D—Research Grant Provisions

##### § 1260.400 General.

The provisions set forth in this subpart shall be inserted in and made a part of all NASA research grants.

##### § 1260.401 Technical reports and publications.

###### TECHNICAL REPORTS AND PUBLICATIONS

(a) Publication to accomplish widest practicable and appropriate dissemination of research results is encouraged at any time during the course of the investigation. Examples of appropriate media for such dissemination are the learned journals the proceedings of professional groups and NASA scientific and technical publications. NASA grantees may elect to publish the results of their work by whichever media they feel

most appropriate. Publications and reports prepared under a grant should contain a statement which properly sets for NASA's responsibility for the material; unless otherwise specified this will consist of acknowledgment of NASA support and identification of the grant by number.

(b) When results obtained under a grant are to be published in a technical journal, or in transactions or proceedings of a technical meeting three copies of a preprint or manuscript of each such publication shall be provided to NASA prior to submission for publication and three copies of a reprint shall be provided promptly after publication. Prior approval for publication is not required unless security classification is involved or the grant contains special conditions pertinent to publication of results.

(c) Material submitted for publication by NASA in a formal NASA report series must comply with the highest practicable standards of excellence. It shall be provided initially in three draft copies. Upon agency review and approval, reproducible copy shall be submitted in the style and format specified by NASA. If the grantee wishes NASA to consider such publication, a specific request to this effect should accompany the draft copies.

(d) Five copies of a brief, informal semi-annual status report including a concise statement of the research accomplished during the report period shall be submitted. This is a minimum requirement and grantees are urged to submit interim reports (or to publish in the open literature) whenever the research has reached a point where it is logical to summarize the results, a research phase has been completed, or whenever significant new findings are made (see paragraph 204(a)(v) of the NASA Grant Handbook).

(e) Upon completion of the research, the grantee shall submit five copies of a final technical report which summarizes the results of the entire project.

(f) The status and final reports must be identified as such and may consist in whole or in part of references to and abstracts of published material resulting from the grant.

All reports, including preprints, reprints, manuscripts and repro copy, shall be submitted to:

NASA Scientific and Technical Information Facility  
Post Office Box 33  
College Park, MD 20740

##### § 1260.402 Extension of grants.

###### EXTENSION OF GRANTS

(a) It is NASA policy to provide maximum possible continuity in the funding of grant-supported research, and grants may be extended for additional periods of time. Any extension requiring additional funding must be supported by an unsolicited proposal submitted at least 4 months in advance of the expiration date of the grant. The period of performance shown in the grant document is approximate, but extension for more than 30 days must be requested by application to the Grants Officer and approved in writing.

(b) When a grant is step funded, NASA will, if circumstances permit, make available additional funding to extend the period for an additional year preserving a similar pattern of step funding. This step funding is based on unsolicited proposals received prior to the completion of each year of full support. NASA shall be the sole judge of whether circumstances will permit this increase. This statement of policy should not be taken as a commitment by NASA.

(c) Unsolicited proposals referenced in this section will be submitted to:  
National Aeronautics and Space Administration  
Proposal Control Officer  
Office of University Affairs (Code PY)  
Washington, D.C. 20546

##### § 1260.403 Revocation.

###### REVOCATION

It is a condition of each grant that it may be revoked in whole or in part by NASA after consultation with the Grantee. In the event of revocation, the Grantee shall refund to NASA any unexpended funds that it has received under the grant, except such portion thereof as may be required by the Grantee to meet commitments which had in the judgment of NASA become firm prior to the effective date of revocation and are otherwise appropriate.

##### § 1260.404 Travel.

###### TRAVEL

(a) Domestic travel is an appropriate charge to research grants and NASA authorization for specific trips is not required. Expenditures for domestic travel shall not exceed \$500 or 125% of the amount allotted for such travel in the approved proposal budget, whichever is greater, without the prior authorization of the NASA Grants Officer.

(b) Foreign travel (any travel outside of Canada and the United States, its territories and possessions and Puerto Rico) must be clearly essential to the research effort and must, to be charged against a grant, have the prior approval of the NASA Grants Officer regardless of its inclusion in the approved proposal budget.

##### § 1260.405 Allowable costs.

###### ALLOWABLE COSTS

NASA Grant Handbook, Exhibit B, is the basic guidance document in determining the allowability of costs chargeable to research sponsored by NASA under grants.

##### § 1260.406 Accounting records.

###### ACCOUNTING RECORDS

(a) The Grantee shall maintain books and accounting records, in accordance with the principles enunciated in Exhibit B of the NASA Grant Handbook, in a manner sufficient to reflect properly all direct and indirect costs incurred or anticipated as a result of commitments made during the period of the grant.

(b) All accounting records relating to costs under NASA grants are subject to inspection and audit by representatives of NASA and the General Accounting Office during the period of performance and for 3 years thereafter.

##### § 1260.407 Payment.

###### PAYMENT

(a) NASA Form 1031, "Grantee Quarterly Cash Requirement Report" shall be submitted quarterly. Funds are made available on the basis of the quarterly estimates shown on the Form 1031, either by Treasury Department check or under the Treasury Department Letter of Credit System.

(b) Funds received by the Grantee and not committed prior to the conclusion of the research or within 30 days next following the terminal date of the grant shall be considered excess payments and shall be refunded by check made payable to the National Aeronautics and Space Administration or in accordance with instructions provided by the NASA Grants Officer.

**§ 1260.403 Equipment.****EQUIPMENT**

(a) NASA research grants permit acquisition of technical equipment required for the conduct of research. The Grantee shall maintain property records for equipment with an acquisition cost in excess of \$1,000, in accordance with generally accepted property accounting procedures. Acquisition of equipment costing in excess of \$1,000 and not included in the approved proposal budget requires the prior approval of the NASA Grants Officer unless such equipment is merely a different model of an item shown in the approved proposal budget. Total expenditures for permanent equipment (property items costing \$200 or more with an expected service life of 1 year or more) shall not exceed 125 percent of the amount allotted for such items in the approved proposal budget without prior authorization from the NASA Grants Officer.

(b) NASA grant funds shall not be used to purchase general purpose equipment such as furniture, furnishings, office equipment or other items of a nontechnical nature; exceptions to this require prior approval of the NASA Grants Officer and must be fully justified as essential to the research under the grant.

(c) Title to equipment purchased with grant funds shall vest in the Grantee unless otherwise provided. The Government reserves the right to require transfer to the Government, or to a third party named by the Government, of title to items purchased at a cost in excess of \$1,000. This right may be exercised at any time, but no later than 180 days after receipt of the final equipment inventory report. Any charges for packing, crating and shipping which may be involved in such transfers will be at the expense of the Government.

(d) Title to Government-furnished equipment (including excess personal property) will remain with the Government. Such property will be maintained in accordance with NASA Grant Handbook, Exhibit C. Semi-annual reports, "Analysis of Government-Owned/Contractor-Held Property Other Than Space Hardware" (NASA Form 1018), will be prepared by the Grantee for such property in accordance with Paragraph C.311 of Exhibit C, and with NASA Handbook, "Financial Reporting for Government-Owned/Contractor-Held Property and Space Hardware" (NHB 9500.2). Such reports shall be submitted within 10 workdays following the end of each report period. The Grantee shall insert the reporting requirements of this clause in all first tier subcontracts involving Government-furnished equipment, except that such requirements shall provide for the submission of subcontractor reports directly to the Grantee, in sufficient time to meet the aforementioned reporting dates. The Grantee's semi-annual report shall consist of a consolidation of the subcontractors' reports and its own report.

(e) Final equipment inventory reports, covering purchased items in excess of \$1,000 and Government-furnished equipment, will be forwarded to the NASA Grants Officer within 30 days following the terminal date of the grant.

**§ 1260.409 Property rights in inventions.****PROPERTY RIGHTS IN INVENTIONS**

(a) This grant and all subcontracts issued thereunder are subject to Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) relating to property rights in inventions. The term "invention" includes any invention, discovery, improvement, or innovation. Any invention made in

the performance of work under this grant or any subcontract issued thereunder shall be presumed to have been made under the conditions of and subject to Section 305(a) of the Act and becomes the exclusive property of the United States subject, however, to the retention by the Grantee or subcontractor of a royalty free license to practice the invention pursuant to, and of the scope defined in, 14 CFR 1245.204(a). This license may be revoked under the conditions set forth in 14 CFR 1245.211 (b) and (c). The Grantee or applicable subcontractor may petition for waiver of title to the invention in accordance with the NASA Patent Waiver Regulations (14 CFR Part 1245, Subpart 1).

(b) The Grantee shall furnish to NASA a written report containing full and complete technical information concerning any invention made in the performance of any work under this grant promptly upon the making of such invention and shall require all subcontractors to do so. Upon written request by NASA, the Grantee shall furnish additional information available to him, and shall secure the execution of such documents as may be necessary to enable the Administrator, NASA, to file and prosecute patent applications on any such invention. Upon completion of the work under this grant, the Grantee shall furnish to NASA a report as to whether or not any inventions of the type referred to herein have been made in the performance of such work.

**§ 1260.410 Rights in data.****RIGHTS IN DATA**

The Grantee grants to the Government, for governmental purposes, the right to publish, translate, reproduce, deliver, use and dispose of, and to authorize others to do so, all data, including reports, drawings, blueprints, and technical information resulting from the performance of work under this grant.

**§ 1260.411 Security****SECURITY**

Normally, NASA research grants do not involve classified defense information. However, if information is sought or developed by the Grantee that should be classified in the interests of national security, the NASA Grants Officer that issued the grant shall be notified immediately.

**§ 1260.412 Civil rights.****CIVIL RIGHTS**

Work on NASA grants is subject to the provisions of the Civil Rights Act of 1964, and the NASA implementing regulations (14 CFR Part 1250).

**§ 1260.413 Safety.****SAFETY**

(a) The Grantee shall act responsibly in matters of safety and shall take all reasonable safety measures in performing under this grant. The Grantee shall comply with all applicable Federal, State, and local laws relating to safety. The Grantee shall maintain a record of, and will notify the NASA Grants Officer of any accident involving death, disabling injury or substantial loss of property. The Grantee will advise NASA of hazards that come to its attention as the result of the work under the grant; reporting thereon through routine status reports furnished in compliance with the grant.

(b) Where the work under this grant involves flight hardware, the hazardous aspects, if any, of such hardware will be identified, in writing, by the Grantee. Compliance with the provisions of this clause by subcontractors shall be the responsibility of the Grantee.

**§ 1260.414 Subcontracts.****SUBCONTRACTS**

Approval of subcontracts for the purchase of equipment under this research grant shall be obtained in accordance with the provision herein entitled "Equipment." All other subcontracts not provided for in the approved proposal budget require the prior consent of the Grants Officer.

**§ 1260.415 Changes in principal investigator or technical objectives.****CHANGES IN PRINCIPAL INVESTIGATOR OR TECHNICAL OBJECTIVES**

(a) The Grantee shall be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. However, in the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the grant title.

(b) The stated objectives of the research effort shall not be changed, except with the approval of the NASA Grants Officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior approval of the NASA Grants Officer.

(d) The Grantee shall obtain the approval of the NASA Grants Officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(e) The Grantee shall consult with the NASA Grants Officer if the principal investigator plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of principal investigator or other appropriate modification of the grant, or may revoke the grant as provided herein.

(f) In projects which involve coprincipal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the foregoing provisions similarly apply to each such key person. In such event, the grant instrument shall identify the individual(s) to whom the provisions apply.

**Subpart E—Administration of Research Grants****§ 1260.501 General.**

(a) NASA assumes that, once a grant is made, the principal investigator, operating within the policies of the grantee institution, is in the best position to determine the means by which the research may be conducted most effectively. NASA wishes to avoid any action that might diminish the responsibility of the grantee and the investigator for making sound scientific and administrative judgments. Grantees and investigators are encouraged to seek the advice and opinions of NASA on problems that may arise. Unless otherwise stated, the giving of such advice should not imply that the responsibility for final decisions has shifted to NASA. The primary concern of NASA is that granted funds be used in a manner that will make a maximum

contribution to the scientific area under investigation. It is expected that grantees and investigators will also direct their efforts to this end.

(b) The grantee shall be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. In the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the grant title.

(c) The stated objectives of the research effort shall not be changed, except with the approval of the NASA Grants Officer.

(d) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior approval of the NASA Grants Officer.

(e) The grantee shall obtain the approval of the NASA Grants Officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(f) The grantee shall consult with the NASA Grants Officer if the principal investigator plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of principal investigator or other appropriate modification of the grant, or may revoke the grant as provided in § 1260.507.

(g) In projects which involve coprincipal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the provisions of paragraphs (e) and (f) of this section similarly apply to each such key person. In such event, the grant instrument shall identify the individual(s) to whom the provisions apply.

#### § 1260.502 Grant instrument.

A NASA grant is consummated by an instrument signed by the Administrator, NASA, or his duly authorized representative. This instrument will contain the provisions set forth in Subpart D of this part. The simplicity of the NASA grant instrument does not preclude the possibility of collateral understandings and informal agreements which may, in special instances, accompany the formal grant or accumulate, as the occasion demands, during the life of the grant.

#### § 1260.503 Grant period.

(a) Normally, NASA grants are made for periods up to 3 years. As stated in the grant instrument, the period is approximate; the beginning and ending dates are not specified with precision. The grant period begins approximately on the date of the grant and extends

for approximately the length of time specified. However, when progress of research under the grant is delayed and circumstances make it necessary to request an extension of the grant period without additional funds, the policy of NASA is to permit extensions in time, upon written request.

(b) When it appears that the research contemplated will be completed within 30 days after the approximate ending date, a request for extension of the grant period will be unnecessary. If it appears, however, that the additional time required for completion of the research will exceed 30 days, a request for extension must be made by the grantee. Any extension requiring additional funding must be supported by an unsolicited proposal and submitted at least 4 months in advance of the expiration date of the grant.

#### § 1260.504 Grant payments.

Payments will be made in a lump-sum payment in advance or on a periodic basis, depending on the relative size of the total grant and the estimated timing of financial requirements. Periodic payments will be made on the basis of NASA Form 1031, "Grantee Quarterly Cash Requirement Report" submitted by the grantee and payments will be made either by Treasury Department check or under the Treasury Department Letter of Credit System. Eligibility for the Letter of Credit System is limited to non-profit institutions with which NASA anticipates a continuing relationship of 1 year or longer, and whose aggregate annual volume of business with NASA equals or exceeds \$250,000. It is the policy of NASA to utilize the Letter of Credit System to the maximum feasible extent.

#### § 1260.505 Expenditure approvals.

(a) NASA believes that the principal investigator, operating within the established policies of the grantee, is the individual best qualified to determine the manner in which the grant funds may be used most effectively to accomplish the proposed research. Although NASA assumes no responsibility for overspent budgets, the investigator and the grantee institution are free to spend grant funds for the proposed research without strict adherence to individual allocations within total budgets, except as provided in §§ 1260.404 and 408. Under no circumstances, however, may grant funds be used to acquire land or any interest therein, to acquire or construct facilities or to procure passenger carrying vehicles. Purchase of furniture, furnishings, office equipment or other items of a non-technical nature require the prior approval of the NASA Grants Officer as provided in § 1260.408.

(b) Controls and limitations on expenditures for specific items under NASA grants shall be in accordance with the provisions of Exhibit B of this part.

(c) If any of the actions requiring approval in accordance with Exhibit B of this part have received specific NASA approval during the proposal and award process, a further approval shall not

be required. Whenever practical, the approvals shall be given at the time of the project award or extension to avoid any delays during the course of the project.

(d) Approval requirements relating to expenditures under grants, in addition to those provided for in Exhibit B of this part, shall not be imposed except in accordance with the deviation procedure of § 1260.106 or as specifically required by statute.

#### § 1260.506 Vesting of title to research equipment.

(a) *Background.* (1) Support of research in educational institutions provides substantial long-term and indirect benefits as well as the immediate research results. In addition to the obvious academic advantages of such support, individual and institutional capabilities to perform relevant research are enhanced, and the number of scientists and graduates with research interests in areas of concern to the Nation generally, and to NASA in particular, is increased. Adequate modern research equipment in universities serves to maximize these direct and supplemental benefits.

(2) Every NASA-funded university research project represents an area of mutual interest in which the university has, and expects to maintain, a capacity for research and education. The research equipment that it acquires has, therefore, an especially high potential for continuing effective use at the acquiring institution. The legitimate interests of both NASA and the university, as well as the long-term national interest, require that any decision by the agency to take title for the purpose of transferring grantee equipment to another location reflect careful consideration of all relevant factors. This should include comparison of the expected beneficial use at the present location with that expected at the new location, possible deleterious effects of removal, and the administrative and relocation costs involved.

(b) *Policy.* The following policies will be reflected, as appropriate, in the negotiation and the documentation of NASA research grants and grant supplements and in related correspondence:

(1) Title to equipment purchased with grant funds vests in the grantee institution, and the equipment does not automatically follow the Principal Investigator when he leaves the institution. Title to Government-furnished equipment remains with the Government.

(2) NASA may require transfer to it of title to individual items or coherent systems (paragraph (b) (8) of this section) of major equipment (purchased at a cost of more than \$1,000) at any time but no later than 180 days after receipt by NASA of the final equipment inventory report for the grant.

(3) Title to minor equipment items (costing individually \$1,000 or less) is not subject to transfer to the agency, except under the conditions of this paragraph (b) (8).

(4) NASA procedure does not require a grantee to transfer title to grant-acquired equipment directly to another ac-

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tual or potential grantee or contractor. Such transfers are accomplished by the Government taking title and issuing the equipment to the second institution as Government-furnished equipment.

(5) NASA normally will not recover equipment that a grantee desires to retain, for reissuance to another institution or to a NASA installation, unless it is specifically required for NASA work at the new location. Exceptions will be made only in highly unusual situations where title transfer is clearly in the best interests of the Government.

(6) Cost sharing by NASA and a grantee in the acquisition of individual items or coherent systems (subparagraph (8) of this paragraph (b)) of equipment in response to a statutory requirement for cost sharing or in any way that could result in joint ownership, shall normally be avoided.

(7) When cost sharing by NASA and a grantee in the acquisition of a major equipment item or coherent system cannot be avoided, and the NASA contribution will exceed \$1,000, agreement regarding NASA retention of its option to take title and the conditions under which the option (if retained) will be exercised shall be reached and documented prior to purchase. NASA shall have no option to take title if its contribution is \$1,000 or less.

(8) When two or more components are fabricated into a single coherent system, in such a way that the components lost their separate identities and their separation would render the system useless for its original purpose, the components will be considered as integral parts of a single system. If such a system includes grantee-owned components (for cost sharing or other purposes), paragraph (b) (7) of this section applies. The requirement that NASA seek agreement to retain its option to take title shall further apply where it is expected that one or more grant-acquired components costing \$1,000 or less will be fabricated into a single coherent system costing in excess of \$1,000. However, an item that is used ancillary to a system, without loss of its separate identity and usefulness, will be considered as a separate item and not as an integral component of the system.

(c) *Procedures.* (1) When a decision is made to revoke or discontinue support of a grant, the Grants Officer shall notify the grantee in writing of the requirement under the grant for submission of a final inventory report of major purchased equipment (individual items or coherent systems costing more than \$1,000) and Government furnished equipment.

(2) When the cognizant NASA Technical Officer or Program Manager desires that NASA take title to a major item of grantee purchased equipment, he shall request the Grants Officer to obtain information regarding the grantee's desire to retain the equipment, the use to which it would be put in the absence of further NASA support of the grant, and any substantial deleterious effects of removal of the equipment.

(3) The Grants Office shall obtain the information, and provide copies to the Technical Officer and the Office of University Affairs for their coordinated review and recommendation regarding acquisition of title. The Technical Officer shall inform the Grants Officer of his recommendation by means of a memorandum concurred in by the Office of University Affairs.

(4) When NASA acquires title to major items of grantee purchased equipment, the Grants Officer shall notify the cognizant NASA Financial Management Office so that proper entries may be made in accounting records.

#### § 1260.507 Revocation of grants.

(a) NASA grants may be revoked in whole or in part by NASA after consultation with the grantee, except that a revocation shall not affect any financial commitment which in the judgment of NASA had become firm prior to the effective date of the revocation and is otherwise appropriate. Upon revocation, the grantee shall reduce, insofar as is possible, the amount of outstanding commitments and repay to NASA, by check made payable to the National Aeronautics and Space Administration, the uncommitted balance of all funds that have been paid to the grantee by NASA under the terms of the particular grant concerned.

(b) The grantee shall communicate with NASA whenever he has reason to believe that circumstances may necessitate revocation of the grant. It is expected that the most common cause for revocation will be the inability of the grantee to carry out the research for which the grant is made or to adhere to the other conditions set forth in the grant instrument. As a general rule, the availability of the services of the principal investigator named in the grant instrument is a decisive factor in NASA's decision to award the grant. Consequently, NASA should be informed immediately whenever it appears that the principal investigator will find it impossible to continue to direct the research.

#### § 1260.508 Transfer of grants to other institutions.

When the principal investigator changes his organizational affiliation and desires support for his research at his new location, he must submit a new proposal via the appropriate officials of the new institution. Although such proposal will be reviewed in the normal manner, every effort will be made to expedite a decision. Regardless of the action taken on the new proposal, final reports on the original grant, describing the scientific progress and expenditure to date, will be required if that grant is revoked.

#### § 1260.509 Accounting procedures.

While no particular classification of accounts is required, it is expected that grantees will maintain records for each grant, in accordance with the principles enunciated in Exhibit B of this part,

which will permit preparation of the required fiscal report and make possible the determination that grant funds were used for the general purpose for which the grant was made.

#### § 1260.510 Travel.

(a) Domestic travel by grantee personnel, when necessary to the performance of a research grant, is an appropriate charge to the grant, and NASA authorization for specific trips is not required. Expenditures for domestic travel shall not exceed \$500 or 125 percent of the amount allotted for such travel in the approved proposal budget, whichever is greater, without the prior authorization of the NASA Grants Officer.

(b) Pursuant to the "Travel" provision of § 1260.404, foreign travel (any travel outside of Canada and the United States, its territories and possessions and Puerto Rico) by grantee personnel may be charged to a grant only when specifically approved in advance by the NASA Grants Officer. (Inclusion of foreign travel in an approved proposal budget is for cost estimating purposes only, and a grant award based on such a budget does not, in itself, constitute specific prior approval in the context of this paragraph (b).) The following criteria shall be applied:

(1) Foreign travel may be approved for:

(i) Participation in meetings, conferences or symposia by presentation of papers or as session chairmen or discussion leaders on subjects directly related to the participant's NASA work; or

(ii) "On site" field work under the participant's NASA grant.

(2) Foreign travel ordinarily will not be approved for:

(i) The principal purpose of visiting or attending meetings;

(ii) Meetings of national (as distinguished from international) bodies, unless the travel is primarily associated with other approved goals; or

(iii) Meetings that are predominantly American in attendance.

(3) Approval of individual requests for foreign travel under grants will be subject to such criteria, policies, and procedures as may be promulgated by the Office of University Affairs or other appropriate authority.

#### § 1260.511 Audit. [Reserved]

#### § 1260.512 Use of GSA supply sources by grantees. [Reserved]

##### Subpart F—Reports

#### § 1260.600 General.

This subpart prescribes reports designed to provide records and statistics for management purposes and to comply with statutory requirements.

#### § 1260.601 Reporting of grants.

Pursuant to section 3 of the Act of September 6, 1958 (Public Law 85-934; 42 U.S.C. 1891-1893), an annual report shall be made to the appropriate committees of both Houses of Congress on or before June 30th of each year. Such report shall

be prepared by the Procurement Office, NASA Headquarters (Code KD-1) and shall set forth, for the preceding year:

(a) The number of grants made pursuant to section 1 of the Act;

(b) The dollar amount of such grants; and

(c) The institutions in which title to equipment was vested pursuant to section 2 of the Act.

**§ 1260.602 Individual Procurement Action Report (NASA Form 507).**

The Individual Procurement Action Report (NASA Form 507) is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Department of Labor, the Office of Emergency Preparedness, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. The preparation and utilization of NASA Form 507 has been made an integral part of the Agencywide system for the recording and reporting of financial and statistical data covering the status of contracts and grants (SCAG). Complete instructions covering the operation of this system are contained in the NASA Financial Management Manual 9332-1-9332-13.

**§ 1260.603 Committee on academic science and engineering (CASE) reports.**

NASA Form 1356, "Committee on Academic Science and Engineering (C.A.S.E.) Report on Support of Colleges and Universities", is either submitted with funded procurement requests pursuant to NMI 5101.12A, or, in the case of certain nonfunded actions, initiated by the procuring office. All NASA Forms 1356 will be completed, checked and promptly forwarded to the Office of University Affairs, NASA Headquarters (Code PY), in accordance with the instructions on the form.

**§ 1260.604 Grantee Quarterly Cash Requirement Report (NASA Form 1031).**

The Grantee Quarterly Cash Requirement Report (NASA Form 1031) will be submitted quarterly by the grantee as a basis for payment.

**§ 1260.605 Status and final reports.**

(a) Five copies of a brief, informal, semiannual status report including a concise statement of the research accomplished during the report period shall be submitted.

(b) Upon completion of the research, the grantee shall submit five copies of a final technical report, which summarizes the results of the entire project. Citation of publications resulting from the research, or abstracts thereof, may serve as all or part of this final report. Research results not intended for publication in technical journals must be in the format prescribed for NASA technical notes. In addition, the grantee will report to NASA whether or not any inventions required to be reported under the grant

have been made in the performance of work under the grant.

(c) A properly certified final fiscal report is required for each grant. Report forms for this purpose are forwarded to the business office of the grantee institution, together with the copy of the grant instrument; additional forms may be requested. Two copies of the final fiscal report should be forwarded to NASA after work under the grant has been completed.

**APPENDIX—LISTING OF EXHIBITS**

**Exhibit A—Assurance of Compliance—Civil Rights Act (NASA Form 1206).** Available from Procurement Office, NASA Headquarters (KDP-1).

**Exhibit B—Cost Principles and Procedures** (Part 18-15, Subparts 18-15.1, 18-15.2, 18-15.3 and 18-15.8 of Title 41).

**Exhibit C—Control of Property in Possession of Nonprofit Research and Development Contractors** (Appendix C of Title 41, Chapter 18).

**Exhibit D—Grant Document Provisions** (NASA Forms 1463 and 1463A), Available from Procurement Office, NASA Headquarters (KDP-1).

**Exhibit E—Restrictions on Data and Other Information** § 18-1.304 of Title 41, Chapter 18.

Dated: March 23, 1973.

GEORGE J. VECCHIETTI,  
Director of Procurement, National Aeronautics and Space Administration.

[FR Doc. 73-6018 Filed 3-28-73; 8:45 am]

**Title 16—Commercial Practices**

**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. C-2356]

**PART 13—PROHIBITED TRADE PRACTICES**

**Georgia-Pacific Corp. and Tri-State Mill Supply Co.**

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage, or other Compensation under 2(c): § 13.800 *Buyers' agents*; § 13.810 *Buyers' corporate or other agent*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Georgia-Pacific Corp. et al., Portland, Oreg., Docket No. C-2356, Mar. 1, 1973]

*In the Matter of Georgia-Pacific Corp., a Corporation; and Tri-State Mill Supply Co., Inc., a Corporation*

Consent order requiring a Portland, Oreg., manufacturer, seller, and distributor of a variety of wood and paper products, and its Crosset, Ark., wholly owned subsidiary, a supplier of general industrial equipment, among other things to cease receiving brokerage allowances.

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

*It is ordered*, That respondent Georgia-Pacific Corp., a corporation, its successors, and assigns, and its officers, agents,

representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the purchase of industrial supplies, equipment, machinery, or other products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting services, moneys or anything of value from Tri-State Mill Supply Co., Inc., or any intermediary, agent, representative, or broker in connection with the purchase by said respondent of industrial supplies, equipment, machinery, or other products when such intermediary, agent, representative, or broker is receiving or accepting anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, from the seller while acting for, or in behalf of, or subject to the direct or indirect control of said respondent.

2. Receiving or accepting directly or indirectly from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase by said respondent of industrial supplies, equipment, machinery, or other products.

*It is further ordered*, That respondent Tri-State Mill Supply Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the purchase of industrial supplies, equipment, machinery, or other products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of industrial supplies, equipment, machinery, or other products, for its own account or where said respondent is the agent, representative, or intermediary acting for, or in behalf of, or subject to the direct or indirect control of, the buyer.

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

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

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

ner and form in which they will comply with this order.

Issued: March 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FPR Doc.73-5985 Filed 3-28-73;8:45 am]

[Docket No. 8871]

**PART 13—PROHIBITED TRADE PRACTICES**

**Interstate Publishers Service, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections*: 13.15-30 *Connections or arrangements with others*; 13.15-80 *Government connection*; 13.15-155 *Institutional connections*; § 13.60 *Earnings and profits*; § 13.143 *Opportunities*; § 13.260 *Terms and conditions*. Subpart—Delaying or withholding corrections, adjustments, or action owed: § 13.675 *Delaying or withholding corrections, adjustments, or action owed*; § 13.677 *Delaying or failing to deliver goods*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—business status, advantages, or connections: § 13.1368 *Bonded business*; § 13.1395 *Connections and arrangements with others*; § 13.1425 *Government connection*; § 13.1430 *Government endorsement, sanction or sponsorship*; § 13.1440 *Identity*; § 13.1490 *Nature—Goods*; § 13.1615 *Earnings and profits*; § 13.1647 *Guarantees*; § 13.1697 *Opportunities in product or service*; § 13.1760 *Terms and conditions*—*Prices*: § 13.1778 *Additional costs unmentioned*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.1895 *Scientific or other relevant facts*; § 13.1905 *Terms and conditions*. Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits*; § 13.2015 *Opportunities in product or service*; § 13.2040 *Returns and reimbursements*. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings*; § 13.2165 *Terms and conditions*. Securing orders by deception: § 13.2170 *Securing orders by deception*. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Interstate Publishers Service, Inc., et al., Kansas City, Mo., docket No. 8871, Feb. 14, 1973]

*In the Matter of Interstate Publishers Service, Inc., a Corporation, Cecil T. Gay, Edward W. Scott and Thomas R. Gay, Individually and as Officers of Said Corporation and Donald F. Scott, Individually and as a Director of Said Corporation*

Consent order requiring a Kansas City,

Mo., seller of magazine subscriptions and other publications, among other things to cease misrepresenting travel opportunities available to representatives; misrepresenting the terms, conditions, or nature of employment; misrepresenting earnings of previous representatives; failing to reveal to prospective representatives the nature of their employment with respondents; misrepresenting the identity of solicitors or of the business in which they are engaged; representing respondents' representatives are connected with a Government agency assisting the underprivileged or competing for college scholarship awards; representatives are bonded; misrepresenting the terms and conditions of any guarantee; and furnishing means and instrumentalities of misrepresentation or deception.

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

*It is ordered*, That respondent Interstate Publishers Service, Inc., a corporation, and its officers and Edward W. Scott, individually and as an officer of said corporation, and Donald F. Scott, individually and as a director of said corporation, and Cecil T. Gay and Thomas R. Gay, individually, and respondents' agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution or sale of magazines, magazine subscriptions or other products or the sale, solicitation or acceptance of subscriptions for magazine or other publications or moneys paid therefore, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective solicitors and solicitors that they will travel on a planned itinerary to various large cities and resort areas throughout the United States and foreign countries; or misrepresenting in any manner, the travel opportunities available to their representatives or solicitors.

2. Representing, directly or by implication, to prospective solicitors and solicitors that they will serve in any capacity other than as magazine subscription solicitors selling magazines on a door-to-door basis; or misrepresenting, in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

3. Representing, directly or by implication, to prospective solicitors or solicitors that they will earn or receive \$175 per week or any other stated or gross amount; or representing, in any manner, the past earnings of respondents' representatives or solicitors, unless in fact, the past earnings represented have actually been received by a substantial number of respondents' representatives or solicitors and accurately reflect the

average earnings of such representatives or solicitors.

4. Representing, directly or by implication, to prospective solicitors or solicitors, that respondents will pay all, or any part of, the expenses of such solicitors; or misrepresenting, in any manner, the terms or conditions of employment as a solicitor for respondents.

5. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine subscriptions.

6. Soliciting or accepting subscriptions for magazines or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

7. Representing, directly or by implication, that respondents' representatives or solicitors are participants in a contest working for prize awards and are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive.

8. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or for the benefit of any charitable or nonprofit organization; or misrepresenting in any manner, the identity of the solicitor or of his firm or of the business they are engaged in.

9. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or affiliated with programs sponsored by a government agency the purpose of which is to provide assistance to underprivileged groups or persons.

10. Representing, directly or by implication, that respondents' representatives or solicitors are competing for college scholarship awards.

11. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school, unless such is the fact.

12. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school, unless such is the fact.

13. Representing, directly or by implication, that respondents have a legal arrangement with any independent third party which insures the placement and

fulfilment of each and every magazine subscription order; or misrepresenting, in any manner, the nature, terms, and conditions of any such arrangement.

14. Representing, directly or by implication, that respondents guarantee the delivery of magazines for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

15. Representing, directly or by implication, that the money paid by a subscriber to the respondents' representative or solicitor at the time of the sale is the total cost of the subscription in instances where the subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

16. Representing, directly or by implication, that magazines purchased by subscribers will be distributed to various schools and institutions as gifts or contributions.

17. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues or duration of each subscription or the total price for each and all such publications, or misrepresenting in any way the terms and conditions of the sale.

18. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: Illness, disease, handicap, race, financial need, eligibility for benefit offered by respondents, or other personal status of the solicitor, past, present or future; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups, organizations, or institutions.

19. Failing to answer and to answer promptly inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

20. Failing within 30 days from the date of sale of any subscription to enter each magazine subscription with publishers for magazines which respondents are authorized by the publisher or distributor thereof to sell: *Provided, however, That in those sales in which an additional payment is required, the subscription shall be entered within 14 days of the receipt of the final payment, but in no event shall any subscription be entered later than 60 days from the date of sale.*

21. Failing within 30 days from the date of sale of any subscription to notify a subscriber of respondents' inability to place all or a part of a subscription and to deliver each of the magazines or other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

22. Failing within 14 days from the receipt of notification of a subscribers' election as provided in paragraph 21

hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

23. Failing to refund to subscribers the money said subscribers have paid for subscriptions to magazines or, at the election of the subscriber, to enter the subscription as originally ordered in instances where the respondents' representatives or solicitors have appropriated such money to their own use and have failed to enter the subscriptions as ordered by said subscribers, within 14 days of verified notice thereof.

24. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all moneys paid if he does not receive the magazine or magazines subscribed for within 120 days of the date of the sale thereof.

25. Failing to refund all moneys to subscribers who have not received magazines subscribed for through respondent within 120 days from the date of the sale thereof upon written request for such refund by such subscribers.

26. Failing to arrange for the delivery of publications already paid for or promptly refunding money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance.

27. Failing to furnish to each subscriber at the time of sale of any subscription a duplicate original of the contract, order, or receipt form showing the date signed by the customer and the name of the sales representative or solicitor together with the respondent corporation's name, address, and telephone number and showing on the same side of the page the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

28. Failing to:

(a) Inform orally all subscribers and to provide in writing in all subscription contracts that the subscription may be canceled for any reason by notification to respondents in writing within 3 business days from the date of the sale of the subscriptions.

(b) Refund immediately all moneys to (1) subscribers who have requested subscription cancellation in writing within 3 business days from the sale thereof, and (2) subscribers showing that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this order.

29. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

*It is further ordered, That:*

(a) Respondents herein deliver, by registered mail, a copy of this decision and order to each of their present and future crew managers, and other supervisory personnel engaged in the sale or supervision of persons engaged in the sale of respondents products or services;

(b) Respondents herein require each person so described in paragraph (a) above to clearly and fully explain the provisions of this decision and order to all sales agents, representatives, and other persons engaged in the sale of the respondents' products or services;

(c) Respondents provide each person so described in paragraphs (a) and (b) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

(d) Respondents inform each of their present and future crew managers, sales agents, representatives, and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the order:

(e) If such third party will not agree to so file notice with the respondents and be bound by the provisions of the order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

(f) Respondents inform the persons described in paragraphs (a) and (b) above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this order;

(g) Respondents institute a program of continuing surveillance adequate to reveal whether the business operations of each said person described in paragraphs (a) and (b) above conform to the requirements of this order;

(h) Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts and practices prohibited by this order; and that

(i) Respondents upon receiving information or knowledge from any source concerning two or more bona fide complaints prohibited by this order against any of their sales agents or representatives during any 1-month period will be responsible for either ending said practices or securing the termination of the employment of the offending sales agent or representative.

*It is further ordered, That as a part of the program of continuing surveillance as prescribed by the provisions of this order, respondents shall clearly and conspicuously disclose, in writing and prior to the consummation of any sale the information described hereinbelow. Such disclosure shall appear on the duplicate original contract, order, or receipt furnished to subscribers as required by paragraph 27 of this order. Said contract, order, or receipt shall disclose the following information in the indicated order:*

1. The term "Magazine Salesman" and place for signature of the salesman.

2. The terminology: "Notice to Consumers"—(insert name of applicable bus-

## RULES AND REGULATIONS

[Docket No. 8778o]

**PART 13—PROHIBITED TRADE PRACTICES****Litton Industries, Inc.**

**Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets.**

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Litton Industries, Inc., Beverly Hills, Calif., Docket No. 8778, Mar. 13, 1973]

*In the Matter of Litton Industries, Inc., a Corporation.*

Opinion and order requiring a Beverly Hills, Calif., large conglomerate corporation with a broadly diversified product area and a worldwide operation, among other things to divest itself of its stock interest in Triumph-Werke Nurnberg, A.G. and Adlerwerke A.G.; and to cease and desist for a period for 10 years from making acquisitions in the typewriter or typewriter parts or accessories manufacturing industry within the United States without prior Federal Trade Commission approval.

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

*It is ordered*, That respondent, Litton Industries, Inc., and its officers, directors, agents, representatives, and employees, subsidiaries, affiliates, successors and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith, and subject to the prior approval of the Federal Trade Commission, all the stock assets, properties, rights and privileges, tangible or intangible, including but not limited to all properties, plants, machinery, equipment, raw material reserves, patents, trade names, trademarks, contract rights, marketing organizations and goodwill, acquired by said respondent as a result of its acquisition of the stock of Triumph-Werke Nurnberg, A.G. and Adlerwerke A.G., together with all additions and improvements thereto so as to assure that said companies are reestablished as a going concern and an effective, viable competitor in the production, distribution, and sale of typewriters and other such office communication products.

*It is further ordered*, That pending divestiture, respondent shall not make any changes or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of whatever description of Triumph-Werke Nurnberg, A.G. and Adlerwerke A.G., which may impair their capacity for the manufacture, sale, or distribution of typewriters or their market value.

*It is further ordered*, That the divestiture ordered by paragraph I shall include nonexclusive, royalty-free licenses, without provision for grantback to Litton, on all patents of whatever description, and engineering production and marketing know-how and expertise relating to the development of typewriter or other such office communication equipment owned

or controlled by respondent Litton Industries, Inc., or any subsidiary or affiliate thereof at the time of divestiture to the end that Triumph-Werke Nurnberg, A.G. and Adlerwerke A.G. shall possess any and all patents, know-how, and expertise in the development, production, or marketing of typewriter and other such office communication equipment developed during ownership of stock in either company by Litton Industries, Inc., or any subsidiary or affiliate thereof.

*It is further ordered*, That, in accomplishing the aforesaid divestiture, respondent shall not divest the assets, property rights, or privileges described in paragraph I of this order, directly or indirectly, to any person who, at the time of such divestiture, is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of respondent, or to a subsidiary or affiliated corporation of respondent.

*It is further ordered*, That respondent for a period of ten (10) years from the date on which this order becomes final shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the normal course of business) of any concern, corporate or noncorporate, engaged at the time of such acquisition in the business of manufacturing typewriters or typewriter parts or accessories for sale within the United States without the prior approval of the Federal Trade Commission.

The prohibition on acquisitions in paragraph IV of the order herein shall include, but not be confined to, the entering into of any arrangement by respondent pursuant to which respondent acquires the market share in whole or in part of such concern in any of the aforesaid product lines, (a) through such concern discontinuing manufacturing, or selling any of said products under a brand name or label it owns and thereafter manufacturing or distributing any of said products under any of respondent's brand names or labels, or (b) by reason of such concern discontinuing manufacturing any of said products and thereafter transferring to respondent customer lists or in any other way making available to respondent access to customers or customer accounts.

*It is further ordered*, That respondent shall, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until respondent has fully complied with the provisions of this order submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying, or has complied with this order. All compliance reports shall include, among other things that are from time to time required, a summary of all contacts and negotiations with any parties concerning divestiture of the specified assets and properties, the

Issued: February 14, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc. 73-5986 Filed 3-28-73; 8:45 am]

identity of all such parties, and copies of all written communications to and from such parties.

By direction of the Commission, Chairman Engman did not participate for the reason that he did not hear oral argument. Commissioner Dennison filed a concurring statement. Commissioner MacIntyre abstained.

Issued: March 13, 1973.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 73-5987 Filed 3-28-73; 8:45 am]

[Docket No. 8881]

**PART 13—PROHIBITED TRADE PRACTICES**

**Sewing Distributors, Inc. and John P. Rooney**

**Subpart—Advertising falsely or misleadingly:** § 13.15 *Business status, or connections*; 13.15-15 *Bonded business*; § 13.150 *Premiums and prizes*; 13.150-35 *Prizes*; § 13.155 *Prices*; 13.155-15 *Comparative*; 13.155-25 *Coupon, certificate, check, credit voucher, etc., values*; 13.155-35 *Discount savings*; 13.155-40 *Exaggerated as regular and customary*; 13.155-70 *Percentage savings*; § 13.157 *Prize contests*. **Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections:** § 13.1368 *Bonded business*; —*Goods*; § 13.1647 *Guarantees*; —*Prices*; § 13.1785 *Comparative*; § 13.1790 *Coupons, credit vouchers, etc., of specified value*; § 13.1805 *Exaggerated as regular and customary*. **Subpart—Using contest schemes unfairly:** § 13.2270 *Using contest schemes unfairly*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sewing Distributors, Inc., et al., Phoenix, Ariz., Docket No. 8881, Feb. 15, 1973]

*In the Matter of Sewing Distributors, Inc., a Corporation, and John P. Rooney, Individually and as an Officer of Said Corporation*

Consent order requiring a Phoenix, Ariz., seller and distributor of sewing machines, among other things to cease misrepresenting prices at which articles of merchandise have been sold in respondents' trade area; misrepresenting prices as usual and customary; failing to maintain adequate records on which various representations are based; misrepresenting the nature or purpose of any contest schemes; and misrepresenting any discount, credit, or allowances given as reductions from specified selling prices.

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

*It is ordered*. That respondents Sewing Distributors, Inc., a corporation, its successors and assigns, and its officers, and John P. Rooney, individually and as an officer of said corporation, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device,

in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "value" or any other word or words of similar import and meaning, to refer to any price amount which is appreciably in excess of the prices at which substantial sales of the same article of merchandise or service have been made in respondents' trade area and unless respondents have in good faith conducted a market survey which establishes the validity of the trade area prices; or misrepresenting, in any manner, the price at which any article of merchandise or service has been sold in respondents' trade area.

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

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

(c) Representing, in any manner, that by purchasing any article of the said merchandise or service, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or service, unless substantial sales of articles of merchandise of like grade and quality or similar services are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with an article of merchandise of like grade and quality or a similar service.

3. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise or services.

4. Using the words "Regular," "Reg.," or any other words of similar import and meaning, to refer to any price amount which is in excess of the price at which any article, merchandise or service has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business and unless respondents' business records establish

that said amount is the price at which such merchandise or service has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

5. Representing, directly or by implication, that any amount is respondents' usual and customary retail price for an article of merchandise or service when such amount is in excess of the price or prices at which an article of merchandise or service has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

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

7. Representing, directly or by implication, that names of winners are obtained through drawings, contests, or by chance, when all of the names selected are not chosen by lot; or misrepresenting, in any manner, the nature or purpose of a contest.

8. Using any advertising, promotional program, or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of their products.

9. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such awards or prizes.

10. Representing, directly or by implication, that any discount, credit, or allowance is given purchasers as a reduction from respondents' selling price for a specified product unless such selling price is the amount at which said product has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

11. Representing, directly or by implication, that any of their articles of merchandise or services are guaranteed unless the nature, extent, and duration of their guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless respondents do in fact perform each of their obligations directly or impliedly represented under the terms of such guarantee or guarantees.

12. Representing, directly or by implication, that respondents have posted a bond or have established a reserve fund, the benefits of which are available to recipients of their guarantees, unless re-

## RULES AND REGULATIONS

spondents do in fact have such a bond or fund available and unless the said bond or fund is available to all recipients of their guarantees.

*It is further ordered*, That the respondents herein shall forthwith distribute a copy of this order to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

*It is further ordered*, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in their business organization such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor corporation or partnership or any other change which may affect compliance obligations arising out of this order.

Issued: February 15, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc. 73-5984 Filed 3-28-73; 8:45 am]

**Title 17—Commodity and Securities Exchanges**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Releases Nos. 33-5373, 34-10006, 35-17882,  
40-7673, AS-141]

**PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940**

Interpretations and Minor Amendments Applicable to Certain Revisions of Regulation S-X

*Correction*

In FR Doc. 73-5295 appearing on page 7323 in the issue of Tuesday, March 20, 1973, the following changes should be made:

1. In paragraph II, directly under the heading § 210.12-16 *Supplementary income statement information*, insert a line of five stars.

2. In paragraph III, transpose the heading § 210.12-43 *Mortgage loans on real estate*, to appear above the first line of five stars.

**Title 21—Food and Drugs**

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

**PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS**

**Procedures for Preparation; Correction**

In FR Doc. 73-5008 appearing at page 7003 in the FEDERAL REGISTER of

March 15, 1973 (38 FR 7001), the authority for issuance of Part 6 of Title 21 should be corrected to read as follows:

**AUTHORITY:** Sec. 701, 52 Stat. 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 371; sec. 102(2)(C), 83 Stat. 853, 42 U.S.C. 4332; the Guidelines issued by the Council on Environmental Quality (36 FR 7724); Executive Order 11514 of March 4, 1970 (35 FR 4247).

Dated: March 22, 1973.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 73-5993 Filed 3-28-73; 8:45 am]

**Title 26—Internal Revenue**

**CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY**

**SUBCHAPTER F—PROCEDURE AND ADMINISTRATION**

[T.D. 7267]

**PART 301—PROCEDURE AND ADMINISTRATION**

Inspection by Department of Agriculture of Income Tax Returns Made Under the Internal Revenue Code of 1954 of Persons Having Farm Operations

Pursuant to section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), and the Executive order signed this date concerning inspection by the Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations, the regulations on procedure and administration (26 CFR 301) under such section are amended as follows:

Section 301.6103(a)-108 is amended by revising paragraph (c). The amended provision reads as follows:

§ 301.6103(a)-108 Inspection by Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations.

(c) *Data available.* The Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Department of Agriculture (for the purpose of obtaining data as to the farm operations of such persons) with the names, addresses, taxpayer identification numbers, type of farm activity, and one or more measures of size of farm operations such as gross income from farming or gross sales of farm products. Inspection of such returns shall be limited to inspection of the data enumerated above and shall be in accordance with permission granted by the Secretary of the Treasury pursuant to this section. Upon receipt of a request for inspection approved by the Secretary of the Treasury, any officer or employee of the Internal Revenue Service duly authorized by the Commissioner of Internal Revenue may make such returns available for inspection, provided inspection is limited to the data specified above, in an office of the Internal Revenue Service by any duly authorized

officer or employee of the Department of Agriculture or may make the data enumerated above on such returns available to such Department.

Because this Treasury decision constitutes a general statement of policy and establishes rules of departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

This Treasury decision shall be effective on March 27, 1973.

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

Approved: March 27, 1973.

RICHARD NIXON,  
The White House.

[FR Doc. 73-6169 Filed 3-27-73; 3:55 pm]

**Title 28—Judicial Administration**

**CHAPTER I—DEPARTMENT OF JUSTICE**

[Order 511-73]

**PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

Transferring the Functions, Powers, and Duties of the Internal Security Division to the Criminal Division and Abolishing the Internal Security Division

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, all functions, powers, and duties heretofore delegated to the Assistant Attorney General in charge of the Internal Security Division are hereby delegated to the Assistant Attorney General in charge of the Criminal Division, and the Internal Security Division of the Department of Justice is abolished. Existing orders inconsistent with this order are superseded to the extent of such inconsistency.

Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of Subpart A, which lists the organizational units of the Department, is amended by deleting "Internal Security Division."

2. Paragraph (f) of § 0.55 of Subpart K is amended by deleting the phrase "litigation involving subversives, which is assigned to the Internal Security Division by § 0.61, and."

3. Paragraph (p) of § 0.55 is amended by substituting a period for the comma after "(18 U.S.C. 1503)" and by deleting the phrase "except as to obstructions which occur in connection with cases within the jurisdiction of the Internal Security Division."

4. Paragraph (b) of § 0.59 of Subpart K is amended by deleting the phrase "or the Internal Security Division."

5. The caption "Subpart L—Internal Security Division" is deleted, §§ 0.61 through 0.64 are incorporated in Subpart K, and Subpart L is reserved.

6. The heading for § 0.61 is revised to read, "§ 0.61 Functions relating to internal security."

7. The first sentence of § 0.61 is amended by substituting "Criminal Division" for "Internal Security Division." 8. Paragraph (m) of § 0.61 is deleted. 9. Section 0.62 is amended by substituting "Criminal Division" for "Internal Security Division."

10. Section 0.63 is amended by substituting "Criminal Division" for "Internal Security Division."

11. Section 0.64 is amended by substituting "Criminal Division" for "Internal Security Division" each place it appears.

This order is effective as of March 26, 1973.

Dated: March 23, 1973.

RICHARD G. KLEINDIENST,  
Attorney General.

[FR Doc. 73-5957 Filed 3-28-73; 8:45 am]

**Title 31—Money and Finance: Treasury**

**CHAPTER II—FISCAL SERVICE,  
DEPARTMENT OF THE TREASURY**

**SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT**

**PART 306—GENERAL REGULATIONS  
GOVERNING U.S. SECURITIES**

*Correction*

In FR Doc. 73-4897 appearing at page 7077 as Part II of the issue of Thursday, March 15, 1973, the following changes should be made:

1. In the first line of the first example under § 306.11(h), the word "Commission", should read "Commissioner".

2. In the first column on page 7091, under the "Appendix to Subpart E", delete the fourth paragraph.

**Title 32—National Defense**

**CHAPTER VI—DEPARTMENT OF THE  
NAVY**

**PART 742—UNIFORM RELOCATION AS-  
SISTANCE AND REAL PROPERTY AC-  
QUISITION POLICIES ACT OF 1970**

**Application Procedure for Relocation  
Assistance Payments**

The regulations in this part, currently appearing at Part 742 of this title (32 CFR Part 742), required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, effective January 2, 1971, are amended to comply with the latest guidelines of the Office of Management and Budget issued by Circular No. A-103 of May 1, 1972. It should be noted that an application for relocation assistance payments must be made within 18 months from the date the displaced person moves from the real property acquired or to be acquired, or the date final payment is made, whichever is later. The regulations as amended shall be effective on and after January 2, 1971. The amendments are as follows:

The table of contents Subpart A—Policies is amended by adding a new section designated as follows:

**742.107 Review.**

In the text of the regulations Subpart A—Policies is amended as follows:

Section 742.102 is amended to read as follows:

**§ 742.102 Displacement notice—Appli-  
cation for relocation assistance.**

Written notice of displacement served personally or by certified (or registered) first-class mail will be given to each individual, family, business, or farm. A displaced individual, business or farm operation must make application for relocation assistance payments within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which final payment is made for the property acquired whichever is later. The time for filing may be extended upon a proper showing of good cause. A displaced individual, business, or farm operation making proper application will be paid promptly after a move. If the agency head, or his designee, determines that delaying payment until after the move will create a hardship, he will authorize an advance payment.

Subpart A—Policies is further amended by adding a new section reading as follows:

**§ 742.107 Review.**

There shall be a periodic review of all Federal and federally assisted programs to assure compliance with the Act.

Subpart B—Definitions is amended as follows:

Section 742.205 is amended to read as follows:

**§ 742.205 Displaced person.**

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of a written order to vacate real property for a project undertaken by the Department; and solely for the purpose of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as the result of a written order to vacate other real property for such project, on which such person conducts a business or farm operation. If a person moves as the result of such order, it makes no difference whether or not the real property is acquired.

Section 742.206 is amended to read as follows:

**§ 742.206 Dwelling.**

The place of permanent or customary and usual abode of a person. It includes a single-family building; a one-family unit in a multifamily building; a unit of a condominium or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law or cannot be moved without substantial damage or unreasonable cost.

Section 742.208 is amended to read as follows:

**§ 742.208 Family.**

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guard-

ianship. Upon appropriate determination by the agency head, others who live together as a family unit may be treated as a family for determining benefits under Title II of the Act.

Section 742.212 is amended to read as follows:

**§ 742.212 Owner.**

A person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estate or interest, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the agency head, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

Section 742.215 is amended by amending paragraphs (b), (e), (g) to read as follows:

**§ 742.215 Replacement dwelling.**

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms, areas of living space, age, and state of repair. Adequate in size to meet the needs of the displaced person, but may exceed such needs if replacement dwelling has same number of rooms or equivalent square footage as the dwelling from which displaced.

(g) Available on the market to the displaced person at rents or prices within the financial means of the displaced person. For the purpose of determining financial means of families and individuals in accordance with section 205(c)(3) of the Act, a financial means test (ability to pay) must be made. In order to meet a financial means test, a determination should be made as to the displaced person's ability to afford the replacement dwelling. In making this determination, the average monthly rental or housing costs (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes, and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

Subpart C—Moving and Related Expenses is amended as follows:

Section 742.301 is amended to read as follows:

**§ 742.301 Recipient eligibility.**

A displaced person (including one who conducts a business or farm operation) is eligible to receive payments for moving and related expenses, as hereinafter set out.

Section 742.302 is amended by deleting paragraph (a) (1), (2), and (3) and amending paragraph (a) to read as follows:

**§ 742.302 Extent of eligibility.**

(a) Each owner-occupant, tenant-occupant, or family displaced from a dwelling may elect to receive either the payment described in § 742.303(a) or the fixed payment described in § 742.304(a) except that no member of a displaced person's family living in the same dwelling unit is eligible for separate payment for moving expenses.

Section 742.304 is amended to read as follows:

**§ 742.304 Fixed payment.**

(a) A displaced person who must vacate a dwelling may elect to receive, in lieu of reimbursement for actual expenses described in § 742.303(a), a moving expense allowance not in excess of \$300 based on schedules maintained by State highway departments, plus a dislocation payment of \$200. A displaced person, who elects to receive a payment based on a schedule, shall be paid under the schedule used in the area where the displacement occurs regardless where he relocates. If there is no highway department schedule in the area involved, the agency head shall cooperate with other displacing agencies in the development of a single moving expense schedule for use of all displacing agencies in the area.

(b) A displaced person who is displaced from his place of business whether he discontinues or re-establishes operations, may elect to receive, in lieu of reimbursement for actual expense, specified in § 742.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 742.308 provided:

(1) The business cannot be relocated without a substantial loss of its existing patronage. Existing patronage in connection with a nonprofit organization includes the persons, community, or clientele served or affected by the activities of the nonprofit organization. The agency head will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, and the relative importance of the present and proposed locations to the displaced business and the availability of a suitable replacement location for the displaced person.

(2) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business. The business must contribute materially to the income of the displaced owner.

(c) A displaced person who is displaced from his farm operation, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expenses, specified in § 742.303, a fixed relocation payment equal to the average annual net

earnings of the farm operation as defined in § 742.308. If only part of a farm is acquired, such payment shall be made only if the remainder no longer meets the definition of a farm.

(d) The payment provided in paragraphs (b) and (c) of this section shall be not less than \$2,500 nor more than \$10,000.

Section 742.305 is amended to read as follows:

**§ 742.305 Actual reasonable expenses in moving.**

(a) *Items to be included in determining reasonable expenses.* (1) Transportation of individuals, families, and property from acquired site to the replacement site, not to exceed a distance of 50 miles, except where the Secretary's designee determines that relocation cannot be accomplished within the prescribed area.

(2) Packing and crating of personal property, including unpacking and uncrating.

(3) Advertising for packing, crating, and transportation when determined by the agency head to be reasonably required.

(4) Storage of personal property for a period generally not exceeding 12 months when determined by the agency head to be necessary in connection with the relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment, including such modifications as deemed necessary by the agency head of any reconnection of utilities for machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and installation of such property, the displaced person shall be required to agree in writing that the property is personalty and the Government is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other items as the agency head determines to be a reasonable expense.

(b) *Items to be excluded in determining reasonable expenses.* (1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership, except as otherwise provided by law.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Payment for search cost in connection with locating a replacement dwelling.

(11) Such other items as the agency head determines should be excluded.

(c) *Limitations.* (1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving unless the agency head determines a greater amount is justified.

(2) If an item of personal property used in connection with a business or farm operation is not moved, but sold and promptly replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving, whichever is less.

(3) If personal property used in connection with a business or farm operation to be moved is of low value and high bulk, and the cost of removing, moving, reinstallation, and reestablishment would be disproportionate in relation to the value, in the judgment of the agency head, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property.

Section 742.306 is amended by amending paragraphs (a) and (e) and adding a new paragraph (f), to read as follows:

**§ 742.306 Actual direct losses, business, or farm operations.**

(a) If the displaced person does not move personal property he shall be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(e) If the business or farm operation is discontinued, or if not discontinued and personal property abandoned, the distance to be used in estimating moving costs of the personal property is 50 miles.

(f) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Subpart D—Replacement Housing Payments for Homeowners (Over 180 Days) is amended as follows:

Section 742.401 is amended by adding a new paragraph, designated (c), reading as follows:

**§ 742.401 Eligibility.**

(c) If replacement housing meeting the criteria of § 742.215 is not available on the market, the agency head may upon a proper finding of the need therefor, consider available housing exceeding the basic criteria.

**§ 742.407 [Amended]**

Section 742.407 is amended by deleting paragraph (c).

Subpart E—Replacement Housing for Tenants and Certain Others is amended as follows:

**§ 742.501 [Amended]**

Section 742.501 is amended by deleting paragraph (e).

Section 742.506 is amended to read as follows:

**§ 742.506 Computing rental payments for displaced owner-occupants renting replacement housing.**

The agency head shall compute the amount of the payment to the displaced owner-occupant in the same manner as prescribed in § 742.505, except that economic rent shall be used in making the determination required by § 742.505 (a) (2).

Section 742.507 is amended by amending paragraph (a) to read as follows:

**§ 742.507 Making payment to a displaced person who rents replacement housing.**

(a) If the total rental payment to be made to the displaced person is in excess of \$500, payment will be made in four equal annual installments at the beginning of each annual period, provided the agency head determines that the tenant is continuing to occupy decent, safe, and sanitary housing at the beginning of each annual period. This method of payment may be modified as the circumstances of the displaced person warrants, provided the displaced person continues to occupy decent, safe, and sanitary housing.

Section 742.602 is amended to read as follows:

**§ 742.602 Cooperation with other Federal and State agencies.**

(a) When more than one agency, departmental or otherwise, is administering a relocation assistance advisory program which may be of assistance in the community or area to persons displaced under other programs, the agency head shall offer to cooperate to the maximum extent feasible with the other Federal or State agency causing displacements to assure that all displaced persons receive the maximum assistance available to them.

(b) The agency head shall consult with the appropriate Housing and Urban Development Regional/Area Office concern-

ing the availability of housing and inform such office as to projects which will cause displacement. The agency head shall also consult with appropriate local officials concerning any proposed project in a community, consistent with the procedural requirements of Office of Management and Budget Circular A-95 (Revised).

(c) The agency head may, by contract or otherwise, secure relocation assistance advisory services from the central relocation agency, if available, in the area, or any other appropriate Federal, State, or local governmental agency or from any person or organization.

[SEAL] H. B. ROBERTSON,  
Rear Admiral, JAGC, U.S. Navy,  
Acting Judge Advocate General.

MARCH 22, 1973.

[FR Doc. 73-5959 Filed 3-28-73; 8:45 am]

**CHAPTER VII—DEPARTMENT OF THE AIR FORCE**

**SUBCHAPTER I—MILITARY PERSONNEL**

**PART 888—ENLISTMENT IN THE REGULAR AIR FORCE**

*Correction*

In FR Doc. 73-4482 appearing at page 6770 of the issue for Tuesday, March 13, 1973, the following changes should be made:

1. In § 888.7(c) (1) the 29th item, designated "(xix)" should be designated "(xxix)".
2. In § 888.7(c) (2) the 33d item, designated "(xxiii)", should be designated "(xxxiii)".
3. In the 12th line of § 888.25(c), "AMFPC/DPMDR" should read "AFMPC/DPMDR".

**PART 888—ENLISTMENT IN THE REGULAR AIR FORCE**

**PART 888c—ACTIVE DUTY SERVICE COMMITMENTS**

**Miscellaneous Amendments; Corrections**

1. In FR Doc. 73-4482, Part 888—Enlistment in the Regular Air Force, appearing at page 6770 in the issue of Tuesday, March 13, 1973, the following changes should be made:

a. In § 888.7(c), the subparagraph now designated "(4) Other (nonminor) misdemeanors.", should read "(3) Other (nonminor) misdemeanors."

b. In § 888.27(b), subparagraph (3) following subparagraph (7), on page 6778, which reads "(3) Retain applicable records and then \* \* \* ", should read "(8) Retain applicable records and then \* \* \* ".

2. In FR Doc. 73-4485, Part 888c—Active Duty Service Commitments, appearing at page 6784 in the issue of Tuesday, March 13, 1973, on page 6789, in § 888c.26, under Column B of Rule 6,

which reads "On or after Jan. 1, 1968," should read "On or after Sept. 1, 1968 but before Nov. 1, 1972".

By order of the Secretary of the Air Force.

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

[FR Doc. 73-5970 Filed 3-28-73; 8:45 am]

**Title 41—Public Contracts, and Property Management**

**CHAPTER I—FEDERAL PROCUREMENT REGULATIONS**

[Temporary Regulation 30]

**ARCHITECT-ENGINEER SERVICES**

**Procurement and Construction**

1. **Purpose.** This FPR Temporary Regulation prescribes policies and procedures for obtaining architect-engineer services.

2. **Effective date.** This regulation is effective March 29, 1973.

3. **Expiration date.** This regulation will continue in effect until canceled.

4. **Background.** Public Law 92-582 dated October 27, 1972, amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), by adding a new "Title IX—Selection of Architects and Engineers." The amendment sets forth policies and procedures concerning the selection of firms and individuals to perform architectural, engineering, and incidental services that members of these professions and those in their employ may logically or justifiably perform. This regulation has been issued prior to receipt of agency and industry comments in the interest of expediting the implementation of the amendment. However, such comments have been solicited and will be considered prior to the issuance of a codified amendment of the Federal Procurement Regulations.

5. **Agency action.** Use of the policies and procedures prescribed by this regulation is mandatory for the General Services Administration and is optional for other executive agencies.

*6. Explanation of changes.*

**PART 1-1—GENERAL**

a. Section 1-1.1003-3 is amended to revise paragraph (b) and add paragraphs (c) and (d) as follows:

**§ 1-1.1003-3 Special areas of negotiation.**

(b) **Personal and professional (other than architect-engineer) services.** Advance notice of procurements for personal or professional services shall be published in the Synopsis when it is feasible and practicable and in the best interest of the Government.

(c) **Architect-engineer and related services with fees over \$25,000.** For each contract for which the fee is expected to exceed \$25,000, a notice of intention to contract for architect-engineer services

shall be published in the Synopsis. The notice shall be prepared in accordance with § 1-1.1003-7(b) (9) and shall solicit submission of Standard Form 251 from persons or firms that are eligible for consideration and that do not have current data on file with the procuring agency or office. The notice will be published sufficiently in advance to enable the architect-engineer firms to submit to the procurement office a general statement of qualifications and performance data applicable to the expected requirements of that procurement office. Synopses of contract awards shall be in accord with § 1-1.1004.

(d) *Architect-engineer and related services with fees \$25,000 and under.* Agencies may employ the procedures in paragraph (c) above. In the alternative, however, agencies may publicize each contract estimated to be \$25,000 and under only in the area where the project is to be performed.

b. Section 1-1.1003-7(b) is amended to add subparagraph (9) as follows:

**§ 1-1.1003-7 Preparation and transmission.**

(9) *Architect-engineer services project notice.* Each notice publicizing procurement or architectural and/or engineering services shall be headed "R. Architect-Engineer Services." The project shall be listed with a brief statement as to its location, scope of services required and, where applicable, the construction cost limitation. Appropriate statements will be made to indicate any limitations on eligibility for consideration. Qualifications or performance data required from architect-engineer firms will be described. This shall be followed by statements similar to the following: "Architect-engineer firms which meet requirements described in this announcement are invited to submit a complete Standard Form 251, U.S. Government Architect-Engineer Questionnaire, together with any supplemental data, to the procurement office shown below. Firms having a current Standard Form 251 already on file with this procurement office and those responding to this invitation before (date) will be considered for selection, subject to any limitations indicated with respect to size of firm, specialized technical expertise or other requirements. No other general notification to firms under consideration for this project will be made, and no further action beyond submission of Standard Form 251 and photographs is required or encouraged. Following an initial evaluation of the qualifications and performance data described on the Standard Form 251, three or more firms considered to be the most highly qualified to provide the services required will be chosen for interview. This is not a request for a proposal. Annual statements: Proposed Commerce Business Daily numbered note. Firms desiring automatic consideration for all projects administered by the procurement office

(subject to specific requirements for individual projects) are encouraged to submit annually a statement of qualifications and performance data, utilizing Standard Form 251." The name of the responsible procurement office shall then be shown complete with the full address and telephone number.

**PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT**

c. Subpart 1-4.10 is added, as follows:

**Subpart 1-4.10—Architect-Engineer Services**

Sec.

1-4.1000	Scope of subpart.
1-4.1001	General policy.
1-4.1002	Definitions.
1-4.1003	Public announcements.
1-4.1004	Selection.
1-4.1004-1	Establishment of architect-engineer evaluation boards.
1-4.1004-2	Functions of the evaluation boards.
1-4.1004-3	Evaluation criteria.
1-4.1004-4	Action by agency head or his authorized representative.
1-4.1004-5	Procedure for procurement estimated not to exceed \$10,000.
1-4.1005	Negotiation procedures.
1-4.1005-1	General.
1-4.1005-2	Conduct of negotiations.
1-4.1005-3	Independent Government estimate.
1-4.1005-4	Architect-engineer's proposal.
1-4.1005-5	Contract price.
1-4.1005-6	Record of negotiation.
1-4.1006	Contracting for construction work.
1-4.1006-1	Policy.
1-4.1006-2	Procedure.
1-4.1007	Small business.
1-18.133	Architect-engineer services contracts.

**AUTHORITY:** Public Law 92-582 dated October 27, 1972; as amended the Federal Property and Administrative Services Act of 1949; as amended, 40 U.S.C. 471 et seq.

**Subpart 1-4.10—Architect-Engineer Services**

**§ 1-4.1000 Scope of subpart.**

This subpart contains the general policies and procedures for the procurement of professional architect-engineer services, either individually or together, by contract.

**§ 1-4.1001 General policy.**

Pursuant to Public Law 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.), it is the policy of the Federal Government to publicly announce all requirements for architect-engineer services, and to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

**§ 1-4.1002 Definitions.**

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(b) "Agency head" means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(c) "Architect-engineer services" include those professional services of an architectural or engineering nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform as described in § 1-16.702.

**§ 1-4.1003 Public announcements.**

To assure the broadest publicity concerning the Government's interest in obtaining architect-engineer services, each agency head shall develop notices in accordance with § 1-1.1003 with respect to individual projects.

**§ 1-4.1004 Selection.**

**§ 1-4.1004-1 Establishment of architect-engineer evaluation boards.**

Each agency head shall establish one or more architect-engineer evaluation boards to be composed of an appropriate number of members who, collectively, have experience in architecture, engineering, construction, and related procurement matters. Members shall be appointed from among highly-qualified professional employees and/or private practitioners engaged in the practice of architecture or engineering. One member of each board shall be designated as the chairman.

**§ 1-4.1004-2 Functions of the evaluation boards.**

Agency architect-engineer evaluation boards shall perform the following functions:

(a) Collect and maintain current data files on architect-engineer firms, including information on the qualifications of their members and key employees and past experience on various types of construction projects. U.S. Government Architect-Engineer Questionnaire, Standard Form 251, supported by required photographs shall be used for this purpose. Information from other sources (such as other clients, other members of the profession, managers or occupants of facilities previously designed, assessments by the procuring agency itself on prior projects awarded to a firm) may also be included in the files;

(b) When procurement of architect-engineer services is proposed, the board shall review the data files on eligible firms including files established on receipt of a Standard Form 251 in response to the public notice of a particular contract, and shall evaluate the firms in accordance with § 1-4.1004-3. After making this review and technical evaluation, the board shall hold discussions with not less than three of the most qualified firms regarding anticipated concepts and relative utility of alternative methods of approach for furnishing the required services; and

(c) Prepare a report for submission to the agency head recommending no less than three firms which are considered

highly qualified to perform the required services. This report shall include in sufficient detail the extent of the evaluation and review and the considerations upon which the recommendations were based.

**§ 1-4.1004-3 Evaluation criteria.**

In evaluating architect-engineer firms, the architect-engineer evaluation board shall apply the following criteria, other criteria established by agency regulation, and any criteria set forth in the public notice on a particular contract:

(a) Specialized experience of the firm (including a joint venture or association) with the type of service required;

(b) Capacity of the firm to perform the work (including any time limitations);

(c) Past record of performance on contracts with Government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules;

(d) Familiarity with the area in which the project is located; and

(e) Volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of architect-engineer contracts among qualified firms. Each architect-engineer evaluation board shall give, to the fullest extent practicable, favorable consideration to otherwise qualified firms (including small businesses) that have not had prior experience on Government projects.

**§ 1-4.1004-4 Action by agency head or his authorized representative.**

(a) The agency head (or the responsible official to whom the authority has been delegated) shall review the recommendations of the architect-engineer evaluation board and shall, in concert with his principal technical representatives, develop and approve, in order of preference, a listing of the three most highly qualified firms, based upon the criteria in § 1-4.1004-3.

(b) The agency head or other authorized official shall advise the board of his decision which will serve as an authorization for the contracting officer to commence negotiation.

**§ 1-4.1004-5 Procedure for procurement estimated not to exceed \$10,000.**

When authorized by the agency head, one of the following procedures set forth in paragraphs (a) and (b) of this section may be used in lieu of the procedures prescribed by § 1-4.1004-2 (b) and (c) and actions prescribed by § 1-4.1004-4.

(a) *Selection by the board.* After reviewing and evaluating architect-engineer firms in accordance with § 1-4.1004-2(b), the board will prepare a report for submission to the contracting officer listing in the order of preference, a minimum of 3 firms which are considered the best qualified to perform the required services. This report will include sufficient details as to the extent of the evaluation and review made and the considerations upon which the selection is based. Further, the report will serve as an authorization to the

contracting officer to commence negotiation with the highest qualified firm.

(b) *Selection by the chairman of the board.* When, in the judgment of the chairman of the board, it is considered that board action is not required in connection with a particular selection of architect-engineer firms, the following procedures will be followed:

(1) The chairman of the board will perform the functions required under § 1-4.1004-2(b);

(2) The chairman of the board will prepare a report in the same manner as prescribed by § 1-4.1004-2(c) except that the report will be submitted to the agency head's representative for concurrence;

(3) The agency head's representative will review the report and concur with the selection or return the report to the chairman for such action as he may consider necessary; and

(4) Upon receipt of an approved report, the chairman of the board will furnish the contracting officer a copy of the report which will serve as an authorization to commence negotiation.

**§ 1-4.1005 Negotiation procedures.**

**§ 1-4.1005-1 General.**

(a) Each agency head is responsible for negotiation of contracts for architect-engineer services. This responsibility may be delegated to a contracting officer. The contracting officer shall use the services of technical, legal, auditing, pricing, and other specialists in the agency to the extent deemed appropriate. Negotiations shall be directed toward:

(1) Making certain that the architect-engineer has a clear understanding of the essential requirements;

(2) Determining that the architect-engineer will make available the necessary personnel and facilities to accomplish the work within the required time;

(3) Determining, where applicable, whether the architect-engineer can provide the design for construction of the facility at a cost not to exceed the limit established for the project; and

(4) Reaching mutual agreement on the provisions of the contract, including a fair and reasonable price, for the required work.

(b) For public works and utilities projects, the amount of the fee that may be paid to an architect-engineer firm under a cost-plus-a-fixed-fee contract for the production and delivery of the designs, plans, drawings, and specifications may not exceed 6 percent of the estimated construction cost of such project, exclusive of the amount of such fee (see 41 U.S.C. 254). The statutory limitation shall also apply to the fee paid to an architect-engineer for the performance of such services under a fixed-price contract. This limitation shall be applied on an individual contract basis.

**§ 1-4.1005-2 Conduct of negotiations.**

Negotiations shall be conducted initially with the architect-engineer firm given first preference under the proce-

dures set forth in § 1-4.1004. If a mutually satisfactory contract cannot be negotiated with such firm, the negotiations shall be formally terminated and the firm notified. Negotiations then shall be initiated with the subsequently listed firms in the order of preference and this procedure shall be continued until a mutually satisfactory contract has been negotiated. If negotiations fail with the listed firms, additional firms shall be selected in accordance with § 1-4.1004 and negotiations shall continue in the manner described above.

**§ 1-4.1005-3 Independent Government estimate.**

Prior to the initiation of negotiations, the contracting officer shall develop an independent Government estimate of the cost of the required architect-engineer services, based on a detailed analysis of the costs expected to be generated by the work. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project. The independent Government estimate shall be revised as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer. A cost estimate, based on the application of percentage factors to cost estimates of the various segments of the work involved, e.g., construction project, may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

**§ 1-4.1005-4 Architect-engineer's proposal.**

The contracting officer shall request the selected architect-engineer firm to submit its proposal with supporting cost or pricing data in accordance with § 1-3.807. Revisions of the proposal and supporting cost or pricing data may be made as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer or findings derived from pre-award audits conducted pursuant to § 1-3.809.

**§ 1-4.1005-5 Contract price.**

Subject to the provisions of § 1-4.1005-1(b), the contracting officer shall negotiate a contract price considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's proposal. Significant differences between elements of the two figures and between the overall figures shall be discussed and the contracting officer shall satisfy himself as to the reasons therefor.

**§ 1-4.1005-6 Record of negotiation.**

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the contract shall be prepared for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the

## RULES AND REGULATIONS

establishment of the price and other terms of the contract.

**§ 1-4.1006 Contracting for construction work.**

**§ 1-4.1006-1 Policy.**

The award of a contract for architect-engineer services for a particular project and the award of a contract for the related construction work to the same firm, a parent firm, its subsidiaries or affiliates is prohibited except as otherwise provided by § 1-18.112.

**§ 1-4.1006-2 Procedure.**

An architect-engineer firm selected for negotiation of an architect-engineer services contract shall be advised of the policy set forth in § 1-4.1006-1 prior to the initiation of negotiations. If the firm possesses construction capabilities either within its own organization or through a parent firm, subsidiaries or affiliates, the firm shall have the option of either:

(a) Declining to enter into contract negotiations in order for its parent firm, subsidiaries, or affiliates to be eligible to compete for the related construction contract; or

(b) Entering into contract negotiations with the clear understanding that, if such negotiations are successful, its parent firm, subsidiaries, or affiliates will be ineligible to compete for the related construction contract.

**§ 1-4.1007 Small business.**

The policy of the Government that a fair proportion of contracts for services be awarded to small businesses is applicable without qualification to the award of contracts for architect-engineer services. In complying with this requirement, the provisions of Subpart 1-1.7 shall be followed.

**PART 1-18—PROCUREMENT OF CONSTRUCTION**

d. Subpart 1-18.1 is amended to add a new section as follows:

**§ 1-18.113 Architect-engineer services contracts.**

Policies and procedures applicable to architect-engineer services contracts are set forth in Subpart 1-4.10 of this title.

ARTHUR F. SAMPSON,  
Acting Administrator  
of General Services.

MARCH 23, 1973.

[FR Doc. 73-6026 Filed 3-28-73; 8:45 am]

**CHAPTER 114—DEPARTMENT OF THE INTERIOR**

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subparts 114-1.1, 114-3.1, 114-3.2, 114-25.3, 114-26.6, 114-38.53, 114-42.2, 114-45.1, 114-45.3, 114-45.6, 114-46.4, 114-47.3, and subsection 114-45.000 of Chapter 114, Title 41 of

the Code of Federal Regulations are amended as set forth below.

Since this regulation merely corrects the title of a departmental official and an Office of the Department it is determined that the rulemaking procedure is unnecessary and these amendments shall become effective on March 29, 1973.

CHARLES G. EMLEY,  
Deputy Assistant Secretary  
of the Interior.

MARCH 23, 1973.

**PART 114-1—INTRODUCTION**

**Subpart 114-1.1—Regulations System**

Section 114-1.100 is revised as follows:

**§ 114-1.100 Deviation.**

Deviations from mandatory provisions of FPMR (as provided in 41 CFR 101-1.110) and IPMR shall be kept to a minimum. Deviations in both individual cases and classes of cases must be approved in advance by the Assistant Secretary—Management. Requests for approval of such deviations shall be submitted by the heads of Bureaus and Offices to the Assistant Secretary—Management, citing the specific part of FPMR or IPMR from which it is desired to deviate, setting forth the nature of the deviation and the reasons for the action requested.

**PART 114-3—ANNUAL REAL PROPERTY INVENTORIES**

**Subpart 114-3.1—General Provisions**

Section 114-3.105 is revised as follows:

**§ 114-3.105 Agency liaison.**

The Director of Management Operations, Office of the Assistant Secretary—Management, is the designated agency representative for this Department for liaison with the General Services Administration on matters related to the owned and leased real property inventories. Any questions concerning these inventories shall be referred to him for handling.

**Subpart 114-3.2—Annual Report Real Property Owned by the United States**

In § 114-3.206 the first paragraph is amended as follows:

**§ 114-3.206 Preparation and due dates.**

The annual inventory report on GSA Forms 1166 and 1209 shall be prepared as of June 30 each year and transmitted to reach the Director of Management Operations, Office of the Assistant Secretary—Management, by not later than August 21, in the number of copies indicated below:

• • • •

**PART 114-25—GENERAL**

**Subpart 114-25.3—Use Standards**

In § 114-25.350 the last paragraph is amended as follows:

**§ 114-25.350 Standard lettering for bench marks and corner markers.**

Exceptions to the use of the foregoing lettering will be granted only where special circumstances warrant exemption. Requests for such exemption shall be transmitted through Bureau channels to the Director, Office of Management Operations, Office of the Assistant Secretary—Management.

**PART 114-26—PROCUREMENT SOURCES AND PROGRAMS**

**Subpart 114-26.6—Procurement Sources Other Than GSA**

In § 114-26.600-50 the last paragraph is revised to read:

**§ 114-26.600-50 Procurement of tax free alcohol.**

Requests for any additional permits should be submitted through Bureau channels to the Director of Management Operations, Office of the Assistant Secretary—Management, for transmittal to the Internal Revenue Service.

**PART 114-38—MOTOR EQUIPMENT MANAGEMENT**

**Subpart 114-38.53—Aircraft**

Section 114-38.5312(d) is amended as follows:

**§ 114-38.5312 Official use of aircraft.**

• • • •  
(d) In the event there is occasion to transport unofficial passengers not specifically identified above, the circumstances should be submitted to the Assistant Secretary—Management, with a request for a decision concerning waiver requirements. Should such an occasion arise under emergency conditions which will not permit advance consideration, a waiver shall be obtained from the individual or individuals involved.

**PART 114-42—PROPERTY REHABILITATION SERVICES AND FACILITIES**

**Subpart 114-42.2—Property Rehabilitation Services Performed by Federal Facilities**

In § 114-42.203(a) the first paragraph is revised to read as follows:

**§ 114-42.203 Notifications.**

• • • •  
(a) Should any bureau or office determine that (1) additional rehabilitation facilities are needed to perform required services or (2) that operation of existing facilities is to be discontinued, the prior information required by FPMR 101-42.203 should be embodied in a letter, prepared for the signature of the Assistant Secretary—Management, and addressed to:

• • • •  
**PART 114-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY**

In § 114-45.000, paragraph (b)(1) is amended as follows:

**§ 114-45.000 Scope of part.**

(b) \* \* \*

(1) Except as provided in IPMR 114-45.316 and 114-45.317, properties which are sold or otherwise disposed of pursuant to special statutes authorizing, directing, or requiring the Department of the Interior to dispose of specific properties such as helium, buffalo, maps, electrical power, irrigation and municipal water, trust properties of the Bureau of Indian Affairs, and other properties which are disposed of in furtherance of Interior programs, or

**Subpart 114-45.1—General**

Section 114-45.105-3 is revised as follows:

**§ 114-45.105-3 Exemptions.**

(a) Any requests seeking an exemption from the provisions of FPMR Part 101-45 in accordance with FPMR 101-45.105-3. (a), shall be prepared for the signature of the Assistant Secretary—Management, and include full particulars which tend to justify the exemption.

**Subpart 114-45.3—Sale of Personal Property**

Section 114-45.304-3 is revised as follows:

**§ 114-45.304-2 Negotiated sales and negotiated sales at fixed prices.**

(a) Should any Bureau or Office propose to negotiate a sale of surplus personal property which, if disposed of by advertising, might cause such an impact on industry as, to adversely affect the national economy, a statement of the circumstances justifying sale by negotiation shall be submitted to the Assistant Secretary—Management, for consideration and transmittal to the General Services Administration.

(b) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of Representatives pursuant to FPMR 101-45.304-2(c) shall be prepared following the outline shown in FPMR 101-45.4919. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary—Management.

Section 114-45.304-9 is revised as follows:

**§ 114-45.304-9 Credit.**

Requests for approval to offer to sell personal property on credit shall be addressed to the Administrator, General Services Administration, Washington, D.C. 20405, and be prepared for the signature of the Assistant Secretary—Management. Each request should include a brief explanation of the proposed terms and conditions of sale.

**Subpart 114-45.6—Debarred and Suspended Bidders**

Section 114-45.603 is revised as follows:

**§ 114-45.603 Notice of debarment or suspension.**

Determination to debar or suspend a firm or individual for a cause or condition for a specified period of time as provided in FPMR 101-45.6, shall be made by the Assistant Secretary—Management. Whenever cause for debarment or suspension becomes known to the head of a Bureau or Office, or a sales or contracting officer thereof, the matter shall be submitted with the recommendations of the head of the Bureau or Office, to the Assistant Secretary—Management, for appropriate action. All actions required by FPMR 101-45.603 will be taken by the Assistant Secretary—Management.

**PART 114-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY****Subpart 114-46.4—Disposal**

In § 114-46.407, the first sentence is amended as follows:

**§ 114-46.407 Reports.**

The report required by this subsection shall be submitted to the Director of Management Operations, Office of the Assistant Secretary—Management, by not later than August 15 of each year. \* \* \*

**PART 114-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY****Subpart 114-47.3—Surplus Real Property Disposal**

In § 114-47.304-12, paragraphs (a) and (c) are revised as follows:

**§ 114-47.304-12 Explanatory statements.**

(a) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of Representatives pursuant to FPMR 101-47.304-12 shall be prepared following the outline shown in FPMR 101-47.4911. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary—Management.

(c) Twenty-two (22) mimeographed copies of such notices shall be submitted to the Assistant Secretary—Management, twenty (20) of which are for submission to the General Services Administration and transmittal to the appropriate committees of the Congress. The letter transmitting each such notice to the Assistant Secretary—Management, shall include any additional supporting data as may not be incorporated in the "back-

ground and justification" portion of the explanatory statement.

[FR Doc.73-5979 Filed 3-28-73;8:45 am]

**PART 114-38—MOTOR EQUIPMENT MANAGEMENT****Subpart 114-38.50—Official Use of Motor Vehicles****STRANGERS OR HITCHHIKERS; PROHIBITION**

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-38.50 of Chapter 114, Title 41 of the Code of Federal Regulations is amended as set forth below.

Since this regulation is a statement of Departmental policy relating to the operation of motor vehicles while on official business, it is determined that the public rulemaking procedure is unnecessary and this amendment shall become effective March 29, 1973.

CHARLES G. EMLEY,  
Deputy Assistant Secretary  
of the Interior.

MARCH 23, 1973.

Section 114-38.5004 is amended by the addition of the following sentence at the end thereof.

**§ 114-38.5004 Transportation of non-official passengers.**

\* \* \* Picking up strangers or "hitchhikers" is prohibited when operating a Government-owned or leased motor vehicle or a privately-owned vehicle on official business.

In § 114-38.5005, paragraph (e) is redesignated (f) and a new paragraph (e) inserted to read as follows:

**§ 114-38.5005 Instructions to motor vehicle operators.**

(e) The prohibition against picking up strangers or hitchhikers.

[FR Doc.73-5980 Filed 3-28-73;8:45 am]

**Title 46—Shipping****CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION**

[CGD 73-56R]

**PART 2—VESSEL INSPECTIONS****PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS****Incidents Involving Etiologic Agents**

On August 9 and December 13, 1972 the Coast Guard published two notices (CGD 72-148PH and CGD 72-226PH) dealing with etiologic agents. Public Hearings were held on these matters on September 5, 1972 and January 23 1973. No comments were received at either hearing. One written comment was received on

Notice CGD 72-226 supporting the proposal.

The Hazardous Materials Regulations Board has, for reasons fully stated in their amendment published at page 8161 of this issue of the **FEDERAL REGISTER**, made certain changes to their proposal on incident reporting. The Coast Guard is adopting those changes for the water mode.

In consideration of the foregoing Parts 2 and 146 of Title 46 Code of Federal Regulations are amended as follows:

1. By adding in § 2.20-65(a) the words "(12) Etiologic agents."
2. By adding in § 2.20-65(b) the following paragraph:

**§ 2.20-65 Immediate notice of certain hazardous materials incidents.**

(b) *Notice required.*

(7) Fire, breakage, spillage or suspected contamination occurs involving a shipment of etiologic agents. In lieu of the requirements of this section, notice may be given to the Center of Disease Control, U.S. Public Health Service, Atlanta, Ga. (Area Code 404-633-5313) for incidents involving etiologic agents.

3. By adding to § 146.30-3(a) subparagraph (3) to read as follows:

**§ 146.30-3 Exemptions.**

(a) \*

(3) Cultures of etiologic agents of less than 50 milliliters (1.66 fluid ounces) total in one package.

*Effective date:* This amendment is effective on June 30, 1973.

(RS 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 23, 1973.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FPR Doc.73-5971 Filed 3-28-73;8:45 am]

**CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE**  
**SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS**

[General Order 116, Rev. (Amendt. 2)]

**PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS**

**Final Payment Billing Procedures**

The following regulations, which has been adopted by the Maritime Subsidy Board, governs procedures to be used by subsidized operators for the final payment billings for operating-differential subsidy under the program in Part 294. The regulation also governs the conduct of an audit by the Maritime Administration of certain financial aspects relating to this subsidy program.

Because the operating-differential subsidy program is exempt from the rule-making procedures required by 5 U.S.C. 553 and because of the need for immediate guidance to those holding subsidy contracts under this part, the rule is issued in final form.

A new § 294.13 is added to Part 294, Title 46, Chapter II, Code of Federal Regulations to read as follows:

**§ 294.13 Final payment billing procedures.**

(a) *In general.* This section sets forth the procedures for the final payment billings and supplemental final payment billings by an Operator. An Operator may make final payment billings after the Maritime Administration completes audit of the Operator's historical costs, subsidized costs, and revenues from the carriage of bulk raw and processed agricultural products to the Union of Soviet Socialist Republics. This section provides rules for the conduct of the audit and specifies times when an Operator may make final payment or supplemental final payment billings.

(b) *Audit—(1) In general.* Audit consists of verification by the Maritime Administration of the following four items in respect to each subsidized vessel:

- (i) Historical costs;
- (ii) Actual subsidizable costs incurred on the subsidized voyage;

(iii) Actual costs of maintenance and repairs (M&R) and stores, supplies, and expendable equipment (SS&E) incurred in any of the United States or the Commonwealth of Puerto Rico after commencement of the subsidized voyage; and

(iv) Revenues earned on the subsidized voyage for the carriage of bulk raw and processed agricultural commodities from the United States to the U.S.S.R.

(2) *Information necessary for audit.* In order to perform the audit, the Operator must submit all documents relating to the items specified in paragraph (b) (1) of this section. These documents include, but are not limited to:

(i) Historical costs:  
(a) M&R—invoices (as directed by the Maritime Administration) of suppliers and repair yards in support of costs paid during the 5-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes;

(b) Protection and indemnity insurance deductible absorptions—crew injury, illness, and death claim records and files compiled in connection with costs absorbed and paid under protection and indemnity insurance policy during the 3-year period preceding the current year or such lesser period as the vessel has been in operation, which were submitted to the Board for tentative subsidy per diem calculation purposes;

(c) SS&E—invoices (as directed by the Maritime Administration) of suppliers in support of costs paid during the 3-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes.

(ii) Actual subsidizable costs incurred on the subsidized voyage:

(a) Wages of officers and crew—voyage and port payrolls including overtime supports, individual pay vouchers, computation of payroll taxes, and the various payroll contributions payable under collective-bargaining agreements for the period of the subsidized voyage;

(b) Subsistence of officers and crew—computation of subsistence inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors invoices and delivery receipts for subsistence stores purchased, vendors invoices for loading of subsistence stores aboard vessel;

(c) Vessel insurance—protection and indemnity insurance and hull and machinery insurance policies in effect during the subsidized voyage, general and particular average claim files, insurance premium invoices;

(d) Fuel—computation of fuel inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors invoices and delivery receipts of fuel purchased, contracts for the purchase of fuel;

(e) Other vessel expenses—invoices and receipts on which subsidizable costs were incurred during the subsidizable voyage;

(f) Vessel depreciation—computation of depreciation and supporting data on vessel cost capitalized;

(g) Interest expense attributable to vessel indebtedness—computation of interest expense including loan agreements evidencing debt principal, interest rates, amortization schedules, and other terms of the loan;

(iii) Actual costs of M&R and SS&E incurred in any of the United States or the Commonwealth of Puerto Rico after the commencement of the subsidized voyage:

(a) M&R—invoices of domestic suppliers and repair yards for all such items charged to the subsidized vessel; and

(b) SS&E—invoices of domestic suppliers for all such items charged to the subsidized vessel including invoices for such items used to stock inventory immediately preceding the subsidized voyage.

(iv) Revenues earned on the subsidized voyage from the carriage of bulk raw and processed agricultural commodities to the U.S.S.R. for the purpose of determining abatement of subsidy as provided in § 294.6(e)—charter agreements, bills of lading for bulk raw and processed agricultural products carried, and cargo loading and discharge reports.

(3) *Time for submission of audit data.* Audit data shall be submitted as follows:

(i) Historical cost data shall be submitted as soon as possible after the commencement of a subsidized voyage.

(ii) All other data shall be submitted within 1 year from the termination of a subsidized voyage except as provided in paragraph (d) of this section.

(c) *Final payment procedures—(1) In general.* After the audit is completed, the Maritime Administration will determine

final per diem amounts and differential percentages. When such amounts are incorporated into the ODSA, the Operator shall make a final payment billing.

(2) *Final payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment.*—(i) *Negative per diem subsidy amounts.* If the final per diem subsidy amount incorporated into the operating-differential subsidy contract for M&R or SS&E is negative, the final payment will be reduced by the product of such negative per diem subsidy amount multiplied by the number of subsidized voyage days.

(ii) *Positive per diem subsidy amounts and positive differential percentages.* If the final per diem subsidy amount or differential percentage incorporated into the subsidy contract for M&R or SS&E is positive, the final payment will be limited to the lesser of:

(a) An amount determined by multiplying the differential percentage for such category of expense by the costs incurred by the subsidized operator for such items in any of the United States or the Commonwealth of Puerto Rico to the date of the final payment billing;

(b) An amount determined by multiplying the final per diem amount for such category of expense by the number of subsidized voyage days.

(3) *Reduction of final subsidy payments due to deviations, idleness or delays.* The reduction of subsidy required under § 294.12(c) because of deviations, idleness or delays during the subsidized voyage shall be made on final subsidy payment vouchers.

(4) *Reduction of final subsidy payments due to abatement of subsidy.* The total subsidy payment as determined under this subsection shall be reduced by the amount of subsidy abatement calculated pursuant to § 294.6(e).

(5) *Forms for final payment billing.* Final payment billing shall be submitted to the appropriate Maritime Administration Region Finance Office on the forms provided in § 294.12(e). Payment to the Operator will be made by Maritime Administration, Washington, D.C.

(6) *Affidavit.* The affidavit in § 294.12(f) shall be submitted with the final payment billing.

(7) *Finality of final payment billing.* Except as provided in paragraph (d) of this section (relating to supplemental final payment billings for M&R and SS&E) all subsidized costs shall be final when billed and not subject to adjustment by the Operator.

(8) *Maximum time for final payment billing.* Final payment billing shall be made not later than 30 days from the date final per diem amounts and differential percentages are incorporated into the ODSA.

(d) *Supplemental final payment billings.*—(1) *In general.* Under § 294.8(b) (2)(ii), subsidy on M&R and SS&E is not paid until the Operator makes actual expenditures for such items in any of the United States or the Commonwealth of Puerto Rico within a 5-year period from the date that the subsidized voyage commenced and the expenditure

is audited. Within that 5-year period, billings may be made subject to the rules in this subsection.

(2) *Rules for supplemental billing.* Supplemental final payment billings may be made when the applicable per diem subsidy amount and differential percentage for M&R or SS&E is positive.

(3) *Frequency of supplemental billings.* Supplemental final payment billings may not be made more often than once each 30 days. Each billing shall include the cumulative costs of M&R and SS&E on which subsidy is payable to the date of such billing.

(4) *Submission of supplemental billings.* Supplemental final payment billings shall be submitted in the same manner as provided in paragraph (c) of this section.

*Effective date.* This section shall be effective on April 1, 1973.

Dated: March 26, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
Secretary, Maritime Administration.

[FR Doc. 73-6038 Filed 3-28-73; 8:45 am]

#### Title 49—Transportation

##### CHAPTER I—DEPARTMENT OF TRANSPORTATION

###### SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-96; Amdt. Nos. 171-18, 173-72]

##### PART 171—GENERAL INFORMATION AND REGULATIONS

###### PART 173—SHIPPERS

###### Etiologic Agents

On July 22, 1972, and November 29, 1972, the Hazardous Materials Regulations Board published two notices, (1) 72-9 and (2) 72-13, respectively, in Docket No. HM-96 (37 FR 14728 and 25243). Interested persons were invited to comment on the proposals they contained.

1. Notice 72-9 proposed to require direct reporting to the Center for Disease Control (CDC) of the Department of Health, Education, and Welfare in the case of fire, breakage, spillage, or suspected contamination involving etiologic agents. This report was proposed to replace the immediate report to this Department required by § 171.15 for certain hazardous materials incidents.

Comments were about equally divided in their position for or against the proposal. However, those commenters voicing their opinion against the proposal based their objections on the difficulties for carriers to maintain separate emergency telephone numbers for incidents involving different hazardous materials. Because of a higher probability of confusion, safety in transportation of hazardous materials could suffer. In addition, the public should not be required to make two phone calls, reporting the same matter.

The Board finds that the objections are valid and that, as much as possible,

it should not establish rules that would cause proliferation of telephone numbers. Therefore, the amendment provides that reports must be made either to the Department of Transportation or to the CDC. The Board still recognizes the importance of quickly informing the CDC should a report be made to DOT and not CDC. Consequently, the Board has made arrangements to assure that any immediate reports it receives on etiologic agents will be promptly relayed to the Center for Disease Control. Accordingly, the rule has been changed to require reporting to DOT as specified for other hazardous materials. However, any immediate report made directly to CDC will constitute compliance with the regulations without the requirement for an additional call to the Department.

2. Notice 72-13 proposed to authorize that quantities of etiologic agents of less than 50 ml in one outside packaging be exempt from the Hazardous Materials Regulations. Several comments were received on the proposal and each commenter agreed except one, the Atomic Energy Commission. That Commission stated in part: "[h]owever, to exempt them from the regulations in toto by listing them in § 173.386(d) seems to be contrary to the interest of public safety. They should be controlled and regulated, not exempted. They should be allowed on passenger-carrying aircraft by specific provisions for their safe transportation, not by deleting all requirements for their safe packaging and labeling."

The Board has carefully considered the comments from the AEC, which objected in part to the proposed amendment, and all the other comments from other authorities supporting the amendment, and has determined in the interest of public safety, to promulgate the amendment with the exemption. It is to be noted, however, that exempt quantities of etiologic agents will still be regulated by other agencies. The Board specifically stated in the preamble to Notice 72-13 that "[t]his action would have no effect on the present Department of Health, Education, and Welfare regulations on etiologic agents which continue to apply to the packaging of these substances." The petition of CDC and the Board's proposal were based on the fact that the packaging and labeling requirements of 42 CFR 72.25 will continue to apply. No comments or objections were received regarding these packaging requirements.

The Food and Drug Administration of the Department of Health, Education, and Welfare noted that it is of critical importance to the public health that it be permitted to ship samples for analysis, including suspect food products and quality assurance samples, on passenger-carrying aircraft. It requested that § 173.386(d) be amended to list "samples for analysis" as an additional exemption. This request is outside the scope of the present rulemaking and will be covered in a separate notice of proposed rulemaking.

In consideration of the foregoing, 49

## RULES AND REGULATIONS

CFR Parts 171 and 173 are amended as follows:

1. In § 171.15, paragraph (a)(5) and the introductory text of paragraph (b) are amended; paragraph (a)(6) is added as follows:

**§ 171.15 Immediate notice of certain hazardous materials incidents.**

(a) \* \* \*

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(6) A situation exists of such a nature that, in the judgment of the carrier, it should be reported in accordance with paragraph (b) of this section even though it does not meet the criteria of paragraph (a)(1), (2), or (3) of this section; e.g., a continuing danger of life exists at the scene of the incident.

(b) Each notice required by paragraph (a) of this section shall be given the Department by telephone at Area Code (202) 426-1830. Notice involving etiologic agents may be given the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga., Area Code (404) 633-5313, in place of the notice to the Department. Each notice must include the following information:

2. In § 173.386, paragraph (d)(3) is added to read as follows:

**§ 173.386 Etiologic agents; definition and scope.**

(d) \* \* \*

(3) Cultures of etiologic agents of 50 milliliters (1.666 fluid ounces) or less total quantity in one outside package.

This amendment is effective June 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835 title 18, United States Code; sec. 9 Department of Transportation Act, 49 U.S.C. 1657; Title VI sec. 902(h) Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on March 23, 1973.

JAMES F. RUDOLPH,  
Board Member for the  
Federal Aviation Administration.

KENNETH L. PIERSON,  
Alternate Board Member for the  
Federal Highway Administration.

MAC E. ROGERS,  
Board Member for the  
Federal Railroad Administration.

W. F. REA III,  
Rear Admiral, Board Member for  
the U.S. Coast Guard.

[FR Doc.73-5970 Filed 3-28-73;8:45 am]

**CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

**SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS**

[Docket No. MC-12; Notice No. 73-11]

**PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION**

**Minimum Strength of Tiedown Assemblies**

The Director of the Bureau of Motor Carrier Safety is amending the provisions of the Motor Carrier Safety Regulations dealing with the minimum strength of tiedown assemblies which are used to secure cargo being transported on commercial motor vehicles. Specifically, he is instituting a requirement that the aggregate static breaking strength of the tiedown assemblies used to secure an article must be at least 1½ times the weight of that article.

The present rule, found in § 393.85(c)(1) of the regulations, provides that the aggregate rated working load of the tiedown assemblies used to secure an article of cargo must equal or exceed the weight of the article. On November 20, 1972, the Director issued a notice of proposed rulemaking, announcing that he had received a petition for rulemaking from the American Trucking Associations, Inc., seeking a change in the rule. The petitioner asked the Director to abandon the rated working load criterion in favor of the aggregate static breaking strength test. The notice invited interested persons to comment on whether the regulations should incorporate one standard or the other or some combination of different standards for different types of tiedown assemblies.

Comments were received from 11 persons. They included the major chain manufacturers, the National Association of Chain Manufacturers, the American Iron and Steel Institute, the Steel Carriers Conference, Inc., and the American Trucking Associations, Inc. Without exception, all persons who filed comments supported the use of the breaking strength test instead of the working load test as the criterion for tiedown assemblies.

Having analyzed the comments and other available data, the Bureau has concluded that the relief sought in the petition should be granted, and that the rule should be changed. Use of the working load criterion requires an increase in minimum strength that is unnecessary because it fails to take into account the fact that friction between an article of cargo and surfaces with which it is in contact, such as the floor of the vehicle, exerts forces tending to prevent the article from becoming dislodged. The extra strength demanded by the working load criterion would be necessary only on the assumption that loads are suspended in midair. They are not, of course, and the present rule mandates an overdesign that generates unnecessary expense without any compensating marginal increase in safety.

Accordingly, the Bureau is changing the rule to provide that the aggregate static breaking strength of the tiedown assemblies used to secure an article of cargo against movement in any direction must be at least 1½ times the weight of that article.

In consideration of the foregoing, § 393.85(c)(1) of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, CFR) is revised to read as follows:

**§ 393.85 Protection against shifting or falling cargo.**

(c) *Securement systems.* \* \* \*

(1) *Tiedown assemblies.* Except as provided in paragraph (c)(6) of this section (relating to containers designed to transport containerized, intermodal cargo), the aggregate static breaking strength of the tiedown assemblies used to secure an article against movement in any direction must be at least 1½ times the weight of that article. Chain used as a component of a tiedown assembly must conform to the requirements of the August 1961 edition of the National Association of Chain Manufacturers' Welded Chain Specifications<sup>1</sup> applicable to all types of chain. Steel strapping used as a component of a tiedown assembly must conform to the requirements of Federal Specification No. QQ-S-781 (1969).<sup>2</sup> Steel strapping that is 1 inch wide or wider must have at least two pairs of crimps in each seal and, when end-over-end lap joints are formed, must be sealed with at least two seals.

Sec. 304, Interstate Commerce Act, as amended; 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655; and delegations of authority by Secretary of Transportation and Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

*Effective date:* This amendment is effective on July 1, 1973.

Issued on March 1, 1973.

ROBERT A. KAYE,  
Director,  
Bureau of Motor Carrier Safety.

NOTE: Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER on March 26, 1973.

[FR Doc.73-4756 Filed 3-28-73;8:45 am]

<sup>1</sup> Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 111 W. Washington St., Chicago, IL 60602.

<sup>2</sup> Copies of these specifications may be secured from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

## Title 50—Wildlife and Fisheries

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

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

## Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period April 1, 1973, through December 31, 1973.

## § 28.28 Special regulations: recreation: for individual wildlife refuge areas.

## MASSACHUSETTS

## PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the refuge is permitted for the purpose of sightseeing, nature study, photography, hiking, bicycling, snowshoeing, cross-country skiing, sunbathing, and ice skating from 6 a.m. to 9 p.m., May 1 through October 15, and from dawn to dusk from October 16 through April 30.

Boating is permitted on navigable waters which lie within the refuge and boats may be landed at the Knobbs, Grape Island, and Stage Island for nature study during the above hours.

The entire refuge beach has no life-guards. Swimming will be at the visitor's own risk.

Surf fishing is permitted during the day on the ocean beach east of parking lots Nos. 3-15 from May 1 through October 15. A permit is required for night fishing on the entire beach from May 1 through October 15. Permits are available at refuge headquarters. The entire beach is open to surf fishing without a permit from October 16 through April 30, from dawn to dusk only.

A limit of one-half bushel of plums and cranberries per family may be picked outside of the dune research natural area from August 25 to October 31.

Access to clam flats for clamming is permitted across refuge marshes. Permits are required and may be obtained at refuge headquarters.

Cooking fires are permitted only on the ocean beach.

Alcoholic beverages, camping, tents, camping trailers, floating devices, skin diving, scuba diving, and pets are not permitted on the refuge.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the act is prohibited on the refuge, unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause interference with another person's enjoyment of the refuge is prohibited.

Organized group activities must be confined to the beach area east of parking lots Nos. 1 and 2.

Bicycles and registered motor vehicles are permitted on the refuge access road and in numbered parking areas only. Parking lot No. 9 is reserved for nature study. Speed limits are posted. Snowmobiles, air cushion, all-terrain, or other similar vehicles are not permitted on the refuge.

A required permit may be obtained upon application to the manager in charge for the use of over-the-sand vehicles for surf fishing only, day and night from May 1 to May 29, and September 5 to October 15 inclusive, and during the hours from 6 p.m. to 8 a.m., from May 30 to September 4 inclusive. No vehicle shall be operated on the beach between the hours of 8 a.m. and 6 p.m. from May 30 to September 4. During such hours all authorized vehicles shall remain in the designated surf fishing vehicle parking area, or exit from the beach area. Applicants for over-the-sand vehicle permits must provide evidence that the vehicle is duly registered and licensed in accordance with applicable State and Federal regulations and show that it is equipped with the following: spare tire, shovel, jack, towrope or chain, board or similar support for jack, and low pressure tire gage. Permits are to be affixed to the vehicles as instructed at the time of issuance. Vehicles authorized by permit to operate on the beach exclusively for the purpose of surf fishing and which are equipped with self-contained water or chemical toilets having a minimum capacity of not less than 3 days' waste material, may park in the designated surf fishing vehicle parking area for a period not to exceed 72 consecutive hours. At the end of such period, the operator of said vehicle shall exit from the refuge but may be readmitted after emptying the vehicle's holding tank at designated disposal sites. Driving above stated vehicles off the designated beach access routes, or over or behind the dunes, or on the beach area east of parking lots Nos. 1 and 2 is prohibited. Ruts or holes resulting from freeing a stuck vehicle shall be filled by the operator. Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited. Failure to comply with refuge regulations shall be ground for immediate cancellation of the permit.

A map of the refuge is available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, Jr.,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1973.

[FR Doc. 73-6014 Filed 3-28-73; 8:45 am]

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

## SUBCHAPTER F—AID TO FISHERIES

## PART 259—CAPITAL CONSTRUCTION FUND

## Joint Tax Regulations

The following regulations relate to the application of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein for taxable years beginning after December 31, 1969, and before January 1, 1973. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein for such years. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of the Treasury and the Assistant Secretary of Commerce for Maritime Affairs and also appear under 26 CFR Part 3 and 46 CFR Part 390.

This regulation would extend the rules established by the outstanding temporary regulation, as amended, to taxable years beginning during 1972. For such taxable years, the agreement must be executed and entered into on or prior to the due date, with extensions, for the filing of the tax return in order to be effective for the year to which that return relates. Deposits must also be made on or before that date, or within 60 days after the date of execution of the agreement, whichever is later, in order to be effective for such taxable year.

In order to extend the provisions of the temporary regulations under section 21(a) of the Merchant Marine Act of 1970 to taxable years beginning in 1972, § 259.1 of Chapter II of 50 CFR is amended by revising so much of such § 259.1 as precedes paragraph (a) thereof and by revising paragraph (d) thereof as follows:

## § 259.1 Execution of agreements and deposits made in a capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1973, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years

## RULES AND REGULATIONS

other than a taxable year or years beginning after December 31, 1969, and before January 1, 1973.

**Effective date.** These regulations re-publish existing Treasury Regulations without substantive change. Accordingly, these regulations shall be effective March 29, 1973.

(Sec. 607, Merchant Marine Act, 1936, 46 U.S.C. 1177; as amended by sec. 21(a) Merchant Marine Act of 1970, 84 Stat. 1026)

Dated: March 20, 1973.

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

ROBERT M. WHITE,  
Administrator.

[FR Doc.73-5973 Filed 3-28-73;8:45 am]

## Title 5—Administrative Personnel

## CHAPTER I—CIVIL SERVICE COMMISSION

## PART 213—EXCEPTED SERVICE

## Department of Defense

Section 213.3306 is amended to show that one position of Deputy Director of Defense Research and Engineering (Research and Advanced Technology), Office of the Secretary of Defense, is no longer excepted under Schedule C.

Effective on March 29, 1973, § 213.3306 (a) (23) is amended as set out below.

## § 213.3306 Department of Defense.

(a) *Office of the Secretary.* \* \* \*

(23) Four Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-5996 Filed 3-28-73;8:45 am]

## PART 213—EXCEPTED SERVICE

## Department of Transportation

Section 213.3394 is amended to show that one additional position of Special Assistant to the Under Secretary and one position of Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs are excepted under Schedule C.

Effective on March 30, 1973, § 213.3394 (a) (11) is amended and § 213.3394(a) (36) is added as set out below.

## § 213.3394 Department of Transportation.

(a) *Office of the Secretary.* \* \* \*

(11) Three Special Assistants to the Under Secretary.

(36) One Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-6150 Filed 3-28-73;8:45 am]

## Title 7—Agriculture

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

## SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

## PART 795—PAYMENT LIMITATION

## Interpretation

The following interpretation of § 795.8 of the regulations governing the payment limitation, 35 FR 19339, as amended, is issued.

Section 795.8 provides that an estate or irrevocable trust shall be considered as one person, except that an estate or trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary.

In the question raised, five persons are the beneficiaries of three separate trusts. The same five persons, along with a charitable organization holding a 10-percent interest, are the beneficiaries of a fourth trust.

It has been concluded that, where two or more trusts have beneficiaries who are identical or practically identical, the trusts may not be regarded as separate persons and are limited to a single payment limitation. Accordingly, in the question raised, the four trusts are to be regarded as the same person and limited to a single payment limitation.

Signed at Washington, D.C., on March 21, 1973.

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

[FR Doc.73-6011 Filed 3-28-73;8:45 am]

## CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

## SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Docket No. SH-312]

## PART 862—WAGE RATES: SUGAR BEETS

The Sugar Act requires sugarbeet producers, as one of the conditions with which they must comply to be eligible for government payments under the act, to pay all workers employed in the production, cultivation, or harvesting of sugarbeets, as provided in § 862.12, shall have been paid in accordance with the following:

minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opportunity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. Public hearings were held in five locations during the period December 4-13, 1972.

The determination, which becomes effective on April 9, 1973, increases the minimum wage rate for specified hand labor operations performed on a time basis by 15 cents to \$2.15 per hour, and the minimums for work performed on a piecework basis are increased by rates ranging from \$1 to \$2.50 per acre. In addition, the new determination expands the provision for "payment of wages" to require that the worker receive payment upon completion of each hand labor operation on a farm unless other arrangements have been agreed upon between the producer and worker. Prior determinations have provided that the producer shall have paid the worker upon completion of work, but not necessarily upon completion of each operation performed.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1972, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Wage Rates: Sugarbeets" remain in full force and effect as to the crops to which they were applicable.

## Sec.

862.9	General requirements.
862.10	Wage rates.
862.11	Compensable working time.
862.12	Applicability of wage requirements.
862.13	Payment of wages.
862.14	Evidence of compliance.
862.15	Employment of workers through a labor contractor or crew leader.
862.16	Subterfuge.
862.17	Claim for unpaid wages.
862.18	Failure to pay all wages in full.
862.19	Child labor.
862.20	Checking compliance.

AUTHORITY: Secs. 862.9 to 862.20 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

## § 862.9 General requirements.

A producer of sugarbeets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets, as provided in § 862.12, shall have been paid in accordance with the following:

## § 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages therefor at rates required by existing legal obligations, regardless of whether those obligations

resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 9, 1973, and shall remain in effect until amended, superseded, or terminated:

(a) When employed on a time basis: For the hand labor operations of thinning, hoeing, hoe-trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: \$2.15 per hour: *Provided*, That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) When employed on a piecework basis for the hand labor operations in the following table:

<i>Hand labor operations</i>	<i>Rate per acre</i>
A. Thinning: Removing excess beets with a hoe only	\$15.50
B. Hoeing: Removing weeds and excess beets with a hoe only	20.00
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	24.00
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	13.00
E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand	\$34.50

and in the State of California only

E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand

*Wide row planting.* The above rates and the rate provided for in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

*Narrow row planting.* The above rates and the rate provided for in paragraph (c) of this section shall be increased by not less than the indicated percentages for the following row spacing: 19 inches or less but more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided*, That the applicable piecework rate therefor shall be not less than \$13 per acre.

(d) When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting. The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E or paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings of each worker

for each operation shall be not less than \$2.15 per hour computed on the basis of the total time such worker is employed on the farm for such operations.

(e) *When employed on a time or piece-work basis for other operations.* For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

#### § 862.11 Compensable working time.

For work performed under § 862.10, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the workday. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

#### § 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the

production, cultivation, or harvesting of sugar beets, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

#### § 862.13 Payment of wages.

(a) The producer shall make payment of wages in accordance with the following requirements: (1) Workers shall be paid by check or in currency for all work performed, and shall be paid upon completion of each hand labor operation performed on the farm unless some other arrangement is agreed upon by the producer and worker and acknowledged in writing signed by the worker; (2) deductions from payments are permitted and may be made for cash advances made only by producers to workers and, in reasonable amounts agreed upon by the producer and worker, for items furnished by the producer such as meals and transportation, and for mandatory deductions or withholdings required by law; (3) deductions may not be made from wages for payment of debts originally incurred with someone other than the producer, except as required and provided under applicable garnishment statutes or by other legal process; and (4) deductions may not be made for payment to a labor contractor or supervisor for his services, or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of the amount of wages received which shall in no event be less than that required by this part.

#### § 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

#### § 862.15 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew

leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided*, That the producer obtain from such contractor or crew leader and have on file (1) a written record that he is registered or licensed as derived from examination of a valid certificate of registration or a farm labor contractor employee identification card; (2) a copy of his authorization signed by each worker to collect wages due each such worker; (3) a copy of each worker's statement of earnings as required by § 862.13, or a wage record sheet such as the "Wage Record Sheet Sugarbeet Program" shown in Exhibit 9 of Handbook 1-SU, available in county ASCS offices, showing the names of the producer and workers, dates work was performed, description of work performed, units of work, agreed upon rates per unit, and the amounts of wages due each such worker; and (4) the signature of each worker acknowledging receipt of wages received which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and the producer which shall in no event be less than those provided by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm have been paid in full: *Provided, however*, That a producer who having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part, except that in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

#### § 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

#### § 862.17 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

#### § 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer had made

full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

#### § 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this part, the act provides that the employment of workers under

14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

#### § 862.20 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1-SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1-SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

#### STATEMENT OF BASES AND CONSIDERATIONS

**General.** The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

**Requirements of the act and standards employed.** Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugar beets and cost of production), and the differences in conditions among the various sugar-producing areas.

**Wage determination.** This determination differs from the prior determination in that the minimum wage rate for specified hand labor operations performed on a time basis is increased 15 cents to \$2.15 per hour; and minimum piecework rates are increased \$1 per acre for thinning and for hoeing, \$1.50 per acre for hoe-trimming, \$1 per acre for weeding, and \$2.50 per acre for blocking and thinning (applicable only in the State of California). In addition, the grower is required to make payment of wages to a worker upon completion of each hand labor operation on the farm. Other provisions of the prior determination continue unchanged.

Public hearings were held in Ann Arbor, Mich.; Fargo, N. Dak.; Billings, Mont.; San Francisco, Calif.; and Mer-

cedes, Tex., during the period December 4 through December 13, 1972. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers. Testimony was presented by representatives of both sugar beet producers and workers.

Producer representatives generally recommended that the minimum hourly and piecework wage rates established in 1972 remain unchanged for 1973. One representative suggested that any increase in minimum wages be comparable to the increase in returns to growers from sugar beets.

Representatives of producers in two large producing areas recommended that present hand labor operations be retained intact. A representative of producers in one region found the Department's proposal on hand labor operations acceptable, except that he suggested the definition for weeding read, in part, " \* \* \* machine thinned and/or on which chemical herbicides have been applied."

Producer representatives recommended against adoption of a proposal that workers be paid upon completion of work on a farm, or every 2 weeks, whichever occurs first, for the following principal reasons: (1) State laws covering payment of wages are already adequate, and a change in the present procedure would result in Federal-State conflicts; (2) a majority of the workers desire to have some of their earnings held back for various reasons; and (3) more bookkeeping would be required of the producer which would increase the possibility of errors in making final settlement with workers.

Producer representatives recommended that no change be made in the present method of repayment of cash advances by the worker. One representative testified that settlement procedures on cash advances are best handled at the local level between workers and employers.

One producer representative recommended that weeding be allowed as a first operation on beets planted to a stand, and another recommended the addition of a weeding operation at a \$5 rate for relatively clean fields to be performed late in the season without reference to the method of removing weeds.

Representatives of workers recommended that the minimum hourly wage be increased to rates ranging from \$2.50 to \$3.50. Several workers stated that they had no recommendation on wage rates, and that the 1972 determination was satisfactory. One worker representative recommended the following piecework operations and rates per acre:

Thinning	\$16.00
Thinning and weeding (Combine present B and C categories and restrict to hoe only)	24.00
Blocking and thinning (Make nationwide instead of California only)	34.00
Weeding (Fields machine thinned and herbicide treated or as a second operation)	13.00

Affidavits from 34 sugar beet workers represented by the United Farm Workers suggested the following range of piecework rates for the hand labor operations proposed for consideration in the Department's notice of hearings:

Thinning	\$15.50 to \$18
Thinning and weeding	\$21.50 to \$25
Weeding	\$24.50 to \$27

A witness for the United Farm Workers also recommended that a written contract, which states the work to be performed and the wage rate, be required between producers and workers. He testified that such a procedure would eliminate many problems which accrue under the current practice of verbal contracts. Other worker representatives expanded this proposal to stipulate that contracts be bilingual, i.e., English-Spanish or English-Navajo, and that additional conditions of employment such as housing be included. Worker representatives testified that adoption of written contracts would make the wage claim procedures provided in the wage determination more effective.

One worker representative recommended that the Department formulate and enforce housing regulations; that 5 percent interest on unpaid wages (from date grievance is filed) be paid to a worker by an employer should the Department rule in favor of the worker's claim; that 7 percent interest be charged to a grower who does not pay wages determined to be due a worker, and this amount plus the unpaid wages be deducted from the Sugar Act payment due the grower; and that when the entire Sugar Act payment is withheld from a grower due to intentional failure to pay the required wages, the money be put into a fund to pay workers unpaid wages in subsequent years.

Several worker representatives proposed a restructuring of county ASC committees to include a worker or worker representative, or an impartial third party mutually acceptable to workers and producers, for the purpose of assuring fairness in the handling of wage claims made by workers. One worker representative asked for provisions to prevent retaliatory acts by growers against workers for filing grievance claims.

Worker representatives supported the proposed changes in hand labor categories and the proposal that workers be paid upon completion of work on a farm or every 2 weeks, whichever occurs first. These representatives also supported the proration of cash advances over the period of employment. One representative recommended that written contracts be required when cash advances are involved; and failing this, that cash advances not be deducted from wages but paid by the worker to the producer when final payment of wages is made.

Supplemental briefs submitted on behalf of workers concurred in most of the worker recommendations made at the hearings. In addition, it was recommended that the Department set a minimum wage rate of \$2.50 per hour, and

that piece rate incentives be built into the \$2.50 minimum whereby a worker could earn more than the minimum for good work.

Consideration has been given to all recommendations and testimony presented at the public hearings; to the returns, costs, and profits of producing sugar beets obtained by field survey for a prior crop and recast in terms of price and production conditions likely to prevail for the 1973 crop; and to other standards generally considered in wage determinations, including the cost of living and the producers' ability to pay wages.

A principal purpose of the Sugar Act is to protect the welfare of those engaged in the domestic sugar-producing industry. The Act, through a system of conditional payments to growers, assures that all parties engaged in the production and processing of sugar crops share equitably in the proceeds of the industry. Conditional payments act as an incentive to growers to adjust their production to quota and carryover needs. This payment system also has three other objectives: (1) To provide adequate income to growers; (2) to assure growers and fieldworkers a fair sharing of returns to the industry; and (3) to prevent the employment of child labor in fieldwork. The sharing of returns between growers and fieldworkers is accomplished by requiring growers to pay fieldworkers in full for work performed and at rates not less than those determined by the Secretary to be fair and reasonable.

Worker representatives recommended that the minimum hourly wage rate be increased by amounts ranging from 50 cents to \$1.50, and that minimum piece-work rates be increased by amounts from \$2 per acre upward. Producer representatives generally recommended that wage rates remain unchanged. This determination increases the minimum wage rate for work performed on a time basis by 15 cents per hour, and the minimum piece-work rates for the five specified hand labor operations by amounts ranging from \$1 to \$2.50 per acre. These increases average about 7.5 percent.

The cost of living rose 3.3 percent in 1972 as compared to 1971. However, the cost of food and apparel—the basic items purchased by migratory families—increased 4.1 percent. It is anticipated that the cost of living, and especially the cost of food and apparel, will increase somewhat more during 1973 because of the relaxed economic controls now in effect. The increase in minimum wage rates established in this determination will more than offset the continuing rise in the cost of the most essential items needed by sugar beet fieldworkers. The earnings of all workers on sugar beet farms are expected to average about \$2.29 per hour in 1973, or about 34 cents more than the projected average general farm wage rate in States where sugar beets are grown.

Due to rising net returns from sugar sales, improved yields of beets per planted acre, and reduced requirements for hand labor, producers on average

have had profitable crops in recent years. Growers generally will not receive their final payment for 1972-crop sugar beets until after September 30, 1973, the end of the marketing year for 1972-crop beet sugar in most regions. It is anticipated that net returns from the sale of 1972-crop sugar will increase moderately above the net proceeds realized by beet sugar processors from the 1971 crop, and producers on average are expected to have the most profitable sugar beet crop since 1947—the first crop year for which data were obtained by the Department on the returns, costs and profits of sugar beet production.

Based on average yields and sucrose content of beets for recent years, a level of plantings slightly higher than in 1972, expected net returns from sugar sales, and anticipated prices to be paid by sugar beet producers for wages and other production costs, producers' profit (management income) from the 1973 crop is expected to be somewhat less favorable than from the exceptional 1972 crop. The principal reasons for the expected reduction in profit in 1973 as compared to 1972 are the lower anticipated yields (based on 5-year averages), higher prices for supplies and services, the increases in wages to workers provided by this determination, and related factors.

Some producers in several sections of the sugar beet area were unable to harvest all of their 1972 crop sugar beets because of adverse weather conditions. The ability of these producers to pay higher wages in 1973 will definitely be impaired, but the anticipated results of the 1972 crop for all producers on average, along with the prospective price and production conditions for the 1973 crop, indicate that producers will have the ability to pay the minimum wage rates established in this determination.

Actual results of the 1972 crop should be known early in 1974. Representatives of the Department are currently engaged in a survey of the 1972 crop, and it is anticipated that the data collected in the field study will be available for consideration prior to issuance of the 1974 wage regulation.

The notice of hearings on the matter of wage rates for sugar beet fieldworkers requested witnesses to offer testimony on several proposed changes which the Department had been considering. The first proposal was to reduce the number of hand labor operations and redefine them so as not to specify the method of removing beets or weeds (with a hoe or by hand). Worker representatives generally supported this proposal or some other type of change in the hand labor categories. Producer representatives generally opposed any change in the operations, but two witnesses recommended additional categories. Neither the proposal nor other recommendations concerning hand labor operations have been adopted. A review of Child Labor and Wage Compliance Reports, obtained by county ASCS offices through spot checks of about 10 percent of all sugar beet farms, indicate that each operation spec-

ified in the determination is widely used in various regions of the sugar beet area. Adoption of the proposed changes in the operations could simplify a somewhat complex set of work categories currently in use. However, it is believed that any change would upset well established regional practices to which both producers and workers have become accustomed over the years. The Department believes that the disadvantages outweigh any gains that might accrue from a change. It is also believed that the specified operations offer sufficient variety for the most common practices in use, and that additional operations are not necessary.

The second proposal would require that the worker be paid upon completion of work on a farm or every 2 weeks, whichever occurs first. Worker representatives supported this proposal because of difficulties sometimes encountered by workers due to long intervals between wage payments. Producer representatives opposed such a requirement. The proposal, with some modification, has been adopted. Because several weeks usually lapse between the completion of a first hand labor operation and the weeding operation, it is believed that the worker should be paid upon completion of each hand labor operation on a farm unless the producer and worker agree in writing to a different arrangement. The portion of the proposal concerning payment "every 2 weeks" has not been adopted, since the completion of a single hand operation on a farm seldom takes more than 2 weeks. The proposal as adopted should alleviate any problems which may have been encountered by workers in the past, yet should not present any difficulty to producers. The wage compliance procedures contained in Handbook 1-SU will also be strengthened to ensure compliance with applicable existing State regulations with respect to the payment of wages at certain specified time intervals.

The final proposal contained in the notice of hearings would require that any cash advances made to a worker by the producer be deducted from the worker's earnings on a pro rata basis each pay period. Worker representatives supported such a requirement, while growers strongly objected to the proposal. The adoption of such a requirement would likely benefit workers in cases where the worker might find it difficult to repay a loan in full after he completes work on a farm. However, it is believed that problems encountered by producers and workers regarding settlement procedures for cash advances are neither serious nor wide-spread. It is also believed that it would be to the worker's disadvantage if guidelines were established for handling cash advances, since the grower would likely be much less inclined to advance money to the worker prior to the worker's departure from his home base. If employers are unwilling to make advances to workers, then employment opportunities of workers will be ad-

versely affected. Furthermore, weather conditions would sometimes prevent the worker from earning a sufficient amount of money in a specific period to pay his living costs and to also make payments under such guidelines. Therefore, the proposal has not been adopted. However, the wage compliance procedures contained in Handbook 1-SU will be strengthened to insure compliance with applicable existing State regulations on the matter of cash advances.

The recommendation that workers have a representative on ASC committees for the purpose of resolving wage disputes has not been adopted. The Department strongly believes that adoption of this proposal would eliminate an equitable and workable means of resolving wage claims. A recent analysis of wage claims filed with local ASC committees indicates that the claim of the worker is generally upheld. After eliminating those cases withdrawn by the worker prior to a decision by the committee and those cases disposed of by compromise between the worker and producer, the claim of the worker was upheld in about 75 percent of the cases. It is believed that this is indicative of the effectiveness of the State and county farmer committee system in handling worker's wage claims.

Worker representatives also recommended that housing regulations be formulated and enforced. The adoption of this proposal would benefit workers in those instances where the grower provides inadequate housing, water, and sanitary facilities. As pointed out earlier in this statement of bases and considerations, the benefits of the U.S. sugar program are divided among producers and workers as well as others engaged in the industry. In insuring a fair division of the benefits of the sugar program, the Department takes the view that workers should receive their benefits in the form of cash wages. When the worker receives a fair and reasonable cash wage he is then free to choose for himself whether to live in housing provided by the producer or to make other arrangements for himself. Furthermore, the Department deems it advisable to avoid the duplication of efforts among government agencies wherever possible. For those producers who voluntarily furnish housing to their employees, such housing is subject to the housing and sanitary regulations issued under the Occupational Safety and Health Act of 1970, for which the Department of Labor is responsible. The further enforcement of that Act by this Department with respect to sugar farms would be an unwarranted duplication of effort.

The recommendations made by worker representatives concerning the payment of interest to workers who file claims, and the charge of interest to growers who do not pay wages due a worker have not been adopted. The Department believes that the current provisions regarding failure to pay all wages in full are sufficiently stringent to prevent

deliberate nonpayment of wages. The recommendation that a grower's entire Sugar Act payment, when withheld due to intentional failure to pay the required wages, be put into a fund to pay workers unpaid wages in subsequent years has also not been adopted. This determination continues the provisions for either withholding the entire payment until the producer proves that all workers have been paid in full, or releasing after 1 year the balance of the payment after deducting the amounts of unpaid wages for workers who cannot be located. It is believed that these penalties provide adequate safeguards for those workers whose wages may have been intentionally withheld by producers.

The recommendation that the Department require written contracts before any work is performed on a farm has not been adopted. The execution of written contracts would benefit both the worker and producer, in that both parties would have written evidence of the terms of their agreement. However, the Department believes it inadvisable to impose a general requirement that employers must enter into a written contract. Such a requirement would be unduly restrictive on the freedom of action of both workers and employers. Over the years, the Department has repeatedly recommended the advantages of written contracts and continues to strongly encourage their use to minimize the chances for misunderstandings.

The recommendation that the Department prohibit retaliatory acts by growers against workers for filing grievance claims has not been adopted. A producer must pay the worker in full for work performed whether such work was satisfactory or not, but the producer need not retain his services under these regulations. The Department believes that retaliation against a worker by a grower would be extremely difficult to substantiate. Moreover, such a provision would be equally difficult to administer in an impartial manner, and could engage administrative personnel to such an extent that other provisions of the Sugar Act could not be properly administered.

This determination is issued on a continuing basis and will remain in effect until amended, superseded, or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

**NOTE:** The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

**Effective date.** This determination shall become effective on April 9, 1973.

Signed at Washington, D.C., on March 22, 1973.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc. 73-5940 Filed 3-28-73; 8:45 am]

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

[Orange Reg. 71, Amdt. 8]

**PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

**Limitation of Shipments**

This amendment lowers the minimum grade and size requirements on the handling of Temple oranges and the minimum size requirements on the handling of Murcott Honey oranges, grown in the production area in Florida. A determination as to the need for less restrictive requirements on shipments of Temple and Murcott Honey oranges was based upon all available information on market prices for oranges, level of supplies on hand at the principal markets, maturity, condition, and available supply of regulated varieties in the production area.

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade and size limitations on fresh shipments of Temple oranges is consistent with the external appearance and remaining supply of smaller size fruit in the production area and the current and prospective demand for such fruit by fresh market outlets. The minimum size requirement specified for Murcott Honey oranges is consistent with the available supply of and current and prospective demand for such smaller sizes of Murcott Honey oranges by fresh market outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this

## RULES AND REGULATIONS

amendment until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

*Order.* The provisions of paragraph (a) (5), (6), and (8) of § 905.545 (Orange Regulation 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565) are amended to read as follows:

**§ 905.545 Orange Regulation 71.**

(a) \* \* \*

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  in. in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida oranges and tangelos;

(7) \* \* \*

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  in. in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida oranges and tangelos.

\* \* \*

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

Dated March 23, 1973, to become effective March 26, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FPR Doc.73-6012 Filed 3-28-73;8:45 am]

[Tangerine Reg. 44, Amdt. 5]

**PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

**Limitation of Shipments**

This amendment lowers the minimum grade and size requirements on the handling of tangerines grown in the production area in Florida. A determination as to the need for less restrictive grade and size requirements on shipments of tangerines was based upon all available information on market prices for tangerines, level of supplies on hand at the principal markets, condition, and available supply of regulated varieties in the production area.

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committee for less restrictive grade and size limitations on fresh shipments of tangerines is consistent with the external appearance and remaining supply of smaller size tangerines in the production area and the current and prospective demand for such fruit by fresh market outlets. The regulation is necessary to ensure a supply of the preferred grades and sizes to consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

*Order.* The provisions of paragraph (a) (1) and (2) of § 905.547 (Tangerine Regulation 44; 37 FR 21799, 24432, 24189, 25914, 27619), are amended to read as follows:

**§ 905.547 Tangerine Regulation 44.**

(a) \* \* \*

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2; or

(2) Any tangerines, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  in. in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida tangerines.

\* \* \*

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

Dated: March 23, 1973, to become effective March 26, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FPR Doc.73-6013 Filed 3-28-73;8:45 am]

[Navel Orange Reg. 294]

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

**Limitation of Handling**

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 30-April 5, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed will be arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

**§ 907.594 Navel Orange Regulation 294.**

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel Oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The Committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The Committee further reports that the fresh market demand for Navel oranges remained active this week, with prices somewhat higher than a week ago. Prices f.o.b. averaged \$3.87 a carton on a reported sales volume of 822 carlots last week, compared with an average f.o.b. price of \$3.75 per carton and sales of 836 carlots a week earlier. Truck and rolling supplies at 301 cars were up 66 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this 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 this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the Committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on March 27, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 30, 1973, through April 5, 1973, are hereby fixed as follows:

- (i) District 1: 745,174 cartons;
- (ii) District 2: 400,000 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: March 28, 1973.

CHARLES R. BRADDER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 73-6235 Filed 3-28-73; 11:28 am]

[Valencia Orange Reg. 423]

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

**Limitation of Handling**

This regulation sets a minimum size requirement on the handling of California-Arizona Valencia oranges grown in

the production area during the period March 30 through April 26, 1973. A determination as to the need for regulation of shipments of Valencia oranges was based upon all available information on market prices for oranges, level of supplies at the principal markets, maturity, condition, and available supply of Valencia oranges in the production area, and the relationship of season average returns to the parity price for California-Arizona Valencia oranges.

**§ 908.723 Valencia Orange Regulation  
423.**

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

(2) The recommendation by the Valencia Orange Administrative Committee reflects its appraisal of the crop and current and prospective marketing conditions during the period March 30 through April 26, 1973. The committee now estimates that the 1972-73 season crop of Valencia oranges will be 58,000 cartons. It further estimates that the demand in regulated market channels will require about 43 percent of this volume, and the remaining 57 percent will be available for utilization in export, processing, and other outlets. The volume and size composition of the crop are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged \$1.95 per carton for the season through February 1973 or 82 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges which tend to demoralize the market for later shipments of such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this 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, 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 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 regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1973.

(b) *Order.* (1) During the period March 30 through April 26, 1973, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

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

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

Dated March 26, 1973, to become effective March 30, 1973.

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

[FR Doc. 73-6039 Filed 3-28-73; 8:45 am]

[Valencia Orange Reg. 424]

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

**Limitation of Handling**

This regulation fixes the quantity of California-Arizona Valencia oranges that

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may be shipped to fresh market during the weekly regulation period March 30-April 5, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

**§ 908.724 Valencia Orange Regulation 424.**

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee reports that during the week ended March 22, 1973, the average f.o.b. price for California-Arizona Valencia oranges was \$3.38 per carton on a sales volume of 212 cars compared to \$3.17 per carton on a sales volume of 136 cars for the previous week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public 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 avail-

able 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 for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Valencia oranges, retaining the same effective date, and such information is being disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this 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 March 27, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 30, 1973, through April 5, 1973, are hereby fixed as follows:

- (i) District 1: Unlimited;
- (ii) District 2: Unlimited;
- (iii) District 3: 350,000 cartons.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 28, 1973.

CHARLES R. BRADDER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 73-6263 Filed 3-28-73; 1:54 pm]

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

[Milk Order 36; Docket No. AO 179-A37]

**PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA**

**Order Amending Order**

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments there-

to; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

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

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

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

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

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

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

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

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

**ORDER RELATIVE TO HANDLING**

*It is therefore ordered.* That on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance

with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1036.61, a new paragraph (c-1) is added and paragraph (g) is revised as follows:

**§ 1036.61 Computation of uniform price.**

(c-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e) (2) of this section by the weighted average price plus 5 cents;

2. In § 1036.71, paragraph (a) (2) (ii) is revised as follows:

**§ 1036.71 Payments to the producer-settlement fund.**

(a) \* \* \*

(2) \* \* \*

(ii) The value at the weighted average price applicable at the location of the plants from which received plus 5 cents with respect to other source milk for which a value is computed pursuant to § 1036.60(e).

3. In § 1036.76, paragraph (b) (4) is revised as follows:

**§ 1036.76 Payments by handler operating a partially regulated distributing plant.**

(b) \* \* \*

(4) Multiply the remaining pounds by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the weighted average price applicable at the location of the partially regulated distributing plant plus 5 cents (but not to be less than the Class III price); and

4. Immediately following § 1036.86, a new centerhead and new §§ 1036.110 through 1036.122 are added as follows:

**ADVERTISING AND PROMOTION PROGRAM**

**§ 1036.110 Agency.**

"Agency" means the body made up of the persons selected pursuant to § 1036-113, which is authorized to expend funds, made available pursuant to § 1036.121(b) (1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its

products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

**§ 1036.111 Composition of the Agency.**

Each cooperative association or combination of cooperative associations as provided for under § 1036.113(b) with 1.5 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency member plus one additional Agency member for each additional full 5 percent of the participating producers it represents. Cooperative associations with less than 1.5 percent of the total participating producers that have elected not to combine pursuant to § 1036.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency member for the first full 1.5 percent plus one additional Agency member for each additional full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all producers shall be considered participating producers.

**§ 1036.112 Term of office.**

The term of office of each member of the Agency shall be 1 year or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

**§ 1036.113 Selection of Agency members.**

The selection of Agency members shall be made pursuant to this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more Agency members shall notify the market administrator of the name and address of each such member who shall serve at the pleasure of the cooperative.

(b) For the purpose of this section, cooperative associations may combine their participating producer members and, if such combined total is 1.5 percent or more of all participating producers, such cooperatives may select an Agency member(s) under the rules of § 1036.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than 1.5 percent of the total participating producers that have not elected to combine pursuant to paragraph (b) of this section shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this section, and annually thereafter, the market administrator shall notify such participating producers of their opportunity to nominate one or more producers as Agency members and shall

specify the number of members to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an Agency member thus elected subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

**§ 1036.114 Agency operating procedure.**

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

**§ 1036.115 Powers of the Agency.**

The Agency is empowered to:

(a) Administer the terms and provisions of the advertising and promotion program within the scope of Agency authority pursuant to § 1036.110;

(b) Make rules and regulations to effectuate the terms and provisions of the advertising and promotion program;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1036.110 and 1036.117.

**§ 1036.116 Duties of the Agency.**

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1036.110 and 1036.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

**§ 1036.117 Advertising, research, education, and promotion program.**

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit all producers under this part;

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

**§ 1036.118 Limitation of expenditures by the Agency.**

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1036.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

**§ 1036.119 Personal liability.**

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

**§ 1036.120 Procedure for requesting refunds.**

Any producer may apply for refund subject to the conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June or September for

milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all his marketings against which an assessment is withheld for the period from the date of his first marketing as a new producer through the end of such calendar quarter: *Provided*; That, such eligibility for refund shall not apply to a person who during the first 15 days of such December, March, June or September, was a producer under a Federal order under which the same refund notification period applied and he did not appropriately submit a refund application during such period. This paragraph also shall be applicable to all producers during the period between the effective date of this paragraph and the beginning of the first full calendar quarter for which the opportunity exists for such producer to request a refund pursuant to paragraph (b) of this section.

(d) A producer who, with respect to any calendar quarter, has appropriately filed request for refund of advertising and promotion program assessments on his marketings of milk under another Federal order shall be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk under this order against which an assessment is withheld during such quarter.

**§ 1036.121 Duties of the market administrator.**

Except as specified in § 1036.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this section, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1036.113(c);

(b) Set aside the amount subtracted under § 1036.61(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to a producer the amount of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producer but not more than 5 cents per

hundredweight of his milk for which deductions were made pursuant to § 1036.61(c-1).

(3) After the end of each calendar quarter, refund upon request pursuant to § 1036.120 to a producer the deductions applicable to his milk made pursuant to § 1036.61(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this section, and thereafter with respect to a new producer, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1036.110 through 1036.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

**§ 1036.122 Liquidation.**

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund.

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

Effective date: On and after May 1, 1973, for §§ 1036.110 through 1036.122 and on and after July 1, 1973, for §§ 1036.61, 1036.71, and 1036.76, as here amended.

Signed at Washington, D.C., on March 23, 1973.

CLAYTON YEUTTER,  
Assistant Secretary.

[FR Doc.73-6010 Filed 3-28-73;8:45 am]

[Milk Order 46]

**PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA**

**Order Suspending Certain Provisions**

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

It is hereby found and determined that for the months of April through December 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In paragraph (d) of § 1046.44, the provision "or cream"; and
2. In the introductory text of paragraph (e) of § 1046.44, the provision, "located less than 250 airline miles as determined by the market administrator, from the nearer of the city halls in either Louisville, Ky., or Evansville, Ind.".

**STATEMENT OF CONSIDERATION**

This suspension order will continue the effect of a current suspension which removes the automatic Class I classification of fluid cream transferred in bulk from a pool plant to a nonpool plant located more than 250 miles from the nearer of

the city halls in Louisville, Ky., or Evansville, Ind. Such transfers of cream will continue to be classified according to use as is now provided in the order for transfers to nonpool plants located within the 250-mile radius. The current suspension expires March 31, 1973.

The continuation of the current suspension was requested by Dairymen, Inc., a cooperative association representing a majority of the producers on the market. The suspension will continue to facilitate the removal of excess butterfat from the market by permitting cream to be classified as Class II milk if utilized in ice cream at plants located more than 250 miles from either Louisville, Ky., or Evansville, Ind.

It is hereby found and determined that 30 days' notice of the effective date here-

of is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the disposal of surplus milk from the market;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previous suspension of the same provisions. The elimination of the mileage factor in classifying fluid milk products was considered at the multiorder hearing held in Clayton, Mo., in July of 1970. A recommended decision issued on June 4, 1971, recommended the elimina-

tion of the mileage limitation. There is no indication of any opposition to this suspension providing additional time to complete pending amendatory procedures.

Therefore, good cause exists for making this order effective April 1, 1973.

*It is therefore ordered.* That the aforesaid provisions of the order are hereby suspended for the months of April through December 1973.

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

Effective date: April 1, 1973.

Signed at Washington, D.C., on March 23, 1973.

CLAYTON YEUTTER,  
Assistant Secretary.

[FPR Doc.73-6009 Filed 3-28-73;8:45 am]

# Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[ 43 CFR Part 25 ]

### JOHNNY HORIZON

#### Use of Name and Symbol

Notice is hereby given that, in order to update the regulation to recognize organizational changes and a change in the Johnny Horizon symbol, and to provide for additional noncommercial uses, Part 25 of Subtitle A, Title 43, of the Code of Federal Regulations, it is necessary to revise Part 25.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the National Coordinator, Johnny Horizon Program Office, Department of the Interior, Washington, D.C. 20240, on or before April 30, 1973.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

MARCH 22, 1973.

Part 25 is amended to read as follows:

#### § 25.0-1 Purpose.

This subpart establishes rules for the commercial and noncommercial use of the "Johnny Horizon" name and symbol.

#### § 25.0-2 Objectives.

The objectives of these regulations are: (a) To maintain the integrity of the name and characterization of "Johnny Horizon"—the official symbol for a public service antilitter and environmental cleanup program; (b) to authorize the noncommercial use of the name or symbol; and (c) to provide for use or royalty fees for the manufacture, reproduction, or use of the name or symbol for commercial purposes.

#### § 25.0-3 Authority.

The act of September 25, 1970 (84 Stat. 870), authorizes the Secretary of the Interior to establish and collect use or royalty fees for the manufacture, reproduction, or use of the "Johnny Horizon" name and symbol. The Act makes unauthorized manufacture, reproduction, and use a crime (18 U.S.C. 714). The Act also provides that royalty and use fees will be deposited in a special account and used for the purpose of furthering nationwide antilitter campaigns.

#### § 25.0-5 Definitions.

As used in this part:

(a) The term "Johnny Horizon" means the name or characterization "Johnny Horizon" originated by the Bureau of Land Management, Department of the Interior, as the official symbol for a public service antilitter and environmental cleanup program, and as described in 18 U.S.C. 714, the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored), and who carries a backpack.

(b) "National Coordinator" means the National Coordinator, Johnny Horizon Program Office, or the person he delegates to act for him on matters pertaining to the "Johnny Horizon" Program.

(c) "Johnny Horizon Program" means those activities and supporting services conducted in furtherance of a public service antilitter and environmental cleanup campaign which uses the "Johnny Horizon" name or symbol.

(d) The "Johnny Horizon" symbol is one following the description of the term "Johnny Horizon," as defined herein, or the one portrayed below:



## Let's Clean Up America For Our 200th Birthday

#### § 25.1 Commercial use.

(a) **Licenses.** The "Johnny Horizon" name or symbol may be used for commercial purposes only under a license issued pursuant to the regulations in this part. Licenses will be granted to any individual, firm, or corporation if the National Coordinator determines that the proposed commercial use will promote the purposes of the "Johnny Horizon" Program and will not impair the integrity of the name or symbol.

(b) **Terms and conditions.** In order to maintain the integrity of the "Johnny

Horizon" Program and to regulate the manufacture, importation, reproduction, or use of the "Johnny Horizon" name and symbol, licensees will be subject, but not limited, to the following terms and conditions:

(1) Payment of fair return shall be made to the United States for its property through negotiation of use or royalty fees.

(2) Licenses will be nontransferable.

(3) All proposed products, services, and programs including marketing and advertising programs which in any way make use of the name or symbol of "Johnny Horizon" must be approved by the National Coordinator prior to manufacture, importation, reproduction, or use by the licensee. Substances inherently dangerous to users shall not be used.

(4) All licenses shall contain Equal Employment Opportunity provisions in compliance with Executive Order 11246, as amended (30 FR 12319 (1965)), and regulations issued pursuant thereto (41 CFR Chapter 60 and Part 17 of this chapter).

(5) Alteration of artwork must first be approved by the National Coordinator.

(6) Licenses shall be subject to revocation by the National Coordinator at any time he finds that (i) the use involved is injurious to the characterization of "Johnny Horizon," or (ii) there has been a violation of the terms and conditions of the license.

#### § 25.2 Noncommercial use.

(a) **Permitted uses.** Products or services using, or bearing the name or symbol of "Johnny Horizon," provided by the Government or acquired from licensed sources, may be used without a license or advance permission by any person or organization for the purpose of furthering antilitter and environmental cleanup campaigns, provided that no charge is made by the unlicensed user for the products or services.

(b) **Permits.** The National Coordinator may issue permits containing such terms and conditions as he may determine, for the use of the name or symbol of "Johnny Horizon" to any non-profit organization for fund raising activities, which may include benefit shows, performances, and other activities at which admissions may be charged or contributions solicited: *Provided*, That any such permittee must agree that no funds so collected shall be expended for purposes contrary to the laws, regulations, or policies of the

United States; and *Provided further*, That any funds so collected will be expended for the purpose of furthering antilitter and environmental cleanup efforts.

(c) *Technical advice.* To the extent possible, technical advice will be given to interested parties upon request to the National Coordinator.

(d) *Cooperation.* The National Coordinator may enter into cooperative agreements with other Federal and State agencies for use of the name or symbol of "Johnny Horizon." Agreements shall state the responsibilities of each agency pertaining to: (1) Manufacturing the integrity of the program; (2) supplying materials; (3) assisting other groups or organizations; (4) restrictions of uses of materials; (5) altering artwork; and (6) making arrangements with public personalities engaged in the program.

#### § 25.3 Contributions.

The National Coordinator may accept contributions of money and personal property by any person or organization for use in the "Johnny Horizon" program.

#### § 25.4 Unauthorized use.

Manufacture, importation, reproduction, or use of the "Johnny Horizon" name or symbol, except as provided for under these regulations in this part is prohibited (18 U.S.C. 714).

[FR Doc. 73-5823 Filed 3-28-73; 8:45 am]

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

##### [ 14 CFR Part 71 ]

[Airspace Docket No. 73-GL-11]

#### CONTROL ZONE AND TRANSITION AREA

##### Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Gary, Ind.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before April 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The non-Federal control tower at Gary has been established as a weather reporting station, thus allowing the establishment of a control zone during the tower hours of operation.

In addition, two new instrument approach procedures have been developed and one canceled, requiring a change in the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is added:

##### GARY, IND.

Within a 5-mile radius of Gary Municipal Airport (latitude 41°36'54" N., longitude 87°24'37" W.). This control zone shall be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 435), the following transition area is added:

##### GARY, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gary Municipal Airport (latitude 41°36'54" N., longitude 87°24'37" W.) and within 3 miles each side of the 124° bearing from the Gary Airport extending from the 5-mile radius to 13 miles southeast of the airport, excluding the portion that overlies Chicago and Griffith, Ind., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on March 9, 1973.

R. O. ZIEGLER,  
Acting Director, Great Lakes Region.

[FR Doc. 73-5046 Filed 3-28-73; 8:45 am]

##### [ 14 CFR Part 75 ]

[Airspace Docket No. 72-WA-40]

#### AREA HIGH ROUTES

##### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate four area high routes between central United States and the west coast.

The routes proposed in this docket would, if designated, replace certain Series 400 routes now in service. The description of waypoints in this notice of proposed rulemaking (NPRM) are approximate and may be refined after a flight inspection of the routes has been made.

Interested persons may participate in the proposed rulemaking 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 Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 30, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

## PROPOSED RULES

Waypoint name	Geographical coordinates latitude/longitude (in degrees, minutes, and seconds)	VOR-DME description
J800R—GATEWAY HEMLOCK, OREG., TO WOODSTOCK, ILL.		
Hemlock, Oreg.	43°18'08" /126°40'46"	ONP 216.0/126.9.
Newport, Oreg.	44°34'32" /124°03'34"	ONP 000.0/00.0.
Dayville, Oreg.	44°35'59" /119°26'41"	PDT 178.3/69.4.
McCall, Idaho	44°46'02" /116°12'19"	MYL 000.0/00.0.
Lima, Mont.	44°52'50" /112°13'36"	DBS 341.3/48.7.
Joliet, Mont.	44°52'08" /108°42'55"	BIL 167.0/56.5.
Clearmont, Wyo.	44°43'43" /109°20'12"	CZI 350.5/33.9.
Ash Creek, S. Dak.	44°19'46" /101°52'35"	DPR 175.8/45.5.
Sioux Falls, S. Dak.	43°38'58" /09°48'51"	FSD 000.0/00.0.
West Union, Iowa	42°57'17" /91°45'37"	ODI 188.7/58.9.
Woodstock, Ill.	42°21'21" /88°24'13"	MIU 184.6/45.9.
J806R—ROBBINSVILLE, N.J., TO GATEWAY HEMLOCK		
Robbinsville, N.J.	40°12'08" /74°29'44"	RBV 000.0/00.0.
Furnace, Pa.	40°26'32" /78°02'40"	PSB 194.3/18.5.
Shiloh, Ohio	40°57'44" /80°30'16"	APE 000.1/48.8.
Plant, Ind.	41°37'29" /87°15'57"	LAF 351.1/64.7.
Morrison, Ill.	41°55'53" /89°47'00"	BDF 345.3/47.1.
Elberon, Iowa	42°00'03" /92°15'40"	DBQ 285.7/73.0.
Kamrar, Iowa	42°26'45" /93°43'06"	DSM 333.3/59.4.
S Sioux Falls, S. Dak.	43°38'58" /09°40'01"	FSD 000.0/00.0.
Ash Creek, S. Dak.	44°19'46" /101°52'35"	DPR 175.8/45.5.
Clearmont, Wyo.	44°43'43" /109°20'12"	CZI 350.5/33.9.
Joliet, Mont.	44°52'08" /108°42'55"	BIL 167.0/56.5.
Lima, Mont.	44°52'50" /112°13'36"	DBS 341.3/48.7.
McCall, Idaho	44°46'02" /116°12'19"	MYL 000.0/00.0.
Dayville, Oreg.	44°35'59" /119°26'41"	PDT 178.3/69.4.
Newport, Oreg.	44°34'32" /124°03'34"	ONP 000.0/00.0.
Hemlock, Oreg.	43°18'08" /126°40'46"	ONP 216.0/126.9.
J886R—MORENISON, ILLINOIS TO GATEWAY REDWOOD		
Morrison, Ill.	41°55'53" /89°47'00"	DBF 345.3/47.1.
Elberon, Iowa	42°00'03" /92°15'40"	DBQ 285.7/73.0.
Danbury, Iowa	42°13'03" /93°38'35"	OMA 333.3/63.9.
Dry Creek, Neb.	42°20'04" /88°25'33"	OBH 346.8/57.6.
Agate, Nebr.	42°29'03" /103°28'24"	BFF 347.6/35.4.
Split Rock, Wyo.	42°25'17" /108°14'00"	BOY 161.3/62.6.
Malad City, Idaho	42°12'00" /112°27'02"	MLD 000.0/00.0.
Delaplaine, Nev.	42°02'01" /114°24'46"	TWF 154.8/27.0.
Coleman, Nev.	41°59'53" /117°39'54"	REO 151.5/55.3.
Likely Pines, Calif.	41°20'21" /120°12'00"	LKV 148.8/70.5.
Fortuna, Calif.	40°40'17" /124°34'00"	FOT 000.0/00.0.
Redwood, Calif.	40°38'22" /126°56'27"	FOT 251.0/123.6.
J887R—GATEWAY REDWOOD TO WOODSTOCK, ILL.		
Redwood, Calif.	40°38'22" /126°56'27"	FOT 251.0/123.6.
Fortuna, Calif.	40°40'17" /124°34'00"	FOT 000.0/00.0.
Likely Pines, Calif.	41°20'21" /120°12'00"	LKV 148.8/70.5.
Coleman, Nev.	41°40'53" /117°39'54"	REO 151.5/55.3.
Delaplaine, Nev.	42°02'01" /114°24'46"	TWF 154.8/27.0.
Malad City, Idaho	42°12'00" /112°27'02"	MLD 000.0/00.0.
Split Rock, Wyo.	42°25'17" /108°14'00"	BOY 161.3/62.6.
Agate, Nebr.	42°29'03" /103°28'24"	BFF 347.6/35.4.
Dry Creek, Neb.	42°20'04" /88°25'33"	OBH 346.8/57.6.
Kamrar, Iowa	42°25'45" /93°43'50"	DSM 333.3/59.4.
Seales Mound, Ill.	42°22'53" /90°24'00"	IOW 041.0/75.0.
Woodstock, Ill.	42°21'21" /88°24'13"	MIU 184.6/45.9.

The amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1973.

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

[FIR Doc. 73-5829 Filed 3-28-73; 8:45 am]

## SELECTIVE SERVICE SYSTEM

[32 CFR Part 1622]

## IDENTIFICATION OF REGISTRANTS

## Classification and Induction Procedures

## Correction

In FR Doc. 73-5286 appearing on page 7347 of the issue for Tuesday, March 20, 1973, the heading of § 1622.26, now reading "§ 1622.26 Class II-S: Registrant deferred because of activity in graduate study.", should read "§ 1622.26 Class 2-M: Registrant deferred because of study preparing for a specified medical specialty."

## SMALL BUSINESS ADMINISTRATION

[13 CFR Part 124]

PROCUREMENT AND TECHNICAL  
ASSISTANCE

## Contracting

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 124 of Chapter I of Title 13 of the Code of Federal Regulations by revising §§ 124.8-1 and 124.8-2 thereof, pertaining to contracting under section 8(a) of the Small Business Act.

These amendments further revise the proposed regulations previously published in the FEDERAL REGISTER on March 6, 1973 (38 FR 6081). As revised, the proposed amendments clarify existing policies and procedures; provide that limited competition will be used in awarding contracts where practicable; and provide program completion and termination guidelines for eligible concerns.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Small Business Administration on or before April 30, 1973.

All correspondence shall be addressed to:

Marshall J. Parker, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW, Washington, DC 20416.

Accordingly, it is proposed to amend Part 124 of Chapter I of Title 13 of the Code of Federal Regulations by revising §§ 124.8-1 and 124.8-2 to read as follows:

## § 124.8-1 The 8(a) Program.

(a) General. These regulations implement section 8(a) of the Small Business Act which authorizes SBA to enter into all types of contracts (including, but not limited to, supply, services, construction, research, and development) with other Government departments and agencies and negotiate subcontracts for the performance thereof.

(b) Purpose. It is the policy of SBA to use such authority to assist small business concerns owned and controlled by socially or economically disadvantaged persons to achieve a competitive position in the marketplace.

(c) Eligibility. (1) Social or economic disadvantage. An applicant concern must

be owned and controlled by one or more persons who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. Such disadvantage may arise from cultural, social, chronic economic circumstances or background, or other similar cause. Such persons include, but are not limited to, black Americans, American Indians, Spanish-Americans, Oriental-Americans, Eskimos, and Aleuts. Vietnam-era service in the Armed Forces may be a contributing factor in establishing social or economic disadvantage.

(2) Ownership and control. Disadvantaged persons must presently own and control the concern except where a divestiture agreement or management contract, approved by the Associate Administrator for Procurement and Management Assistance, temporarily vests ownership or control in nondisadvantaged persons.

(i) Proprietorships. If the applicant concern is a proprietorship, it must be 100 percent owned and controlled by disadvantaged persons.

(ii) Partnerships. The ownership of at least 50 percent interest in the partnership by disadvantaged persons will create a rebuttable presumption of ownership and control.

(iii) Corporations. The ownership of at least 51 percent of each class of voting stock by disadvantaged persons will create a rebuttable presumption of ownership and control.

(iv) Divestiture agreement. If an applicant concern is not presently owned and/or controlled by disadvantaged persons, the persons exercising such ownership and/or control must execute a divestiture agreement which will provide for ownership and control vesting in disadvantaged persons in accordance with the foregoing prescribed criteria within a reasonable period of time. All divestiture agreements must be approved by the Associate Administrator for Procurement and Management Assistance.

(v) Management contracts. All management contracts entered into by 8(a) concerns must be approved by SBA.

## § 124.8-2 Procedures.

(a) Submission of business plans. Applicants must submit a business plan, including complete information regarding the concern's qualifications, which will demonstrate that 8(a) assistance will foster its participation in the economy as a self-sustaining, profit-oriented, small business.

(1) In no event may the acceptance or approval of a business plan by SBA be construed as a commitment by SBA to award a single contract, a continuing series of contracts or provide any other assistance, contractual or otherwise.

(b) Selection of potential contracts. SBA will, in consultation and cooperation with other Government departments and agencies, select proposed procurements suitable for performance by 8(a) concerns. In making these selections, among the factors given con-

sideration will be the percentage of all similar contracts awarded under the 8(a) program over a relevant period of time, issuance of prior public solicitation of the procurement under a small business set aside, the probability that an eligible concern could obtain a competitive award of the contract, and the extent to which other small concerns have historically been dependent upon the contract in question for a significant percentage of their sales.

(c) *Nondisadvantaged participants in a contract.* To insure that the purposes of the 8(a) program are being accomplished, applicants will disclose the extent to which nondisadvantaged persons or firms will participate in the performance of proposed 8(a) contracts. Section 8(a) contractors may not subcontract any portion of an 8(a) contract without the written consent of the SBA contracting officer. Joint Venture Agreements must be approved by the SBA Regional Director.

(d) *Negotiation of 8(A) subcontracts.* Section 8(a) subcontracts shall be negotiated with approved 8(a) companies on a limited competitive basis to the extent feasible and practicable. Price will not be a factor in such competition. It is recognized that in some cases competition will be neither feasible nor practicable due to limited availability of qualified concerns, geographic considerations, or other factors. Section 8(a) subcontracts shall be awarded at prices which are fair and reasonable to the Government and to the subcontractor.

(e) *Program completion and termination.* An 8(a) concern which has substantially achieved the objectives of its business plan will be notified that its participation in the program is completed. The judgment as to the completion of program participation will be made in the light of the purposes of the program.

(1) If the objectives and goals set forth in the business plan are not being met, the concern shall be informed what corrective measures are necessary. In cases where it is determined, in the judgment of SBA, that continued participation in the 8(a) program will not further the program objectives, the concern will be notified that its participation in the program is terminated. Reasons which would indicate the necessity for program termination prior to completion of the business plan termination date are, among others: the unavailability of appropriate 8(a) contracting support; the inability of the 8(a) concern to develop suitable commercial or competitive markets; inadequate management performance; evidence of continued inadequate technical performance, et al.

Dated: March 27, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-6185 Filed 3-28-73;11:41 am]

# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL

Notice of Closed Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a closed meeting of the Art Advisory Panel will be held on April 10 and 11, 1973, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] JOHNIE M. WALTERS,  
Commissioner.

[FR Doc. 73-6048 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF DEFENSE ARMED FORCES EPIDEMIOLOGICAL BOARD

Notice of Open Meeting

Notice is hereby given that the Armed Forces Epidemiological Board will meet on April 18, 1973, commencing at 1:30 p.m., in Room 341, Walter Reed Army Institute of Research, Walter Reed Army Medical Center. The agenda for the meeting includes comments by the Surgeons General of the military departments, a documentary film and report on archives, an executive session with Preventive Medicine Officers and Board Members and an executive session of the Board Members.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Board Members, there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Board by sending it to the Executive Secretary,

Room 6B118, Forrestal Building, Seventh and Independence Avenue, Washington, D.C. 20314.

NORMAN E. WILKS,  
LTC, MSC, USA, Executive Secretary.

MARCH 26, 1973.

[FR Doc. 73-6023 Filed 3-28-73; 8:45 am]

## Department of the Army ARMY MISSILE COMMAND SCIENTIFIC ADVISORY GROUP

Notice of Meeting

MARCH 21, 1973.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following committee meeting:

- a. Name of committee: U.S. Army Missile Command Scientific Advisory Group.
- b. Date: 12-13 April 1973.
- c. Time: 0900 hours.
- d. Agenda:
  - (1) Army High Energy Laser Program.
  - (2) Chemical Laser Technology.
  - (3) Gas Dynamic Laser Technology.
  - (4) Electric Discharge Laser Technology.

This meeting is closed to the public since the matters to be discussed fall under section 552(b)(1) of title 5, United States Code, which states that matters required by Executive order to be kept Secret in the interest of national defense shall be withheld from disclosure.

For the Commander.

LLOYD L. LIVELY,  
Executive Secretary, U.S. Army  
Missile Command Scientific  
Advisory Group.

[FR Doc. 73-5977 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey; Correction

MARCH 22, 1973.

1. In FR Doc. 73-5051, appearing on page 7011 of the issue of Thursday, March 15, 1973, in the first line of paragraph 5, now reading, "Sections 1 to 3, inclusive," is corrected to read "Sections 1 and 3".

CHARLES G. BAZAN, Jr.,  
Chief, Branch of Records  
and Data Management.

[FR Doc. 73-5982 Filed 3-28-73; 8:45 am]

## WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

MARCH 23, 1973.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board meeting scheduled for March 14 and 15, 1973, was postponed due to severe winter storm and hazardous travel conditions. The meeting is hereby rescheduled to 1 p.m., April 26 and 27, 1973, at the Little America Motel, Cheyenne, Wyo. The agenda will include election of board officers and discussions of current issues confronting the range livestock industry, implementation of the National Environmental Policy Act, coordination of inter-governmental planning in relation to BLM-administered national resource lands in Wyoming and public informational needs for participative management.

The meeting will be open to the public insofar as seating is available. Interested persons will be permitted to appear before the board or file a written statement for its consideration. Those wishing to appear before the board must inform the chairman in writing prior to the meeting.

Written statements and requests to appear before the board should be submitted to Howard E. Miller, Chairman, c/o State Director, Bureau of Land Management, Post Office Box 1828, Cheyenne, WY 82001.

DANIEL P. BAKER,  
State Director.

[FR Doc. 73-5981 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK SALMON RIVER MANAGEMENT PLAN REVIEW COMMITTEE

Notice of Meeting

The Middle Fork Salmon River Management Plan Review Committee will meet at 10 a.m., April 23, 1973, Salmon, Idaho.

The purpose of the meeting is to review and discuss the rough draft Recreation Management Plan for the Middle Fork Salmon River.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, Salmon, Idaho, phone: 208-756-2215. Written statements may be filed with the committee before or after the meeting.

Public members will be given the opportunity to discuss the Management Plan along with committee members.

J. L. EMERSON,  
Forest Supervisor.

MARCH 22, 1973.

[FR Doc. 73-6025 Filed 3-28-73; 8:45 am]

#### SALMON RIVER ADVISORY COMMITTEE

##### Notice of Meeting

The Salmon River Advisory Committee will meet at 9 a.m., m.s.t., in the Meeting Room of the Idaho Fish and Game Department Building, 600 South Walnut, Boise, ID on April 26, 1973.

The purpose of the meeting will be to review public input concerning the Salmon River Study under the National Wild and Scenic Rivers Act and to obtain advice from the committee on a management proposal for the Salmon River and adjacent lands from North Fork, Idaho to the Snake River.

The committee has established rules for public participation as follows:

1. The meeting shall be open to the public.  
2. The public shall be permitted to file written statements with the committee prior to 12 noon, m.s.t., on April 26, 1973.

3. Discussion and debate between members of the public and the committee shall not be considered within the scope of the meeting.

W. B. SENDT,  
Forest Supervisor,  
Payette National Forest.

MARCH 20, 1973.

[FR Doc. 73-6024 Filed 3-28-73; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

CHARLES O. HANDLEY, JR.

##### Issuance of Letter of Exemption for Marine Mammals

On March 6, 1973, a notice was published in the *FEDERAL REGISTER* (38 FR 6087) stating that an application had been filed with the National Oceanic and Atmospheric Administration for an economic hardship exemption by Charles O. Handley, Jr., Curator and Supervisor, Division of Mammals, National Museum of Natural History, Smithsonian Institution, Washington, D.C. to import from Argentina the skeleton of one beaked whale (*Tasmacetus sp.*) which had washed ashore. The skeleton is to be added to the Smithsonian reference collection.

Therefore, notice is hereby given that, pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service issued a letter of exemption to Charles O. Handley, Jr., on March 21, 1973, subject to the limitations and conditions set forth in the letter of exemp-

tion. Such letter, and supporting documents, are available for review by interested persons in the Office of the Director, National Marine Fisheries Service.

Issued at Washington, D.C., and dated March 27, 1973.

ROBERT W. SCHONING,  
Acting Director,  
National Marine Fisheries Service.

[FR Doc. 73-6052 Filed 3-28-73; 8:45 am]

#### TERRELL C. NEWBY AND MYSTIC AQUARIUM, INC., ET AL.

##### Applications for Economic Hardship Exemptions

Notice is hereby given that the following applicants have filed applications for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522) and § 216.13 of the interim regulations governing the taking and importing of marine mammals.

1. Terrell C. Newby, graduate student, College of Fisheries, University of Washington, Seattle, Wash. 98195, to tag an unspecified number of newborn Pacific harbor seals, (*Phoca vitulina richardi*), as part of a study of the seal populations of Willapa Bay and Grays Harbor, Wash., and to kill as many as 20 Pacific harbor seals of all age classes for purposes of food habit, biological, pollution, and population dynamics studies.

Applicant states that:

(a) The above mentioned taking is part of a continuing study underway since the summer of 1969 under a permit from the Washington State Department of Game, as part of his graduate study program, and was interrupted by the moratorium imposed by the Marine Mammal Protection Act on December 21, 1972;

(b) The capture will be carried out on or near Gertrude Island in southern Puget Sound, on or near Minor Island in northern Puget Sound, and in or around Grays Harbor and Willapa Bay;

(c) The total estimated population of the harbor seal in the State of Washington is 1,800 animals;

(d) The Pacific harbor seal is not considered a rare or endangered species in its range;

(e) Not being able to continue the taking of harbor seals has caused him undue economic hardship in that it has caused the suspension of his educational grant, thus depriving him of funds with which to pay his personal and educational expenses while pursuing his studies in the College of Fisheries.

2. Mystic Aquarium, Inc., 1144 Union Commerce Building, Cleveland, Ohio 44115, and P.O. Box 190, Mystic, CT 06355, to take five Atlantic harbor seals (*Phoca vitulina concolor*), seven Atlantic bottle-nosed dolphins (*Tursiops truncatus*), and three Pacific pilot whales (*Globicephala macrorhynchus*) for purposes of public display at its facility currently under construction at Mystic, Conn.

Applicant states that:

(a) It is an Ohio corporation owned by the same shareholders who own and are financing Aquarium Systems, Inc., which

since 1964 has been engaged in the scientific study and development of water management systems and salts necessary to culture marine organisms for scientific and educational research and display, and which is the recognized leader in this field in the United States;

(b) The same Aquarium Systems, Inc., has operated since 1965 an aquarium at Niagara Falls, N.Y., at which aquarium porpoises and whales have been maintained and exhibited, and that such aquarium is the only salt water aquarium in the northern United States which operates year round;

(c) The facility at Mystic, Conn., will be staffed with specialists knowledgeable in the training, maintenance, display, and care of marine mammals;

(d) The seals will be taken on Sable Island, Nova Scotia, Canada, in June 1973, transported by air to Dalhousie University at Halifax, Nova Scotia, where they will be held until they are feeding consistently, then transferred by air to Boston, and then by truck to the facility at Mystic, Conn.;

(e) That the dolphins will be taken by net near Key Largo, or Fort Myers, Fla., in May 1973, will be transported by boat to suitable holding facilities in the Florida Keys, then shipped to Boston by air in a conventional dolphin holding box (equipped with sling, spray bar, and pumps);

(f) The whales will be taken by hoop net within a 60-mile radius of San Diego, Calif., transported by boat to suitable holding facilities and held until they are hand feeding on whole fish, then shipped by air by the same method described above for dolphins;

(g) Aquarium Systems has had considerable experience in taking and shipping marine mammals, and the taking, transporting, and holding of the mammals described herein will be under the supervision of competent specialists;

(h) The facility under construction at Mystic, Conn., will afford enjoyment and education to as many as 800,000 persons annually, as well as research opportunities for scientists and educators;

(i) The facility at Mystic is designed exclusively for the exhibition and display of whales and dolphins, and cannot be used for another type of aquarium;

(j) It will suffer undue economic hardship by reason of not being able to operate a financially viable enterprise, and its owners will lose millions of dollars.

3. John D. Hall, Assistant Specialist in Marine Biology, University of California, Santa Cruz, Calif., to capture two subadult male California sea lions (*Zalophus californianus*) and six Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) in the Monterey Bay area to continue research begun under contract with the United States Naval Undersea Center in San Diego, Calif.

Applicant states that he:

(a) Is a doctoral candidate with the University of California, Santa Cruz, having worked 5 years previous with the Naval Undersea Center;

(b) Desires to capture the two sea lions to affix harnesses with radio telemetry devices for tracking their movements, such two devices to be automatically released after 6 and 24 hours respectively by means of corroborate fastenings;

(c) Desires to capture six Pacific white-sided dolphins to attach radio telemetry devices to two, to lavage the stomachs of four, and freeze-brand all six;

(d) Will be caused undue economic hardship as failure to receive an exemption would

## NOTICES

result in his inability to complete his contract with the Naval Undersea Center, thus foreclosing further support from the Center for personal and research expenses in pursuance of his doctoral degree.

Documents submitted in connection with these applications are available for inspection in the Office of the Director, National Marine Fisheries Service. Confidential financial documents and trade secrets will not be available.

All factual statements and opinions contained in this notice with respect to each application, are those supplied by the respective applicants and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Issued at Washington, D.C. and dated March 27, 1973.

ROBERT W. SCHONING,  
Acting Director,

National Marine Fisheries Service.

[FR Doc. 73-6051 Filed 3-28-73; 8:45 am]

**SEATTLE MARINE AQUARIUM AND BERGNER INTERNATIONAL CORP.**

**Withdrawal of Applications for Economic Hardship Exemptions**

Notice is hereby given that the following applicants for economic hardship exemptions pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and § 216.13 of the interim regulations governing the taking and importing of marine mammals have filed notifications of withdrawal of their applications.

1. Seattle Marine Aquarium, Seattle, Wash., request to take two killer whales for public display. The notice of withdrawal states:

Northwest Marineland, Inc. (doing business as Seattle Marine Aquarium) hereby withdraws its application for permits to capture two (2) killer whales under sec. 216.13, economic hardship exemption, of the Marine Mammal Act of 1972 with prejudice (50 CFR 216.13). Respectfully, Donald Goldsberry, president, Northwest Marineland, Inc. (Seattle Marine Aquarium).

2. Bergner International Corp., New York, N.Y., request to import about 10,000 dressed Beater and Blueback sealskins from Canada, for resale. The notice of withdrawal states:

Reference our two applications dated January 2 and 3, 1973, numbered application No. 1 and application No. 2, respectively, for economic hardship exemptions under Part 216, Subpart C, § 216.13 Public Law 92-522, 86 Stat. 1027 (50 CFR 216.13). This is notice to you that we are as of this moment withdrawing both these applications without prejudice and with leave to reapply when and if circumstances warrant. This withdrawal is without prejudice to our rights under section 102(a)(2) and Subpart C, § 216.7 of the regulations (50 CFR 216.7) or any other applicable law or regulation which would by operation of law permit us to do that which these applications requested specific permission to do. Bergner International Corp.

The notices of withdrawal are available for inspection in the Office of the

Director, National Marine Fisheries Service. Action on these applications has been terminated.

Issued at Washington, D.C., and dated March 23, 1973.

ROBERT W. SCHONING,  
Acting Director,

National Marine Fisheries Service.

[FR Doc. 73-6054 Filed 3-28-73; 8:45 am]

**Office of Import Programs**

**CALIFORNIA INSTITUTE OF TECHNOLOGY**

**Notice of Decision on Application for Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00250-33-46040. Applicant: California Institute of Technology, Division of Biology, 1201 East California Boulevard, Pasadena, CA 91109. Article: Electron microscope, Model EM 301 with accessories. Manufacturer: Philips Electronic Instruments, N.V.D., The Netherlands. Intended use of article: The article is intended to be used in an investigation of cell membranes which will include the following projects:

(a) Mapping the distribution of molecules of individual cell surfaces of normal and malignant cells.

(b) Studies of the structure of the cell membrane.

(c) Studies of the formation of cell contacts between normal and cancer cells.

(d) Studies of cell movement.

(e) Studies of the binding of virus particles to cells during infection.

(f) Studies of the appearance under various conditions of cell membrane models prepared from purified membrane components, as well as from artificial mixtures of known components.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgglo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 15, 1973, that the additional resolving capability of the

foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,  
Acting Director,

Office of Import Programs.

[FR Doc. 73-6041 Filed 3-28-73; 8:45 am]

**DAVID LIPSCOMB COLLEGE**

**Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction**

In the notice of consolidated decision on applications for duty-free entry of scientific articles appearing at page 1656 in the **FEDERAL REGISTER** of Wednesday, January 17, 1973, the following docket should be deleted:

Docket No. 72-00112-01-77030. Applicant: David Lipscomb College, Nashville, Tenn. 37203. Article: NMR spectrometer, Model JNM-C60HL. Date of denial without prejudice to resubmission: September 12, 1972.

B. BLANKENHEIMER,  
Acting Director,

Office of Import Programs.

[FR Doc. 73-6040 Filed 3-28-73; 8:45 am]

**FORSYTH DENTAL INFIRMARY FOR CHILDREN, ET AL.**

**Notice of Applications for Duty-Free Entry of Scientific Articles**

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 18, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the **FEDERAL REGISTER**, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00399-33-46070. Applicant: Forsyth Dental Infirmary for

Children, 140 Fenway, Boston, MA 02115. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a variety of research projects which include:

(1) Investigation of the mechanical properties of teeth and bones and other hard tissues as a means for characterizing mineralization dynamics and other fundamental information.

(2) Study of the mechanism of formation and prevention of caries and assessment of the effects of the acid solutions and abrasive pastes that are frequently employed in dental practice.

(3) Study of the ecology of the micro-organisms inhabiting the oral cavity. The article will also be used in the training of graduate students and in providing educational material for the Forsyth School for Dental Hygienists.

Application received by Commissioner of Customs: February 28, 1973.

Docket No. 73-00400-33-46040. Applicant: University of Maryland School of Medicine, Department of Anatomy, 29 South Greene Street, Baltimore, MD 21201. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research projects of a biomedical nature:

(1) An intensive study of cellular content of postnodal lymph—The overall objective of the project is to correlate the information obtained on the structure and function of these cells in peripheral lymph in an attempt to understand the role which these cells play in the defensive mechanism of the body in general and immune process in particular.

(2) The role of thyrocalcitonin in the induction of tumors—The objectives of the project are (a) to expand the preliminary experiments involving the administration of thyrocalcitonin to potentially leukemic mice to provide further information on the development of neoplastic disease, (b) to investigate the characteristics of any induced neoplasms to determine the site of origin, and (c) to determine by electron microscopy the presence or the absence of viral particles in induced tumors, and if present, to determine whether any apparent relationship exists between this virus and the preexisting virus in the bone cells.

(3) A comparative study of metastasizing and non-metastasizing murine tumors: The role of the Intracisternal A-Particle—The objective of this project is to determine if alteration of cellular properties plays a decisive role in malignancy.

In addition the article will be used in the courses: Techniques in electron microscopy, histology for the medical students and histology for graduate students, for training in electron microscopy and for providing the students with a basic knowledge and understanding of the microscopic structure of the human body. Application received by Commissioner of Customs: March 2, 1973.

Docket No. 73-00401-33-90000. Applicant: William Marsh Rice University, Department of Biochemistry, Houston, Tex. 77001. Article: Rotating Anode X-ray Generator, GX6 and Complete Rotor Plate Assembly, Copper Anode with

Spindle. Manufacturer: Elliot Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used generally for the studies of the structure and function of biological macromolecules such as proteins and enzymes. The article will also be used extensively in the field of molecular biology which includes: studies of macromolecules and biological structure, study of virus structure, low angle diffraction from muscle and other biological fibers, and structural studies of crystalline and fibrous nucleic acids.

In addition, the article will be used in the courses: Undergraduate Research in Biochemistry, Advanced Experimental Biochemistry, and Graduate Research in Biochemistry to familiarize and train undergraduate and graduate students to the use of instruments and techniques related to biochemistry. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00402-33-46040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue Dallas TX 75246. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research studies:

(1) Ultrastructural characteristics of human cancer cells;

(2) Human neoplasms for identification of diagnostic criteria;

(3) Variables of fixation and embedding on the thickness of diabetic and normal capillary basement membranes; and

(4) Vascular endothelium for evaluation of venous aorto-coronary jump grafts. The article will also be used by medical and premedical students, dental students, interns, residents, fellows, graduate students, and staff members in various stages of training in various aspects of ultrastructural pathology. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00403-33-46040. Applicant: Brandeis University, 415 South Street, Waltham, MA 02154. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for research of the relation between form and function in biological structures at the molecular level, e.g., virus particles, oligomeric enzymes, muscle, microtubules, fibrinogen, and membranes. Structural studies on representative systems in these categories are to be carried out with emphasis on small viruses, isolated muscle proteins and membranes. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00404-60-02300. Applicant: University of Nebraska North Platte Station, Route No. 4, Box 429, North Platte, NE 69101. Article: Electronic individual animal feeder. Manufacturer: Calan Electronics Ltd., United Kingdom. Intended use of article: The

article is intended to be used to study the effect of supplementing energy to yearling cattle grazing and measurement of the ad libitum intake of supplement consumed by them individually. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00405-33-46500. Applicant: University of Scranton, Monroe Avenue, Scranton, Pa. 18510. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare specimens for study with the electron microscope. The particular biology courses that will require the use of this article are: Plant Taxonomy, Plant Morphology, Cellular Biology, Phycology, and Mycology. A course in the theory and use of the electron microscope is also planned for which this article will be required. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00407-00-46040. Applicant: Institute for Medical Research, Copewood Street, Camden, N.J. 08103. Article: Universal cassette for Elmiskop IA and I Electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for etiological studies of mammary carcinoma. Ultrastructural features of the mouse mammary tumor virus will be compared with those of the putative human mammary tumor virus. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00408-33-43780. Applicant: University of Cincinnati, Clifton Avenue, Cincinnati, Ohio 45221. Article: HI-MED HG-100 Series Digital Stimulator Programer. Manufacturer: Hivertronic Ltd., United Kingdom. Intended use of article: The article is intended to be used as the master timing unit and electrical stimulator in a basic neurophysiology research laboratory. The research in this laboratory involves an investigation into the properties of nerve cells and neuronal interactions, e.g. synaptic transmission, in vertebrate and invertebrate preparations. The experiments conducted routinely entail intracellular recordings from one or more neuronal elements. The article will allow accurate measurements of time-dependent conductance changes following synaptic activation. Application received by Commissioner of Customs: February 26, 1973.

Docket No. 73-00409-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for ultrastructural research on biological material. Some of the studies to be undertaken are as follows:

(1) Ultrastructural studies on embryonic chick connective tissues;

(2) Fine structure studies of connective tissue after short-term ingestion of cadmium.

(3) Ultrastructural and biochemical analysis of isolated liver mitochondria in diabetic rats;

(4) Study of morphologic changes in testicular interstitial tissue of the rat after cryptochidism or X-irradiation;

(5) Ultrastructural studies on cultured Hept-2 cells treated with diphtheria toxin and cytochalasin B;

(6) Study of ultrastructural morphology, cellular adhesion, and mucopolysaccharide synthesis following treatment with cytochalasin B;

(7) Study of testicular interstitial morphology following chronic cadmium ingestion;

(8) Study of ultrastructural changes within the rat testis and epididymis after surgical interruption of the vas deferens;

(9) Histochemical localization of mucopolysaccharides at the ultrastructural level in the spleens of mice under conditions of erythropoietic stimulation and inhibition and in genetically anemic mice; and

(10) Ultrastructural characterization of hamster corpora lutea during growth and regressive phases.

The article is also intended to be used in the course Micro Anatomy (Histology) for light and electron microscopic interpretation of tissues within the normal body to understand the disease processes in the practice of medicine. In addition the article will be used to teach graduate and medical students the use of electron microscopy in basic science research. Application received by Commissioner of Customs: March 1, 1973.

Docket No. 73-00500-65-46040. Applicant: The University of Rochester, College of Engineering and Applied Science, River Station, Rochester, N.Y. 14627. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research programs in the study of metals, metal alloys, ceramics, ceramic alloys, and polymers. The type of phenomena to be studied are:

(1) The effects of microstructural variations on the fracture toughness of mild steels.

(2) The effect of production variables on mechanical properties of grain-size strengthened materials.

(3) Determination of slip systems and dislocation Burgers vectors.

(4) Microstructural variations of polymers.

(5) Precipitation and phase transformation in metals and alloys.

(6) Deformation substructure studies of materials.

(7) Annealing phenomena in metals and ceramics.

In addition the article will be used in conjunction with undergraduate courses and graduate courses in materials science, chemical engineering, and mechanical engineering. Application received by Commissioner of Customs: January 24, 1973.

Docket No. 73-00501-33-02300. Applicant: Idaho State University, Purchasing Services, P.O. Box 219, Pocatello, ID 83201. Article: Longworth Small Mammal Trap. Manufacturer: Longworth Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The

article is intended to be used to capture rodents for analysis in studies of population ecology of microtine rodents in semi-desert habitat. Successive capture and release of these rodents allows assessment of population size, survival rates, dilution rates, growth rates, reproductive changes on a seasonal basis, and movement and home-range patterns. Application received by Commissioner of Customs: March 1, 1973.

Docket No. 73-00502-65-46040. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, Mich. 49931. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, N.V.D., The Netherlands. Intended use of article: The article is intended to be used primarily for studying phase transformation in metals and defect structure in materials. The article will also be used to study aerosols, rock structure, and phages in biology. In addition, the article will be used extensively in student instruction in both research and teaching laboratories. Application received by Commissioner of Customs: March 1, 1973.

Docket No. 73-00504-01-77000. Applicant: Brown University, Providence, R.I. 02912. Article: Electron Spectrometer System, ES 100B. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used for a variety of studies of the chemical bonding and electronic structure of materials. Primary research objectives are (1) the characterization of solid surfaces, including studies of adsorption processes and surface reactions; and (2) the investigation of chemical bonding in molecules containing transition metal atoms. In addition, the article will be used by students in physics, chemistry, and related fields to learn an important new analytical technique. Application received by Commissioner of Customs: February 26, 1973.

Docket No. 73-00505-33-46040. Applicant: Ohio Agricultural Research and Development Center, Wooster, Ohio 44691. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, N.V.D., The Netherlands. Intended use of article: The article is intended to be used in a wide range of investigations which include: (1) Investigation of plant virus pathology of soybean, corn, wheat, grape, and tomato; (2) local lesion formation mechanisms; (3) virus locations within the tissue; (4) pathological conditions in animals including TGE virus in swine, blue-comb disease in turkeys, and rumen bacteria study in cattle; (5) monitoring of purification steps of biological macromolecules such as lipo-protein from blood and egg yolk. In addition there are various anticipated projects involving studies of virus infected tissues. The article will also be used in the teaching of existing and future staff, faculty, graduate students, and technicians desiring training in those aspects of electron microscopy pertinent to their research programs or

electron microscopy techniques in general. Application received by Commissioner of Customs: March 1, 1973.

B. BLANKENHEIMER,  
Acting Director,  
Office of Import Programs.

[FR Doc. 73-6043 Filed 3-28-73; 8:45 am]

#### JOHNS HOPKINS UNIVERSITY

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00255-33-46040. Applicant: The Johns Hopkins University, Department of Pharmacology, 725 North Wolfe Street, Baltimore, MD 21205. Article: Electron microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in a variety of experiments directed at identifying neuronal components at the ultrastructural level. Also, autoradiography with the electron microscope will be conducted to identify sites of accumulation of various radioactive compounds. The article will also be used in the student laboratory course to train students in identifying ultrastructural components of neurons.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Ferglo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 15, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value

to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,  
Acting Director,  
Office of Import Programs.

[FR Doc. 73-6042 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDA-D-269; Various NDA's]

### NEW DRUG APPLICATIONS

#### Notice of Withdrawal of Approval; Correction

In FR Doc. 71-11136 appearing on page 18893 in the issue of the *FEDERAL REGISTER* dated September 23, 1971, the listing of new drug applications being withdrawn is corrected by deleting the entry "13-538, Decadronpoint" from the NDA numbers and drug names listed under Merck Sharp and Dohme, Division Merck & Co., West Point, Pa. 19486.

Dated: March 23, 1973.

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

[FR Doc. 73-5992 Filed 3-28-73; 8:45 am]

[DESI 5796]

### NITROFURAZONE SOLUBLE DRESSING

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for topical use: Furacin Soluble Dressing containing nitrofurazone 0.2 percent in a water-soluble base of polyethylene glycols; Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13-27 Eaton Avenue, Norwich, NY 13815 (NDA 5-795).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An abbreviated new drug application is required from any person marketing such drug without approval.

Other dosage forms containing nitrofurazone and dosage forms containing furazolidone have also been reviewed in the drug efficacy study. The oral administration of nitrofurazone and furazolidone has been shown to induce mammary neoplasia in rats. Having considered the available information and the availability on the market of alternative effective drugs associated with less potential risk, the Commissioner has concluded

that there is a lack of proof of safety of these nitrofurazone products. Accordingly there is published elsewhere in this issue of the *FEDERAL REGISTER* a notice proposing to withdraw approval of all other new drug applications for nitrofurazone-containing preparations.

However, the Commissioner has further concluded that nitrofurazone soluble dressing, because of a more favorable benefit-risk relationship, should remain on the market under the limited labeling conditions described below. In particular, this product has a fairly broad antimicrobial spectrum, and may be effective in important medical uses when there is bacterial resistance to other agents. Other products which would be substituted for it, if it were not available, are preferably reserved for specific, life-threatening infections.

**A. Effectiveness classification.** The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that nitrofurazone in the form of a soluble dressing is effective for adjunctive therapy of patients with second- and third-degree burns when bacterial resistance to other agents is a real or potential problem. It is also effective for use in skin grafting where bacterial contamination may cause graft rejection and/or donor site infection, particularly in hospitals with historical resistant-bacteria epidemics.

**B. Conditions for approval and marketing.** The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

**1. Form of drug.** Nitrofurazone soluble dressing preparations are in water-soluble ointment form suitable for topical administration.

**2. Labeling conditions.** a. The label bears the statement, "Caution: Federal Law prohibits dispensing without prescription."

b. Each container of the drug, including any individually wrapped unit package, bears as part of the permanently affixed label information, prominently and conspicuously placed, and in legible type size, the following: (1) The statement, "For use only as adjunctive therapy of patients with second- and third-degree burns when bacterial resistance to other agents is a real or potential problem; or in skin grafting where bacterial contamination may cause graft rejection and/or donor site infection, particularly in hospitals with historical resistant-bacteria epidemics," and (2) a reference to the "Warnings" section of the full disclosure labeling that accompanies the package.

c. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other ap-

propriate paragraph headings and should follow the information set forth below.)

#### DESCRIPTION

Chemically (name of drug product) is nitrofurazone, 5-nitro-2-furaldehyde semicarbazone with the following structure: (To be supplied by manufacturer). (Additional descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

#### ACTIONS

Nitrofurazone is a synthetic nitrofuran with a broad antibacterial spectrum. It is bactericidal against most bacteria commonly causing surface infections, including many that have become antibiotic resistant.

It acts by inhibiting enzymes necessary for carbohydrate metabolism in bacteria. This action occurs in both the aerobic and anaerobic cycles of carbohydrate metabolism, explaining its bactericidal effect in aerobic, anaerobic, and facultative bacteria. Topically it is without appreciable toxicity to human cells.

#### INDICATIONS

Nitrofurazone is a topical antibacterial agent indicated for adjunctive therapy of patients with second and third-degree burns when bacterial resistance to other agents is a real or potential problem.

It is also indicated in skin grafting where bacterial contamination may cause graft rejection and/or donor site infection particularly in hospitals with historical resistant-bacteria epidemics.

There is no known evidence of effectiveness of this product in the treatment of minor burns or surface bacterial infections involving wounds, cutaneous ulcers or the various pyoderma.

#### CONTRAINDICATIONS

Known prior sensitization is a contraindication to the use of nitrofurazone.

#### WARNINGS

Nitrofurazone has been shown to produce mammary tumors when fed at high doses to female Sprague-Dawley rats. The relevance of this to topical use in humans is unknown.

#### USAGE IN PREGNANCY

Safe use of nitrofurazone during pregnancy has not been established. Therefore, the drug is not recommended for the treatment of women of child-bearing potential, unless the need for the therapeutic benefit of nitrofurazone is, in the attending physician's judgment, greater than the possible risk.

#### PRECAUTIONS

Use of topical antimicrobials occasionally allows overgrowth of nonsusceptible organisms including fungi. If this occurs or if irritation, sensitization or superinfection develop, treatment with nitrofurazone should be discontinued and appropriate therapy instituted.

#### ADVERSE REACTIONS

Nitrofurazone has not been significantly toxic in man by topical application. In quantitative studies published in the period 1945-70, 206 instances of clinical skin reaction were reported out of 18,249 patients treated with nitrofurazone topical formulations, an overall incidence of 1.1 percent.

The treatment of nitrofurazone sensitization is not distinctive; general measures commonly used for a variety of sensitization reactions are adequate, except for the rare instance of severe contact dermatitis in

## NOTICES

which steroid administration may be indicated.

## DOSAGE AND ADMINISTRATION

BURNS. Apply directly to the lesion as with a spatula, or first place on gauze. Impregnated gauze may be used. Reapply once daily or once weekly, depending on the preferred dressing technique.

SKIN GRAFTS. The dressing is used both to prepare burns and other lesions for grafting, and postoperatively as a prophylactic measure. By rapid eradication of the infection, it can produce clean, firm granulation tissue. Because it is water-soluble and has negligible tissue toxicity, it does not interfere with successful takes. Flushing the gauze with sterile saline facilitates removal.

## HOW SUPPLIED

(To be supplied by manufacturer.)

## ANIMAL TOXICOLOGY

The oral administration of nitrofurazone for 7 days to rats at extremely high dosage levels of 240 mg/kg/day produced severe hepato-renal lesions whereas only renal changes were seen when the dosage level was reduced to 60 mg/kg/day for 60 days.

Dosage levels of 60 and 30 mg/kg/day shortened the time of appearance of the typical mammary gland tumor associated with older female rats. These tumors exhibited the same histological characteristics seen in the spontaneously occurring tumors and were seen only in the female animals. No mammary tumors were seen in rats treated with nitrofurazone orally for 1 year at levels of approximately 11 mg/kg/day. Spermatogenic arrest was noted in the male rats at dosage levels of 30 mg/kg/day and above.

Dogs treated orally with nitrofurazone for 400 days at levels of 11 mg/kg/day showed no toxic effects related to drug treatment. The single intravenous administration in dogs of 20, 35, or 75 mg/kg nitrofurazone produced clinical signs of lacrimation, salivation, emesis, diarrhea, excitation, weakness, ataxia and weight loss, whereas 100 mg/kg produced convulsions and death.

There was no evidence of toxicosis in rhesus monkeys treated with doses of nitrofurazone as high as 58 mg/kg/day for 10 weeks and 23 mg/kg/day for 63 weeks.

Finally, when 30 mg/kg of nitrofurazone was administered to pregnant rabbits once daily on days 7 through 15 of pregnancy there was a slight increase in the frequency of stillbirths, but no teratogenetic effects were seen.

3. Marketing status. Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5795, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs. Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). For example, the Food and Drug Administration regards nitrofurazone in either soluble powder form or solution form intended for the conditions of use described herein to be subject to this notice. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 22, 1973.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[PR Doc.73-5991 Filed 3-28-73:8:45 am]

[DESI 7358: Docket No. PDC-D-520; NDA 5-795 et al.]

## NORWICH PHARMACAL CO.

## Certain Nitrofuran Drugs; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Notice is hereby given to Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13-27 Eaton Avenue, Norwich, NY 13815, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of

the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications, or pertinent parts thereof, and all amendments and supplements thereto held by the Norwich Pharmacal Co.:

NDA No.	Drug Name
NDA 5-795	That part of the application providing for Furacin (nitrofurazone) Vaginal Suppositories and Ear Solution.
NDA 7-358	Furacin (nitrofurazone with ephedrine) Nasal Drops.
NDA 11-065	Tricofuron (furazolidone and nifuroxime) Vaginal Powder and Suppositories.
NDA 11-270	Furoxone (furazolidone) Tablets.
NDA 11-323	Furoxone (furazolidone with kaolin and pectin) Liquid.
NDA 12-403	Furacin (nitrofurazone and nifuroxime with diperodon hydrochloride) Otic Drops.

With the exception of Furacin Ear Solution, Nasal Drops, and Otic Drops, the above-listed drug products were reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group and classified as less than effective.

It is proposed to withdraw approval of these new drug applications on the grounds that (1) new information with respect to the drugs, evaluated together with the evidence available at the time of approval of the applications, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling; and (2) tests by methods not deemed reasonably applicable when such applications were approved, evaluated together with the evidence available when the applications were approved, show that such drugs containing either nitrofurazone or furazolidone for human use, are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved. Specifically, the oral administration of nitrofurazone and of furazolidone has been shown to induce mammary neoplasia in rats. None of the nitrofurazone and furazolidone-containing drugs have been adequately tested for absorption in humans. Inadequate animal data exist on topical use. A serious question of safety regarding the use of nitrofurazone and furazolidone in humans is therefore raised. Other equally effective drugs having less potential risk are available. The subject drugs are not specific for use in life-threatening or other important medical uses. Accordingly, the Food and Drug Administration concludes that, because of the unfavorable benefit-to-risk ratio associated with use of these drug products, there is a lack of proof of safety.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are covered by this notice. See 21 CFR 130.40 (37 FR 32185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 30, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 30, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) or pertinent parts thereof.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that the drugs are safe for use under the conditions of use prescribed, recommended, or suggested in their labeling and that substantial evidence exists demonstrating

the effectiveness of the products for such use, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 22, 1973.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 73-5990 Filed 3-28-73; 8:45 am]

#### Health Services and Mental Health Administration

#### CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Notice of Meeting; Correction

In FR Doc. 73-5363 appearing at page 7413 in the issue for Wednesday, March 21, 1973, the committee meeting place for the Clinical Psychopharmacology Research Review Committee should be changed from "Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD," to "Conference Room

M, Parklawn Building, 5600 Fishers Lane, Rockville, MD."

Dated: March 23, 1973.

ANDREW J. CARDINAL,  
Acting Associate Administrator  
for Management, Health  
Services and Mental Health  
Administration.

[FR Doc. 73-6015 Filed 3-28-73; 8:45 am]

#### ALCOHOL TRAINING REVIEW COMMITTEE

Notice of Meeting; Correction

In FR Doc. 73-5363 appearing at page 7413 in the issue for Wednesday, March 21, 1973, the committee meeting place for the Alcohol Training Review Committee should be changed from "Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD," to "Massachusetts General Hospital, Charles Street, Boston, Mass."

Dated: March 23, 1973.

ANDREW J. CARDINAL,  
Acting Associate Administrator  
for Management, Health  
Services and Mental Health  
Administration.

[FR Doc. 73-6016 Filed 3-28-73; 8:45 am]

#### National Institutes of Health

#### CLINICAL CANCER TRAINING COMMITTEE (GENERAL AND DENTAL)

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Training Committee (General and Dental), April 19, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m. April 19, 1973, to discuss the present status of the Clinical Cancer Training Program and closed to the public from 9:30 a.m. April 19, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301/496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

William L. Ross, M.D., Executive Secretary, Westwood Building, Room 826, National Institutes of Health, Bethesda, Md. 20014 (301/496-7803), will provide substantive program information.

Dated: March 22, 1973.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc. 73-6027 Filed 3-28-73; 8:45 am]

**LIPID METABOLISM ADVISORY  
COMMITTEE**

**Amended Notice of Meeting**

Pursuant to Public Law 92-463 and previous notice of meeting dated March 13, 1973 (38 FR 7482, March 22, 1973), notice is hereby given that the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute, April 5 and 6, 1973, 9:15 a.m., National Institutes of Health, Building 31, will be held in Room 4A21 instead of Conference Room 5. This meeting will be open to the public from 9:15 a.m. to 12 noon, April 5, to discuss Lipid Metabolism Branch status regarding various projects which the Branch is conducting; the remaining sessions will be closed to review contracts in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496-1681.

Dated: March 22, 1973.

**JOHN F. SHERMAN,**  
Acting Director,  
National Institutes of Health.

[FR Doc.73-6030 Filed 3-28-73;8:45 am]

**NATIONAL BLOOD RESOURCE PROGRAM  
ADVISORY COMMITTEE**

**Notice of Cancellation of Meeting**

The following committee will not meet as scheduled (notice of meeting dated March 7, 1973, published on March 15, 1973 (38 FR 7015)).

Name of Committee: National Blood Resource Program Advisory Committee, National Heart and Lung Institute.

Date: March 29, 1973.

Time: 9 a.m.

Location: National Institutes of Health, Bethesda, Md., Building 31, Conference Room 4.

This meeting has been canceled.

Dated: March 22, 1973.

**JOHN F. SHERMAN,**  
Acting Director,  
National Institutes of Health.

[FR Doc.73-6028 Filed 3-28-73;8:45 am]

**NATIONAL BLOOD RESOURCE PROGRAM  
ADVISORY COMMITTEE**

**Amended Notice of Meeting**

Pursuant to Public Law 92-463 and previous notice of meeting dated March 13, 1973 (38 FR 7483, March 22, 1973), notice is hereby given that the meeting of the National Blood Resource

Program Advisory Committee, National Heart and Lung Institute, will be held April 9-11, 1973. The 11th has been added. This meeting will begin at 9 a.m., National Institutes of Health, Building 31, Conference Room 9, and will be open to the public from 4 to 5 p.m., April 9, 1973, to discuss administrative details relating to committee business. All other sessions will be closed to the public to review contracts in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, phone 496-5911.

Dated: March 22, 1973.

**JOHN F. SHERMAN,**  
Acting Director,  
National Institutes of Health.

[FR Doc.73-6029 Filed 3-28-73;8:45 am]

**Office of Education**

**NATIONAL ADVISORY COMMITTEE ON  
THE EDUCATION OF SPANISH AND  
MEXICAN AMERICANS**

**Notice of Public Meeting**

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Committee on the Education of Spanish and Mexican Americans will be held on April 11-12, 1973, commencing at 9 a.m., local time, on April 11, in Room 1160, FOB-6, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Committee on the Education of Spanish and Mexican Americans is established under section 442(a) of General Education Provisions Act, Public Law 91-230, under 20 U.S.C. 1233a. The Committee is established to advise the Commissioner of Education on problems central to the education of Spanish-speaking children and adults, particularly those of bilingual, bicultural families.

The meeting of the Committee shall be open. The proposed agenda includes a review of the draft annual report to the Commissioner of Education. Records shall be kept of all Committee proceedings (and shall be available for public inspection at the Office for Spanish Speaking American Affairs, located in Room 1155, FOB-6, 400 Maryland Avenue SW., Washington, D.C.

Signed in Washington, D.C., on March 19, 1973.

**GILBERT CHAVEZ,**  
Director for Spanish,  
Speaking American Affairs.

[FR Doc.73-5978 Filed 3-28-73;8:45 am]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

[Docket No. D-73-226]

**ASSISTANT REGIONAL ADMINISTRATOR  
FOR EQUAL OPPORTUNITY ET AL.**

**Designations**

The officers appointed to the following listed positions in Region IX (San Francisco) are hereby designated to serve as Acting Deputy Regional Administrator, Region IX (San Francisco), during a vacancy in the position of, or during the absence of, the Deputy Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Deputy Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Deputy Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence; *Provided, further*, That if an officer designated below is serving as Acting Regional Administrator, the officer whose title follows his in this designation shall serve as Acting Deputy Regional Administrator:

1. Assistant Regional Administrator for Equal Opportunity.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Housing Management.
4. Regional Counsel.
5. Assistant Regional Administrator for Community Development.
6. Assistant Regional Administrator for Housing Production and Mortgage Credit.
7. Assistant Regional Administrator for Community Planning and Management.

This designation supersedes and cancels all previously published designations of Acting Deputy Regional Administrator, Region IX (San Francisco).

Effective as of the eighth day of January 1973.

**ROBERT H. BAIDA,**  
Regional Administrator,  
Region IX (San Francisco).

[FR Doc.73-6008 Filed 3-28-73;8:45 am]

**ATOMIC ENERGY COMMISSION  
ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS**

**Subcommittee on ATWS—Reliability  
Analysis; Meeting**

MARCH 26, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' combined Subcommittee on ATWS (Anticipated Transients with Failure to Scram)—Reliability Analysis will hold a meeting on April 7, 1973, in Room 1046, 1717 H Street NW., Washington, DC. The subjects scheduled for discussion are: Anticipated transients with failure to scram, diversity and redundancy of engineered safety systems, the reactor experience information system, and the Electrical Research Council program.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN V. VINCIGUERRA,  
Advisory Committee  
Management Officer.

[FR Doc.73-6093 Filed 3-28-73;8:45 am]

[Docket No. 50-418]

**MITSUBISHI INTERNATIONAL CORP.**

**Application for Facility Export License**

Please take notice that Mitsubishi International Corp., New York, N.Y., has submitted to the Atomic Energy Commission an application for a license to authorize the export of two pressurized water reactors with thermal power levels of 3,411 megawatts each to the Kansai Electric Power Co., Inc., of Osaka, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless a request for a hearing is filed with the Atomic Energy Commission by the applicant on or before April 13, 1973, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Mitsubishi International Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public document room located at 1717 H Street NW, Washington, D.C.

Dated in Bethesda, Md., this 19th day of March 1973.

For the Atomic Energy Commission.

S. H. SMILEY,  
Deputy Director for Fuels and  
Materials, Directorate of Li-  
censing.

[FR Doc.73-5955 Filed 3-28-73;8:45 am]

[Docket No. 50-395]

**SOUTH CAROLINA ELECTRIC AND GAS  
CO.**

**Issuance of Construction Permit**

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permit No. CPFR-94 to the South Carolina Electric and Gas Co. for construction of the Virgil C. Summer Nuclear Station, Unit 1, a pressurized water reactor, on the applicant's site in Fairfield County, S.C. The site is located immediately north of Parr, S.C., and is adjacent to the Monticello Reservoir created by placing a series of dams across Frees Creek, a tributary of the Broad River. The Reservoir is located east of the Broad River and west of South Carolina State Highway 215, about 26 miles north of Columbia, in western Fairfield County, S.C.

Copies of the Initial Decision and Construction Permit No. CPFR-94 are available for public inspection in the Commission's Public Document Room, 1717 H Street NW, Washington, DC, and in the Fairfield County Library, Vanderhorst Street, Winnsboro, S.C. Copies of the construction permit may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 21st day of March 1973.

For the Atomic Energy Commission.

R. C. DEYOUNG,  
Assistant Director for Pressur-  
ized Water Reactors. Director-  
ate of Licensing.

[FR Doc.73-5956 Filed 3-28-73;8:45 am]

**CIVIL SERVICE COMMISSION**

**DEPARTMENT OF COMMERCE**

**Notice of Revocation of Authority To Make  
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for Management, Office of Assistant Secretary for Economic

Affairs, Social and Economic Statistics Administration.

UNITED STATES CIVIL SERV-  
ICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-6003 Filed 3-28-73;8:45 am]

**DEPARTMENT OF COMMERCE**

**Notice of Revocation of Authority To Make  
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERV-  
ICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-6002 Filed 3-28-73;8:45 am]

**DEPARTMENT OF DEFENSE**

**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 Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Defense Research and Engineering (Research and Advanced Technology), ODDR&E, Office of the Secretary of Defense.

UNITED STATES CIVIL SERV-  
ICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-5997 Filed 3-28-73;8:45 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, Bureau of Outdoor Recreation, Office of the Assistant Secretary for Fish, Wildlife and Parks.

UNITED STATES CIVIL SERV-  
ICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-6001 Filed 3-28-73;8:45 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 Serv-

## NOTICES

ice Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Oil and Gas, Office of the Assistant Secretary—Mineral Resources.

## UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-6000 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF LABOR

## Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

## UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-6007 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF LABOR

## Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant, Office of Legislative Liaison, Office of the Secretary.

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-6006 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF LABOR

## Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary of Labor, Office of the Secretary, Office of the Under Secretary.

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Secretary.

[FR Doc. 73-6005 Filed 3-28-73; 8:45 am]

## DEPARTMENT OF LABOR

## 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 Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Legislative Affairs, Office of the Secretary.

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-5999 Filed 3-28-73; 8:45 am]

## FEDERAL TRADE COMMISSION

## Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director of Policy Planning and Evaluation.

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-6004 Filed 3-25-73; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

## 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 Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the Director.

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-5998 Filed 3-28-73; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19715; FCC 73-330]

## ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

## Requirements and Policies; Notice of Inquiry

In the matter of ascertainment of community problems by broadcast applicants Part 1, sections IV-A and IV-B, of broadcast application forms, and primer thereon.

1. The Commission has under consideration its requirements and policies

with respect to ascertaining and meeting community problems by broadcast applicants.<sup>1</sup>

2. Our Task Force study concerning deregulation of broadcasting, under the supervision of Commissioner Wiley, indicates that the ascertainment process should be examined for its overall effectiveness in the public interest.

3. Pursuant to the Commission's Program Policy Statement of 1960, "The broadcaster is obligated to make a positive, diligent, and continuing effort, in good faith, to determine the tastes, needs, and desires of the public in his community and to provide programming to meet those needs and interests." (FCC 60-970; 25 FR 7291.)

4. The Commission's present standards for the ascertainment process are set forth in a question-and-answer type "Primer on Ascertainment of Community Problems by Broadcast Applicants", adopted February 18, 1971 (Report and Order, Docket No. 18774, 27 FCC 2d 650). The Commission stated that, " \* \* \* the amended Primer, in our view, will aid broadcasters in being more responsive to the problems of their communities, add more certainty to their efforts in meeting Commission standards, make available to other interested parties standards by which they can judge applications for stations licensed to their community, and aid our staff in applying standards uniformly." The Commission indicated, however, that with respect to renewal applicants the Primer was to serve "as an interim measure until other standards are adopted." (Id. at 655.)

5. Our experience indicates that the principle of ascertaining and meeting community problems is one important requisite for service in the public interest. We are concerned here, as part of our continuing study on deregulation of broadcasting, with whether present ascertainment requirements serve the public interest in the most effective way possible and, if not, what improvements could be made to accomplish that objective. Over 600 comments have been filed in our deregulation study. Many contend that various specific requirements of the ascertainment process are unnecessary, impractical, unduly burdensome and, thus, should be modified or deleted.

6. Comments in our deregulation study also assert that radio is a different medium from television and should be treated differently in the matter of ascertainment. Accordingly, Part I of the inquiry is designed to explore these alleged differences relative to the role of each of the media in discharging its statutory responsibility for serving the public interest, convenience, and necessity. An inherent consideration, in this regard, is any possible conflict with man-

<sup>1</sup> The word "problems" is used as a short form of the phrase "problems, needs and interests." (A. 3. Primer on Ascertainment)

dates of the Communications Act of 1934, as amended. Additionally, the comments we have received suggest that certain variables (e.g., market size, numbers of stations, number of employees, specialized formats, etc.) also should be considered in determining ascertainment procedures.

7. While the issues involved in Part I are very broad and relate to many aspects of our regulatory policy (some of which may be the subject of subsequent Commission action), the focus of this inquiry is particularly related to ascertaining and meeting community problems. Thus, Part II deals specifically with ascertainment processes for both radio and television in light of any difference between the two media and operational variables involved (as elicited in Part D).

8. This notice of inquiry elicits comments (on issues set forth below) applicable to both radio and television. Due consideration will be given, of course, to any comments received. However, in all probability, our initial concern will be with radio, since it is the primary focus of our reregulation study. Additionally, radio stations (of which there are approximately 10 times as many as television stations) have wider variances as to size of market, operating power, hours of operation, type of service (AM, FM) and programing format to serve the public. These variances and the resultant diverse nature of radio make its ascertainment considerations of more immediate concern.

9. Comments are invited on the following questions:

PART I

(a) What is the role (or function) of radio in discharging its statutory responsibility for serving the public interest, convenience and necessity; and is that role affected by size of market ("small market", Top 50, Top 100, etc.), number of stations in a market, number of station employees, specialized programming or other variables?

(b) What is the role (or function) of television in discharging its statutory responsibility for serving the public interest, convenience and necessity; and is that role affected by any variables such as those indicated in (a) above?

PART II

(a) Do the roles (or functions) of radio and television in discharging their responsibility for serving the public interest, convenience and necessity differ to the extent that requirements for ascertaining and meeting community problems should be different for each service? If so, would such different requirements be inconsistent with any part of the Communications Act of 1934, as amended? Similarly, should any of the variables set forth in Part I dictate any different requirements and, if so, would such different requirements be inconsistent with the Act?

(b) In answering the general questions in (a) of this part, and in considering the entire subject of ascertaining and meeting community problems, the following specific questions should be addressed:

(1) Should an ascertainment of commu-

<sup>1</sup>We specifically invite comments on how "small market" should be defined both as to radio and television.

nity problems be made 6 months before filing an application, as now required, at some different time, or on a continuing basis? What should be considered a "continuing" basis? How should it be accomplished? How should it be documented?

(2) Are consultations with community leaders and members of the public, in the manner provided by the Primer, helpful to the station and to the public which the station is licensed to serve?

(3) Should consultations with community leaders be conducted by principals and management-level employees only, or by other employees as well? If so, which ones? By non-employees?

(4) Should a professional research firm be permitted to make the ascertainment of community leaders for a station? For all stations in the community collectively? Would use of a research firm be consistent with the Commission's traditional view that this is "a duty personal to the licensee and may not be avoided by delegation of the responsibility to others." (Commission's Program Policy Statement of 1960, *supra*.)

(5) Is it advisable to permit:

(i) Group consultations (in which all licensees in the community meet with community leaders, community groups, and members of the public)? If so, under what circumstances, and why?

(ii) Ascertainment of community problems by means of broadcast programing (including announcements) in which community leaders, members of the public, etc., participate (such as panel and interview programs)?

(iii) Ascertainment of community problems by Town Hall types of meetings? Should this procedure be used to consult with all community leaders? The public? Or both? Would such meetings be representative of the public the station is licensed to serve?

(6) Should consultation with community leaders by telephone continue to be permitted? Why?

(7) In the broadcast of matter designed to meet community needs, should credit be given for spot announcements as well as for programs? May spot announcements be used exclusively?

(8) Should a station using a specialized programming format be permitted to ascertain and meet only the problems of its specialized audience? Is it possible to define accurately that audience out of the total general public? If so, how?

(9) Should different requirements for ascertaining and meeting community problems be applied according to different types of applications, i.e., for new stations, major changes in facilities, assignments and transfers and renewals? Why?

(10) Should requirements for ascertaining and meeting community problems be incorporated in the Commission's rules or left, as now, in policy statements and forms? Why?

10. Comments in both parts of this proceeding are not limited to the foregoing questions, but may be addressed to

<sup>2</sup>It is the Commission's current policy to permit joint consultations under the following conditions: Each individual community leader must be given an opportunity to freely present his opinion of community problems; each broadcaster present must have an opportunity to question each leader; and the joint meetings should include community leaders who have the same or equal plane of interest and responsibility. See June 30, 1971, letter to Southern California Broadcasters Association (FCC 71-699); and Aug. 4, 1971, letter to Metro Portland Broadcast Committee (FCC 71-825).

any facet of the processes for ascertaining and meeting community needs. It is hoped that comments, either formal or informal, will be submitted by interested parties from all segments of the public and broadcasting industry.

11. The questions above are designed to elicit information which would be helpful in this proceeding. The Commission takes no position on these matters at this time.

12. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this Notice of Inquiry may file comments on or before June 1, 1973. Reply comments may be filed on or before June 22, 1973. An original and 11 copies of each formal response must be filed in accordance with the provisions of §§ 1.49 and 1.51 of the Commission's rules. However, in an effort to obtain the widest possible response in this proceeding from licensees and members of the public, informal comments (without extra copies) will be accepted. Copies of all pleadings filed in this matter will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: March 22, 1973.

Released: March 23, 1973.

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

[FRC Doc.73-6047 Filed 3-28-73; 8:45 am]

CHICAGO REGION

Return of License Applications

MARCH 21, 1973.

Due to the lack of familiarity of the land-mobile community with the FCC Form 425, the Chicago Regional Office has found that there is an unusually high frequency of errors and omissions on the license applications which have been submitted since January 1, 1973. In most instances the applicant does not have the technical expertise necessary to make corrections. It is usually a manufacturer or an independent service shop which has prepared the application and signed section II of the form. When a defective Form 425 is returned to an applicant it will usually go to the signer of section II for the necessary corrections.

With this in mind and in order to facilitate processing, the Chicago Regional Office will establish the following procedure effective immediately. Minor defects in a Form 425 need not result in its immediate return to the applicant,

<sup>3</sup>Commissioner Johnson dissenting and issuing a statement; Commissioner H. Rex Lee concurring and issuing a statement; Commissioner Hooks absent. Dissenting statement of Commissioner Johnson filed as part of the original document.

## NOTICES

but instead the application may be taken out of the processing line and suspended for a period of 1 calendar week. During this week, the manufacturer or service shop may examine these applications at the Chicago office and make note of any correction. These corrections must then be submitted as amendments to the affected application on new pages of Form 425. The amendments must conform in all respects with the Commission's procedural requirements concerning amendments. In no instance will corrections be permitted to the face of the original Form 425 without specific written authorization from the applicant.

Minor details on how the system will operate will be worked out with each interested manufacturer or service shop. However, when no interest in using this procedure is expressed by a particular manufacturer or service shop, the application will be returned immediately to the applicant without the suspense period of 1 week. It is necessary to stress that fairness to the applicant requires a limited period of time for this procedure. Therefore, if specific arrangements to correct the errors have not been made within 7 calendar days the application will be returned to the applicant.

Several additional points should be mentioned. First, this "suspense procedure" is designed for minor deficiencies only. Where questions of legal qualifications, service eligibility, frequency availability, and the like are involved, the application will be returned immediately to the applicant. Second, this system is not intended to operate in the event the applicant himself has signed section II. In these relatively rare instances the applicant will be contacted by phone or mail in order to initiate corrections and clarifications.

Finally, it should be emphasized that this is an experimental procedure and should it appear to result in unfairness to an individual applicant or class of applicants it will be terminated immediately.

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

[FR Doc.73-6046 Filed 3-28-73;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. CP73-246]

## BACA GAS GATHERING SYSTEM, INC.

## Notice of Application

MARCH 27, 1973.

Take notice that on March 19, 1973, Baca Gas Gathering System, Inc. (Applicant), Hartford Building, Dallas, Tex. 75201, filed in Docket No. CP73-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle) from production in the Playa and Northwest Flank Fields, Baca

County, Colo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to purchase gas from PetroDynamics, Inc., at 32 cents per Mcf at 14.65 p.s.i.a. and proposes to sell up to 4,000 Mcf of gas per day to Panhandle in Morton County, Kans., at 37.6 cents per Mcf at 14.65 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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.73-6197 Filed 3-28-73;10:01 am]

[Docket No. CI73-611]

## TRIBAL OIL CO. ET AL.

## Notice of Application

MARCH 22, 1973.

Take notice that on March 15, 1973, Tribal Oil Co., et al (Applicants), % L. E. Donohoe, Jr., P.O. Drawer 3507, Lafayette, LA 70501, filed in Docket No. CI73-

611 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the Oretta Field Area, Beauregard Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 30,000 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to provide a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-5870 Filed 3-28-73;8:45 am]

## FEDERAL RESERVE SYSTEM

## BARNETT BANKS OF FLORIDA, INC.

## Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of Sarasota, National Association, Sarasota, Fla., a proposed new bank. 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 April 13, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] **TYNAN SMITH,**  
*Secretary of the Board.*

[FR Doc.73-5975 Filed 3-28-73;8:45 am]

#### FIRST NATIONAL CITY CORP.

#### Proposed Retention of Advance Mortgage Corp.

First National City Corp., New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Advance Mortgage Corp., Southfield, Mich., and its wholly owned subsidiaries except Lakeland Assurance Inc. Notice of the application was published on December 27, 1972, in various editions of The Wall Street Journal and on December 28, 1972, in 22 newspapers circulated in communities where Advance Mortgage Corp. has offices.

Applicant states that Advance Mortgage Corp. engages in the following mortgage banking activities: (1) Origination and placement of FHA and VA one to four family residential mortgage loans with institutional investors; (2) origination and placement of apartment and other income producing property mortgage loans with institutional investors; (3) servicing of mortgage loans for institutional investors; and (4) origination of FHA multifamily construction loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] **TYNAN SMITH,**  
*Secretary of the Board.*

[FR Doc.73-5974 Filed 3-28-73;8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-25]

#### AD HOC SUBCOMMITTEE OF THE SPACE SCIENCE AND APPLICATIONS STEERING COMMITTEE

##### Notice of Establishment Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following advisory subcommittee is in the public interest in connection with the performance of duties imposed upon NASA by law:

Ad Hoc Subcommittee of the Space Science and Applications Steering Committee for the Evaluation of Large Space Telescope Experiment Proposals.

The function of this subcommittee will be to review the scientific merit of proposals which are submitted for the definition of instrumentation for the Large Space Telescope. The reason for establishing this subcommittee is to obtain expert scientific advice in connection with the early definition of instrumentation and timely selection of experiments for the Large Space Telescope mission.

The Space Science and Applications Steering Committee, under which the subcommittee will operate, is a NASA internal committee composed entirely of Government employees.

Dated: March 23, 1973.

**JAMES C. FLETCHER,**  
*Administrator.*

[FR Doc.73-6021 Filed 3-28-73;8:45 am]

[Notice 73-26]

#### AEROSPACE SAFETY ADVISORY PANEL

##### Notice of Open Meeting

An open meeting of Aerospace Safety Advisory Panel will be held on April 10, 1973, at NASA Headquarters, Room 7002, capacity, 60, 400 Maryland Avenue SW., Washington, DC.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall per-

form such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate, and advise on those program management policies, management systems, procedures, and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The Chairman of the Panel is Lt. Gen. Carroll H. Dunn, USA. The other members are Dr. Harold M. Agnew, Hon. Frank C. Di Luzio, Mr. Herbert E. Grier, Mr. Paul L. Kartzke, Mr. Bruce T. Lundin, Mr. Howard K. Nason, Dr. Henry Reining, Jr., and Dr. Ian M. Ross.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue SW., Washington, DC 20546 (Phone: Area Code 202-755-8436).

The agenda is:

10 a.m.—Panel presentation and discussion of their Skylab Report with Administrator and Deputy Administrator; 11 a.m.—Orientation briefing on Space Shuttle program by Program Office; and, 1 p.m.—Orientation briefing on Apollo-Soyuz Test program by Program Office.

**HOMER E. NEWELL,**  
*Associate Administrator, National Aeronautics and Space Administration.*

MARCH 26, 1973.

[FR Doc.73-6020 Filed 3-28-73;8:45 am]

#### NATIONAL SCIENCE FOUNDATION

#### ADVISORY PANEL FOR CHEMISTRY

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Advisory Panel for Chemistry will be held at 9 a.m. on April 7 and 8, 1973, in the Seville Room, Adolphus Hotel, Commerce at Akard Street, Dallas, Tex. 75221. The purpose of this panel is to provide advice and recommendations concerning support for research in chemistry.

The agenda for this meeting shall include:

##### APRIL 7 SESSION

###### MORNING

9:00—Introductory remarks, Panel Chairman.  
9:15—NSF 1974 Budget, Division Director, Mathematical and Physical Sciences Division.

9:45—"Issues in the Support of Chemical Research", presentations by panel members.  
12:00—Break for lunch.

###### AFTERNOON

1:30—Panel discussion of presentations on "Issues in the Support of Chemical Research".  
3:15—Panel discussion of matrix representation of the importance of chemical research to national goals.

4:15—Discussion of the NSF Chemistry Section's experiment with data from "Citation Index", Program Director, Chemical Thermodynamics Program.

## NOTICES

## APRIL 8 SESSION

## MORNING

9:00—Discussion of the projected 1973 Chemistry Program Review, Program Director, Chemical Instrumentation Program.  
12:00—Break for lunch.

## AFTERNOON

1:30—Discussion under the leadership of the Panel Chairman of specific topics, as outlined below:

- a. Instrument Program—proposed changes.
- b. Analysis of proposal actions, FY 1968-FY 1972.
- c. Analysis of proposal ratings.
- d. U.S.-U.S.R. Cooperative Program in Chemical Catalysis.
- e. Importance of neutron beams in chemical research.
- f. An attempt to quantify the increasing sophistication in chemical synthesis.

3:45—Period devoted to public discussion.  
5:00—Adjournment.

This meeting shall be open to the public and attendance will be limited to space available.

For further information concerning this panel, contact Dr. M. Kent Wilson, Section Head, Chemistry Section, Room 346, 1800 G Street NW, Washington, DC 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, Room K-720, 1800 G Street NW, Washington, DC 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

MARCH 20, 1973.

[FR Doc. 73-6036 Filed 3-28-73; 8:45 am]

## ADVISORY PANEL FOR PHYSICS

## Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Advisory Panel for Physics will be held at 9 a.m. on April 5, 6, and 7, 1973, in Room 540 at 1800 G Street NW, Washington, DC 20550. The purpose of this panel is to provide advice and recommendations (a) concerning the impact of the NSF support of Physics; and (b) as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting shall include (entries in parentheses identify open portions of meeting):

## APRIL 5 SESSION

## MORNING

Elementary Particle Physics: Discussion of NSF and AEC programs—panel members, NSF staff and AEC staff (open to the public).

## AFTERNOON

Review of proposed NSF support of Elementary Particle Physics projects.

## APRIL 6 SESSION

## MORNING

Discussion of specific topics related to other areas of Physics—NSF officials and staff (open to the public):

- a. NSF FY 1973, and FY 1974, budget.
- b. Relationship of NSF's RANN programs

to basic research support.

- c. Research initiation grants.
- d. Formulation of long range plans in the various fields of Physics.
- e. Other business of interest to the panel.

## AFTERNOON

Continuation of discussion of specific topics related to other areas of Physics (open to the public).

3:00—Discussion of proposed long term NSF support of individual Physics projects.

## APRIL 7 SESSION

## MORNING

Resumption of discussion of remaining topics related to other areas of Physics—listed under April 6 session—(open to the public).

## AFTERNOON

Continuation of discussion of remaining topics related to other areas of Physics (open to the public).

3:00—Period devoted to public discussion (open to the public).

4:00—Adjournment.

Where specified in the agenda, the meeting will be open to the public on a space available basis. The remainder of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

For further information concerning this panel, contact Dr. Marcel Bardon, Section Head, Physics Section, Room 348, 1800 G Street NW, Washington, DC 20550. Summary minutes relative to the open portion of this meeting may be obtained by contacting the Management Analysis Office, Room K-720, 1800 G Street NW, Washington, DC 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

MARCH 20, 1973.

[FR Doc. 73-6035 Filed 3-28-73; 8:45 am]

OFFICE OF EMERGENCY  
PREPAREDNESS

## TENNESSEE

## Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on March 21, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from heavy rains and flooding beginning on or about March 14, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Tennessee. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by this declared major disaster.

The Counties of:

Bradley.	Maury.
Coffee.	Monroe.
Hamilton.	Rhea.
Marion.	

Dated: March 23, 1973.

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

[FR Doc. 73-5994 Filed 3-28-73; 8:45 am]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.  
Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 26, 1973, through April 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 73-5966 Filed 3-28-73; 8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.  
Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from March 25, 1973, through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[PR Doc.73-5965 Filed 3-28-73;8:45 am]

[812-3299]

**DIVERSIFIED TAX-EXEMPT BOND FUND,  
CALIFORNIA SERIES I AND BLYTH  
EASTMAN DILLON & CO., INC.**

**Filing of Application**

MARCH 23, 1973.

Notice is hereby given that Diversified Tax-Exempt Bond Fund, California Series I (hereinafter called the Fund), a unit investment trust registered under the Investment Company Act of 1940 (Act), and its sponsor, Blyth Eastman Dillon & Co., Inc. (Sponsor), 555 California St., San Francisco, CA 94104 (the Fund and the Sponsor hereinafter collectively referred to as Applicants), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting the Fund and all subsequent national or State series of the same or similar title of which Sponsor is a sponsor or cosponsor from the provisions of section 14(a) of the Act and from the provisions of Rule 19b-1 and Rule 22c-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Fund is a unit investment trust organized under the laws of the State of California. Sponsor presently acts as sole sponsor of the Fund.

The Sponsor has filed a Form S-6 Registration Statement under the Securities Act of 1933 (the 1933 Act) covering a maximum of 15,000 Units of fractional undivided interest in the Fund (hereinafter called the Units) to be offered to investors at a public offering price set forth in the prospectus included in the 1933 Act Registration Statement. The number of Units being registered includes 5,000 units which will be resold from time to time by the Sponsor in connection with its market-making activities. The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N8-A Notification of Registration and a Form N-8B-2 Registration Statement under the Act relating to the Fund.

The Fund will be governed by a trust agreement (the Trust Agreement) under which the Sponsor will act as such and Bank of American National Trust and Savings Association (the Association) will act as Trustee and Evaluator. Pursuant to the Trust Agreement, Sponsor will deposit with the Trustee \$10 million principal amount of bonds (the Bonds) which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for 10,000 Units, which will represent the entire ownership of the Fund. These

Units are in turn to be offered for sale to the public by the Sponsor.

Applicants state that the Bonds will not be pledged or be in any other way subjected to debt at any time after the Bonds are deposited with the Trustee. All of the Bonds will be tax-free municipal bonds. The Association will act as Bond Advisor to the Fund and will advise the Sponsor regarding the Fund's bond portfolio. It will receive a fee of \$40,000 for such services.

The assets of the Fund will consist of the Bonds, such bonds as may be held from time to time upon certain refundings in exchange for or substitution of any of the Bonds, accrued and undistributed interest, and undistributed cash. Certain of the Bonds may from time to time be sold under the circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to the holders of Units of the Fund ("Certificateholders") and not reinvested. There is no provision in the Trust Agreement for the sale and reinvestment of the Bonds, and such activity has not and will not take place.

Initially, each Unit will represent a fractional undivided interest, the numerator of which will be 1 (one), and the denominator of which will be the number of Units issued by the Fund. Units are, and in connection with future Series will be, redeemable. In the event that any Units are redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100 percent agreement of the Certificateholders or, in the event that the value of the Bonds falls below one of two amounts specified, either upon direction of the Sponsor to the trustee or by the trustee without such direction, respectively. There is no provision in the Trust Agreement for the issuance of any Units after the initial issuance and such activity will not take place (except to the extent the secondary trading by the Sponsor in the units is deemed the issuance of Units under the 1933 Act).

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Fund for a period of 16 months and during said period continually to offer to purchase such Units at prices based on the most recent evaluation by the evaluator, which prices will be based upon the aggregate bid price of the underlying Bonds.

The organization, operation and marketing of Units of each subsequent Series will be substantially the same as with respect to the Fund, except that the principal amount of bonds deposited (and therefore the number of Units issued), the trustee, evaluator and the respective fees thereof, will or may vary, and there may be depositors in addition to the Sponsor.

**SECTION 14(a)**

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least \$100,000 prior to making a public offering of its securities; (b) have previously made a public offering and at the time have had a net worth of \$100,000; or (c) have made arrangements for at least \$100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a) of the Act in order to make a public offering, as described above, of Units of the Fund and of subsequent Series. In connection with the requested exemption from section 14(a) of the Act, the Sponsor has agreed (i) to refund on demand and without deduction the sales load to purchasers of Units of a Series if within 90 days after the Registration Statement of a Series under the 1933 Act becomes effective, the net worth of that Series shall be reduced to less than \$100,000 or if the Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in each Series that in the event that redemption by the Sponsor of units of the Series which constitute a part of the unsold units shall result in that Series having a net worth of less than 10 percent of the principal amount of bonds originally deposited, the trustee shall terminate the Series in the manner provided in the governing trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above, to refund any sales load to any purchaser of units of any Series purchased from the Sponsor or any dealer participating in the underwriting, on demand, and without any deduction.

**RULE 19b-1**

Rule 19b-1(a) provides, in substance, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any 1 taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Applicants propose to make distributions of principal and interest to Certificateholders of a Series semiannually. Distributions of principal constituting capital gains to Certificateholders may arise in two instances: (1) If an issuing authority calls or redeems an issue in the portfolio, the sums received by the Series will be distributed to Certificateholders on the next distribution date; and (2) if units are redeemed and bonds from the portfolio are sold to provide the funds necessary for such redemption, each Certificateholder will receive his pro rata

## NOTICES

portion of the proceeds from the bonds sold. In such instances, a Certificateholder may receive in his distribution funds which constitute capital gains since in many cases the value of the portfolio bonds redeemed or sold will have increased since the date of initial deposit.

As noted, paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gains dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants state that the purpose of such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and to distribute them only at the year end. Applicants further allege that their situation places them squarely within the purpose of such provision, though not within the literal requirements of the rule, since a Series will invest in bonds and not in regulated investment companies. A Series is, therefore, required to hold any moneys, which would constitute capital gains upon distribution, until the end of the taxable year. Applicants contend that such a practice would clearly be to the detriment of the Certificateholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in Applicants' situation since they have no control over events which might trigger capital gains, i.e., the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated, in accompanying reports to Certificateholders, as a return of principal.

## RULE 22c-1

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of Sponsor from the provisions of Rule 22c-1 under the Act. Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the assets of a Series. In addition, the application states that the Sponsor has undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evalua-

tion. Sponsor has agreed, in the case of resale of Units in the secondary market, that if the evaluator cannot state the previous Friday's offering side evaluation is not more than one point (\$10 on a Unit representing \$1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for 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 (air-mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5962 Filed 3-28-73;8:45 am]

[File No. 500-1]

## FIRST WORLD CORP.

## Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stocks, \$0.15 par value,

and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 26, 1973 through April 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5964 Filed 3-28-73;8:45 am]

[812-3250]

## FOUNDERS OF AMERICAN INVESTMENT CORP. AND MODERN AMERICAN LIFE INSURANCE CO.

## Filing of Application

MARCH 23, 1973.

Notice is hereby given that Founders of American Investment Corporation (Founders), a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (the Act), and Modern American Life Insurance Co. (Modern American), 1000 West Sunshine Street, Springfield, MO 65804, a life insurance company organized under the laws of the State of Missouri (hereinafter collectively referred to as Applicants), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed acquisition by Modern American of 374,934 shares of common stock of Founders Security Life Insurance Co. (Founders Security), from Founders. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Founders owns approximately 10 percent of the outstanding stock of Modern American. W. E. Parker, President of Founders, is also President of Modern American and the largest individual stockholder of each corporation. L. R. Parker, Vice-President of Founders, is also Vice-President of Modern American. M. W. Crabtree, Secretary of Founders, is Senior Vice-President of Modern American. G. Lowther and H. E. Lay, attorneys for, and directors of, Founders are also attorneys for, and directors of, Modern American. Modern American is, therefore, an affiliated person of Founders within the meaning of section 2(a) (3) of the Act.

On August 29, 1972, subsequent to an authorizing resolution of Founders' board of directors, Founders and Modern American entered into an agreement whereby Modern American would purchase from Founders 374,934 shares of common stock of Founders Security, representing all of Founders' interest in that corporation, at a sales price of \$4 per share, or a total

price of \$1,499,736. Such stock represented 76.4 percent of the outstanding common stock of Founders Security, a life insurance company incorporated under the laws of Tennessee in 1964. Founders was the principal promoter and organizer of Founders Security, and the 374,934 shares of common stock which is the subject of the proposed sale is original subscription stock that was acquired by Founders at a price of \$2 per share.

Founders has incurred an indebtedness of approximately \$1,275,000 in the form of long and short term liabilities on notes, and it must sell a portion of its securities to meet its obligations. The decision of Founders to sell its shares of Founders Security is based on its view that such stock will not substantially appreciate in value in the foreseeable future. Founders is of the opinion that the realization of an amount equal to twice its original investment in Founders Security is in the best interests of Founders at this time. Modern American views the proposed acquisition as an attractive business opportunity because it intends to assume the management of Founders Security subsequent to the transaction and to build it into a stronger company.

The stock of Founders Security is not listed on any of the Stock Exchanges and no market is made in said stock in the over-the-counter market. Only a limited number of shares of Founders Security have been traded by brokers and to the knowledge of Applicants, sales by brokers have only occurred in the area of Memphis, Tenn. The latest sales by brokers have been at \$4 to \$4.25 per share.

Founders has endeavored but has been unable to sell any shares at \$6 per share, which is the value that had previously been set by Founders' board of directors as the fair value of such stock; nor has Founders been able to sell any of such stock at \$5. The board of directors of Founders revalued the stock to \$4 per share after the sale by Founders of a limited number of shares at that price through a broker in Memphis, Tenn., in July, 1972. The highest offer received by Applicant for the purchase of its stock in Founders Security has been \$4 per share.

As calculated by an Independent Certified Public Accountant, the "adjusted book" value of the Founders Security stock is \$3.46 per share and the statutory book value of such stock is \$2.09 per share.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall grant an exemption from such prohibition upon finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of

each registered investment company concerned and with the general purposes of the Act.

Founders represents that the terms of the proposed transaction have been considered by the board of directors of Founders and of Modern American and that each board has determined that such terms are fair and reasonable and do not involve overreaching with respect to any party and that the proposed transaction is consistent with the policy of each Applicant and with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of this 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 Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5968 Filed 3-28-73;8:45 am]

[File No. 500-1]

#### PROOF LOCK INTERNATIONAL CORP. Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of*

1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973, through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5968 Filed 3-28-73;8:45 am]

[70-5316]

#### HARTFORD ELECTRIC LIGHT CO.

#### Proposed Issue and Sale of First Mortgage Bonds

MARCH 23, 1973.

Notice is hereby given that The Hartford Electric Light Co. (HELCO), 176 Cumberland Avenue, Wethersfield, CT 06109, a public utility subsidiary company of Northeast Utilities (Northeast), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

HELCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$40 million principal amount of First Mortgage Bonds, 1973 Series, due May 1, 2003. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to HELCO (which shall be not less than 99 percent nor more than 102 1/4 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated January 1, 1958, between HELCO and The First National Bank of Boston, Successor Trustee, as heretofore supplemented and amended and as to be further supplemented by a Twelfth Supplemental Indenture to be dated as of May 1, 1973, and which contains a prohibition until May 1, 1978, against refunding the issue with or in anticipation of the proceeds of borrowings at a lower interest cost. Said supplemental indenture will also contain a minor clarifying amendment to HELCO's indenture relating to the issuance of bonds to refund Bonds previously retired.

It is stated that the net proceeds from the issue and sale of the bonds, together with a capital contribution of \$15 million to be made in March 1973 by Northeast (File No. 70-5308), will be used to repay a portion of short-term borrowings incurred in financing HELCO's construction program. It is estimated that, after such application of the capital contribution and the proceeds from such sale of the 1973 series bonds, short-term borrowings of approximately \$5 million will remain outstanding.

## NOTICES

HELCO's construction program for 1973 is estimated to total approximately \$79 million. It is stated that the construction program will require an additional \$25 million of external financing which the company contemplates will be obtained temporarily through short-term borrowings.

A statement of the fees and expenses incident to the proposed transaction will be filed by amendment. The filing states that the issue and sale of the bonds is subject to the approval of the Connecticut Public Utilities Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-named address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5967 Filed 3-28-73;8:45 am]

[File No. 500-1]

TOPPER CORP.  
Order Suspending Trading

MARCH 23, 1973.

The common stock, \$1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973 through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5961 Filed 3-28-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.  
Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973 through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5960 Filed 3-28-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.  
Order Suspending Trading

MARCH 23, 1973.

The common stock, \$2.50 par value, of U.S. Financial Inc. being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily

suspended, this order to be effective for the period from March 25, 1973 through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-5962 Filed 3-28-73;8:45 am]

VETERANS ADMINISTRATION  
CAREER DEVELOPMENT SELECTION  
COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Career Development Selection Committee, authorized by 38 U.S.C. 4101, will be held at the Sheraton-Biltmore Hotel, Atlanta, Ga., on April 5 and 6, 1973, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration hospital system. The Committee advises the Assistant Chief Medical Director for Research and Education in Medicine on selection and appointment of Research and Education Associates, Clinical Investigators, Medical Investigators, and Senior Medical Investigators.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9:30 a.m. on April 5 to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Dr. Chester W. DeLong, Executive Secretary of the Committee, VA Central Office, Washington, D.C. (202-389-5065) prior to April 3.

The meeting will be closed from 9:30 a.m. to 6:30 p.m. on April 5 and from 8 a.m. to 4 p.m. on April 6 for consideration of individual applications. Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Section, Research Service, Veterans Administration, Washington, D.C. (phone 202-389-5065).

Dated: March 23, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,  
Associate Deputy Administrator.

[FR Doc.73-6019 Filed 3-28-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary  
ARKWRIGHT MILLS, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed at Arkwright Mills, Inc., Spartanburg, S.C. (TEA-W-160), under section 301(c)(2) of the Trade Expansion Act of

1962, and in which report the Commission being equally divided, made no finding with respect to certain woven fabrics of cotton and of manmade fibers, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before April 9, 1973.

Signed at Washington, D.C., this 21st day of March 1973.

GLORIA G. VERNON,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 73-5958 Filed 3-28-73; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 208]

### ASSIGNMENT OF HEARINGS

MARCH 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136972, Midwest Contract Carriers, Inc., now being assigned hearing June 11, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 115162 Sub 238, Poole Truck Line, Inc., hearing continued to April 19, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 109373, National Trucking Inc., now being assigned hearing June 11, 1973 (1 week), at Austin, Tex., in a hearing room to be later designated.

MC 117465 Sub 18, Beaver Express Service, Inc., now being assigned hearing June 18, 1973 (1 week), at Amarillo, Tex., in a hearing room to be later designated.

AB-5 Sub 47, Pennel Co. and George P. Baker, Richard, C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Co., debtor, abandonment between New Castle and Houston Junction, in Mercer and Lawrence Counties, Pa., is continued to May 22, 1973 (2 days), at New Castle, Pa., in a hearing room to be later designated.

MC 97310 Subs 11 and 12, Bell Transfer Co., Inc., now being assigned hearing June 11, 1973 (2 weeks), at New Orleans, La., in a hearing room to be later designated.

MC 109014 Sub 6, Great Southern Coaches, Inc., now assigned April 11, 1973, at St. Louis, Mo., is canceled and application dismissed.

MC 134765 Sub 8, Specialty Transport, Inc., now being assigned June 4, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC 55898 Sub 48, Harry A. Decato, doing business as Decato Bros. Trucking Co., now being assigned June 5, 1973 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC-FC-73286, L & V Trucking Co., Inc., Gardner, Mass., Transferee & S & H Transfer, Inc., Gardner, Mass. Transferor, now being assigned June 7, 1973 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC 128944 Sub 10, Reliable Truck Lines, Inc., now being assigned June 11, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-6031 Filed 3-28-73; 8:45 am]

[Notice 240]

### 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 on or before April 18, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of

such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74218. By order of March 15, 1973, the Motor Carrier Board approved the transfer to Harry F. Richards, doing business as Theatrical Film Service, Lawrence, Mass., of certificates Nos. MC-92168 and MC-92168 (Sub-No. 1), issued March 17, 1941, and February 27, 1973, respectively, to Beatrice M. Richards, Harry F. Richards, Executor, doing business as Theatrical Film Service, Lawrence, Mass., authorizing the transportation of motion picture film and theater supplies between Boston, Mass., and Rye Beach, N.H., and between Boston, Mass., and Rochester, N.H., over described regular routes. Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, attorney for Applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-6034 Filed 3-28-73; 8:45 am]

[Notice 35]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 19, 1973.

The following are notices of filing of applications<sup>1</sup> 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 Part 1131) published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field office 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 151 (Sub-No. 50 TA), filed March 8, 1973. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Avenue, Terre Haute, IN 47807. Appli-

<sup>1</sup> 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.

cant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), between Terre Haute, Ind., and Mount Vernon, Ill., on the one hand, and, on the other, the plantsite and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., from Terre Haute, Ind. over U.S. Highway 41 to the plantsite and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., and return over the same route; from Mount Vernon, Ill., over U.S. Highway 460 to the junction of U.S. Highway 41, thence over U.S. Highway 41 to the plantsite and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., and return over the same route, for 180 days. *NOTE:* Applicant will tack with its existing authority in MC-151 and will interline at all existing gateway points. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 217 (Sub-No. 13 TA), filed March 8, 1973. Applicant: POINT TRANSFER, INC. (Ohio Corp.), P.O. Box 1441, Station C, 5075 Navarre Road SW, Canton, OH 44708. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Duquesne, Dravosburg, McKeesport, Homestead, and West Mifflin, Allegheny County, Pa.; Ellwood City, Lawrence County, Pa.; and Vandergrift, Westmoreland County, Pa., to points in Indiana, for 150 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 8600 (Sub-No. 30 TA), filed March 8, 1973. Applicant: WERNER CONTINENTAL, INC., P.O. Box 3609, St. Paul, MN 55165. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Duquesne, Dravosburg, McKeesport, Homestead, and West Mifflin, Allegheny County, Pa.; Ellwood City, Lawrence County, Pa., and Vandergrift, Westmoreland County, Pa., to points in Indiana, New York, and Michigan, for

150 days. Applicant does intend to tack with its existing authority. Supporting shipper: United States Steel Corp., Pittsburgh, Pa. 15230. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 59457 (Sub-No. 25 TA), filed March 9, 1973. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dated printed publications* from the warehouses and storage facilities of Magazine Shippers Association, Inc., Bridgeport, Conn., to Boston and Springfield, Mass., Providence, R.I., Carle Place and Hauppauge and Long Island, N.Y., Trenton, N.J., Philadelphia, Pa., Baltimore, Md., and Wilmington, Del., for 180 days. Supporting shipper: Magazine Shippers Association, Inc., Bridgeport, Conn. Send protests to: David J. Kieran, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 103051 (Sub-No. 270 TA), filed March 9, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934—44th Avenue North, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Engelhard Minerals & Chemicals Corp., Minerals & Chemicals Division, Menlo Park, Edison, N.J. 08817. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 108460 (Sub-No. 47 TA), filed March 8, 1973. Applicant: PETROLEUM CARRIERS COMPANY, South Dakota corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, SD 57101. Applicant's representative: Stanley Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ammonium nitrate*, dry, in bags or bulk, from Hastings, Nebr., to points in Wyoming, Colorado, Kansas, and South Dakota, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113908 (Sub-No. 257 TA), filed March 8, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, in bulk, in tank and hopper type vehicles, from Verona, Mo., to Delmar, Del., for 180 days. Supporting shipper: Hoffman-Taff, Inc., 1915 West Sunshine Street, Springfield, MO 65805. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115180 (Sub-No. 88 TA), filed March 6, 1973. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. 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: *Meats, meat products, and meat by-products, 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, 71 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities utilized by United Packing Co. at Denver, Colo., to points in New York, New Jersey, Maryland, and Pennsylvania. Restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by United Packing Co. at or near the origins shown above and destined to the above named destination points, for 180 days. Supporting shipper: United Packing Co., 5000 Clarkson Street, P.O. Box No. 16441, Denver, CO 80216. Attention: Mr. Joe Nelson, Traffic Manager. Send protests to: Paul W. Assenz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 28 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 116763 (Sub-No. 241 TA), filed March 5, 1973. Applicant: SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Filters, cleaners, purifiers, and parts and accessories thereto*, from Cucamonga, Calif., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (2) (a) *Filters, cleaners, purifiers, and parts and accessories thereto*; and (b) *swimming and wading pools, parts, accessories, and attachments thereto*, from Darke County, Ohio, to points in and east of Louisiana, Ar-

kansas, Missouri, Iowa, and Minnesota, for 180 days. Supporting shipper: Doughboy Recreational Products Division, Domain Industries, Inc., 10959 Jersey Boulevard, Cucamonga, CA 91730. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 119880 (Sub-No. 56 TA), filed March 8, 1973. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, IL 61611. Applicant's representative: B. N. Drum, Drum Transport, Inc. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty wooden whisky barrels* from Peoria to Delavan, Ill., to Detroit, Mich., for 180 days. Supporting shipper: D. J. Anderson, General Traffic Manager, Hiram Walker & Sons, Inc., Peoria, Ill. 61601. Send protest to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 123255 (Sub-No. 35 TA), filed March 5, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Terre Haute, Ind., to Memphis, Tenn., for 180 days. Supporting shipper: Midland Glass Co., Inc., Cliffwood, N.J. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 123255 (Sub-No. 36 TA), filed March 7, 1973. Applicant: B & L MOTOR FREIGHT, INC. (Ohio corporation), 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the distribution center site of Heinz U.S.A. Division at Iowa City, Iowa, to all points in the States of Illinois and Indiana; and from the plantsite and storage facilities of Heinz U.S.A. Division at Muscatine, Iowa, to all points in the State of Illinois, restricted to traffic originating at and destined to the named territory, for 180 days. Supporting shipper: Heinz U.S.A. Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 124236 (Sub-No. 52 TA), filed March 8, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Appli-

cant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland cement*, from the plantsite of General Portland Cement Co. at Dallas, Tex., to Memphis, Tenn., for 180 days. Supporting shipper: General Portland Cement Co., 4400 Republic National Bank Tower, P.O. Box 324, Dallas, TX 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128133 (Sub-No. 6 TA), filed March 12, 1973. Applicant: H. H. OMPS, INC., Route 5, Box 368, Winchester, VA 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, VA 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and animal by-products meal*, in bulk, from Winchester, Va., to Camp Hill, Eighty Four, Mechanicsburg, Pa., and Robbins, N.C., for 180 days. Supporting shipper: Valley Proteins, Inc., Box 961, Winchester, VA 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW, Washington, D.C. 20423.

No. MC 128985 (Sub-No. 4 TA), filed March 7, 1973. Applicant: WILKERSON TRUCKING COMPANY, INC., Route No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Harwood, 400 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning equipment and supplies, appliances including, but not limited to, stoves and refrigerators (gas and electric), dishwashers, disposals, and parts and accessories for all of said commodities from Los Angeles and City of Industry, Calif., to points in Arizona, Colorado, Florida, Georgia, Idaho, Nevada, Oklahoma, and Texas, for 180 days.* Supporting shipper: Gaffers & Sattler, Inc., 4851 South Alameda Street, Los Angeles, CA 90058. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 129326 (Sub-No. 14 TA), filed March 7, 1973. Applicant: WHITNEY TANK LINES, INC., Florida Corporation, 5201 Causeway Boulevard, P.O. Box 1091, Tampa, FL 33601. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus stripper oil*, in bulk, from Winter Garden, Lake Alfred, Auburndale, and Leesburg, Fla., to Mobile, Ala., for 180 days. Supporting shipper: Florida Chemical Co., Inc., P.O. Box 997, Lake Alfred, FL

33850. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 South West 17th Street, Room 105, Miami, FL 33155.

No. MC 135454 (Sub-No. 4 TA), filed March 8, 1973. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton (Boston), MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers* from the plantsites and warehouses of the American Can Co., Inc. at Fairport, N.Y., to the plantsite and warehouse of Duffy Mott Co., Inc., at Aspers, Pa., for 180 days. Supporting shipper: Francis X. Kalsch, Manager of Traffic, Duffy Mott Co., Inc., General Office, 370 Lexington Avenue, New York, NY. Send protest: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, NY, 13202.

No. MC 136446 (Sub-No. 2 TA), filed March 7, 1973. Applicant: PRINCETON MESSENGER SERVICE, INC., Princeton Service Center, U.S. Highway 1, Princeton, NJ 08540. Applicant's representative: Joseph L. Howard, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business records, inter-office communications, computer print-out and tape recordings*, in passenger automobiles, between Plainfield (Union County), N.J., and New York, N.Y., for 90 days. Supporting shipper: Mobil Chemical Co., Chemical Coatings Division, 1024 South Avenue, Plainfield, NJ 07062. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 138205 (Sub-No. 1 TA), filed December 22, 1972. Applicant: DELBERT E. ROBINSON, 337 East Center Street, P.O. Box 155, Fairview, UT 84629. Applicant's representative: Harry D. Pugsley, 315 East Second South, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes transporting: *Ground paper insulation*, from Midvale, Utah, to Boise, Idaho, over U.S. Highway I 15 from Midvale, Utah, to junction of I 80N (30S) north of Tremonton, and thence to Boise, Idaho, over I 80N (30S), for 180 days. Supporting shipper: Westby Manufacturing Co., 9440 Franklin Road, Boise, ID 83704 (Don Allumbaugh, owner). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 138286 (Sub-No. 1 TA), filed March 8, 1973. Applicant: JOHN F. SCOTT COMPANY, 404 Washington Avenue, P.O. Box 8, Dravoburg, PA 15034.

## NOTICES

Applicant's representative: John M. Muselman, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Dravburg, Duquesne, Ellwood City, Homestead, McKeesport, Vandergrift, and West Mifflin, Pa., to points in New York, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 138248 (Sub-No. 2 TA) (Correction), filed December 29, 1972, published *FEDERAL REGISTER* issue of January 12, 1973, and republished as corrected this issue. Applicant: P. B. L., INC., 8 South Madison Street, Evansville, WI 53536. Applicant's representative: Marvin L. Mohr (same address as applicant). Note: The purpose of this republication is to set forth that applicant seeks to operate as a *common carrier* rather than as a *contract carrier*, as stated in error in previous publication. The rest of the notice remains as previously published.

No. MC 138381 (Sub-No. 2 TA), filed March 7, 1973. Applicant: CHADDERDON & SONS, INC., Le Center, Minn. 56057. Applicant's representative: Orban Chadderdon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Le Center, Minn. to points in Iowa, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Robb Container Corp., P.O. Box 419, Yorkville, Ill. 60560. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 138429 (Sub-No. 1 TA), filed March 9, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, FL 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by home products distributors for the account of Amway Corp.*, between points in (1) Florida; (2) Virginia; (3) West Virginia, and (4) from points in Virginia to points in West Virginia, restricted to traffic originating in Atlanta, Ga., and destined to home deliveries, for 180 days. Supporting shipper: Amway Corp., 100 Wheaton Drive, Atlanta, GA 30336. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138464 TA, filed March 8, 1973. Applicant: RICHARD C. SHEARER, INC., 12340 Southeast Dumolt Road,

Clackamas, OR 97015. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, OR 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by Sears Roebuck and Co.*, from Salt Lake City, Utah, to Pocatello, Idaho Falls, Burley, Twin Falls, Boise, and Caldwell, Idaho, for 180 days. Supporting shipper: Sears Roebuck and Co., 900 South Fremont Avenue, Alhambra, CA 91802. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138466 TA, filed March 8, 1973. Applicant: R.M.K. TRUCKING, INC., 53 West Jackson Boulevard, Chicago, IL 60604. Applicant's representative: Nicholas M. Karzen (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Paper, paper articles, and materials and supplies used in the manufacture of paper articles*, between the plantsite of the Mead Corp. at Covington, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, and Tennessee; and (b) *Paper, paper articles, and materials and supplies used in the manufacture of paper articles* from the plantsite of the Mead Corp., Container Division, at Atlanta, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee, restricted to the transportation of shipments to be moved in mixed loads with shipments under Part (a) above, limited to the performance of a transportation service under continuing contract with the Mead Corp., for 180 days. Supporting shipper: R. R. Groves, The Mead Corp., Talbot Tower, Dayton, Ohio, 45202. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operation, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-6032 Filed 3-28-73; 8:45 am]

[Notice 36]

**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

MARCH 21, 1973.

The following are notices of filing of applications<sup>1</sup> for temporary authority under section 210(a)(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the *FEDERAL REGISTER*, issue of April 27, 1965,

<sup>1</sup> 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.

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 2202 (Sub-No. 440 TA), filed March 9, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points located in Hunterdon County, N.J., as off-route points, for 180 days. Note: Applicant will tack with lead certificate MC-2202 and all subs thereto and will also affect interchange at all points served. Supporting shippers: Rexham Corp., P.O. Box 4068, Charlotte, NC 28204; Lehigh Fluid Power Inc., York Road, Route 202, Lambertville, NJ 08530; Tom Tru Corp., 201 South Mall Street, Lambertville, NJ 08530; and Ultramotive Corp., 43 Emery Avenue, Flington, NJ 08822. Send protests to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 13235 (Sub-No. 20 TA), filed March 7, 1973. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, IL 62801. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. 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), serving the plantsites and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., as an off-route point in connection with applicant's regular route between Evansville, Ind., and St. Louis, Mo., for 180 days. Note: Applicant will tack with its

existing authority in MC-13235 and will interline at all existing gateway points. Supporting shipper: Robert F. Archer, Director of Transportation, Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 13569 (Sub-No. 26 TA), filed March 3, 1973. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, 1200 South State Street, Girard, OH 44420. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* from the plantsites of United States Steel Corp., at Clairton, Duquesne, McKeesport, Dravosburg (West Mifflin), and Homestead in Allegheny County, Ellwood City in Lawrence County, and Vandergrift in Westmoreland County, Pa., to points in Michigan, Indiana, and New York for 180 days. Applicant will tack with its existing authority if permitted. Supporting shipper: United States Steel Corp., 660 Grant Street, Pittsburgh, PA 15230. Send protest to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 14552 (Sub-No. 48 TA), filed March 9, 1973. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, OH 44507. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Homestead, Duquesne, McKeesport, Dravosburg, and West Mifflin in Allegheny County, Pa.; Ellwood City in Lawrence County, Pa.; and Vandergrift in Westmoreland County, Pa., to points in Michigan, Indiana, and New York, for 180 days. Restriction: Restricted to traffic originating at the above-named origin points and destined to the above-named destination States. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 29886 (Sub-No. 291 TA), filed March 6, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and truck chassis*, in subsequent or sec-

ondary movements, via driveway, from points in South Bend, Ind., to points in Portland and McMinnville, Oreg., and Spokane and Seattle, Wash., for 180 days. Restriction: Restricted to traffic having prior transportation from the plantsite of the Ford Motor Co., in Jefferson County, Ky., to South Bend, Ind. Supporting shipper: Gilbert Tilbury Co., 205 Galloway Street, McMinnville, OR 97128; Northside Ford Truck Sales, Inc., 6221 Northeast Columbia Boulevard, P.O. Box 13373, Portland, OR 97213; Wendle Ford Sales, Inc., North 4727 Division, Spokane, Wash. 99208; Francis Ford, Grand Avenue and Hawthore, Portland, Oreg. 97214; and Sea-Tac Ford Truck Sales, Inc., 11000 Pacific Highway, Seattle, WA 98168. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 52557 (Sub-No. 702 TA), filed March 5, 1973. Applicant: ARCO AUTO CARRIERS, INC., a corporation, 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in initial movements, in truckaway service, and *supplies therefor*, when moving together with buses being transported, from Bayertown, Pa., to points in the United States (including Alaska, but excluding Hawaii), for 180 days. Supporting shipper: Harry D. Yoder, Battronic Truck Corp., subsidiary of Bayertown Auto Body Works, Inc., Bayertown, Pa. 19512. Send protests to: R. G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 80430 (Sub-No. 145 TA), filed March 12, 1973. Applicant: GATEWAY TRANSPORTATION CO., INC., a corporation, 455 Park Plaza Drive, P.O. Box 851, La Crosse, WI 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Anaconda Aluminum Co. located approximately 3 miles north of Sebree, Ky., as an off-route point in connection with applicant's presently authorized authority to serve Evansville, Ind. as noted in Route 112 of Docket MC-80430, for 180 days. Note: Applicant does intend to tack at Evansville, Ind., and that route is in connection with all other routes presently authorized to applicant under Docket MC-80430. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth

Street, Louisville, KY 40203. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 103051 (Sub-No. 27 TA), filed March 12, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Mr. W. G. North, Fleet Transport Co., Inc., Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Salt and salt products, in bags, blocks and packages*, from Cairo, Ga., to points in Alabama and Florida, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 106943 (Sub-No. 107 TA), filed March 12, 1973. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47801. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Anaconda Aluminum Co., at or near Sebree, Ky., as an off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind., for 180 days. Note: Applicant states that tacking would be performed at any interstate point on applicant's authority where interline is in effect. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 107012 (Sub-No. 175 TA), filed March 7, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, East and Meyer Road, Lincoln Highway, Fort Wayne, IN 46801. Applicant's representative: Karlton Holle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, uncrated, from points in Waterbury, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and the District of Columbia, for 180 days. Supporting shipper: Fairmount Corp., 2600 North Pulaski, Chicago, IL. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate

Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107012 (Sub-No. 176 TA), filed March 12, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway, East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture and distribution of furniture (except (1) commodities in bulk, in tank vehicles, (2) chemicals in bulk, and (3) commodities which because of size or weight require special equipment or handling), from points in the United States (except Montana, Wyoming, Alaska, and Hawaii), to points in Fort Smith and Van Buren, Ark., for 180 days. Restrictions: Restricted against the transportation of (a) iron and steel articles from Kentucky, and (b) paint from Dallas, Tex., and points in its commercial zone, and from Louisville, Ky., and points in its commercial zone. Supporting shippers: Garrison Furniture Co., P.O. Box 1423, Fort Smith, AR 72901; Eads Furniture Manufacturing Co., 4414 Wheeler Avenue, Fort Smith, AR 72901; Craftmaster Industries, Inc., Drawer N, Van Buren, Ark. 72956; Southland Furniture, Inc., P.O. Box 3310, Fort Smith, AR 72901; Holland Woodworks, Inc., P.O. Box 4125, Fort Smith, AR 72901; Ayers Furniture Industries, Fort Smith Chair Co., 1001 North Third Street, Fort Smith, AR 72901; Stell Manufacturing Co., Division National Glass & Manufacturing Co., Inc., Fort Smith, Ark. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107496 (Sub-No. 880 TA), filed March 8, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304 Box Zip, Des Moines, IA 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste oil*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Shakopee, Minn., for 150 days. Supporting shipper: Chempex Co., Rolling Meadows, Ill. 60008. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 884 TA), filed March 12, 1973. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *phosphatic fertilizer solution*, in bulk, in tank vehicles, from Topeka,

Kans., to points in Iowa, Missouri, and Nebraska, for 150 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc., A.M.F. Box 30209, Memphis, TN 38130. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108393 (Sub-No. 69 TA), filed March 8, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., a corporation, Room 214, 930 North York Road, Hinsdale, IL 60521. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, IL 60602. 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, for the account of Whirlpool Corp., between Oil City, Pa., and Clyde, Ohio, for 180 days. Supporting shipper: Carl R. Anderson, Director of Corporate Traffic Whirlpool Corp., Administrative Center, Benton Harbor, Mich. 49022. Send protests to: William J. Gray, Jr., district supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 110589 (Sub-No. 21 TA), filed March 13, 1973. Applicant: J. E. LAMBERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: Stephen R. Gartner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* from Lexington, Nebr., to Jefferson, Wis., for 180 days. Supporting shipper: Donald S. Gordon, Cornland Dressed Beef Co., P.O. Box 130, Lexington, NE 68850. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Building and Court House, Lincoln, Nebr. 68508, Bureau of Operations, Interstate Commerce Commission.

No. MC 111729 (Sub-No. 376 TA), filed March 8, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NHP-PO, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media of all kinds, moving therewith*, from New York, N.Y., and points in Nassau and Westchester Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., to Worcester, Mass., for 90 days. Supporting shipper: Anthony D. Giaimo, district supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 111729 (Sub-No. 377 TA), filed March 8, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada

Drive, Lake Success, NHP-PO, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media of all kinds, moving therewith*, between Greensboro, N.C., on the one hand, and, on the other, Greenville, Anderson, and Charleston, S.C., for 180 days. Supporting shipper: Sears, Roebuck & Co., 2600 Lawndale Drive, Greensboro, NC 27480. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112627 (Sub-No. 15 TA), filed March 12, 1973. Applicant: OWENS BROS., INC., a corporation, P.O. Box 247, Dansville, NY 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines and champagnes*, in containers, and *advertising matter*, from Conesus, N.Y., to Naples, N.Y., for the purpose of joinder only, for 180 days. Supporting shipper: A. B. Critari, president, The Barry Wine Co., Inc., 7107 Vineyard Road, Conesus, NY 14435. Send protest to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104 O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202. Note: Applicant states it intends to tack at Naples, N.Y., with lead docket and Subs 6 and 7.

No. MC 112822 (Sub-No. 262 TA), filed March 9, 1973. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrup and blends thereof*, from points in the Kansas City-Kansas, Mo. commercial zone to points in Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: Roger V. Haugen, Assistant Transportation Manager, Motor Transportation, CPC International Plaza, Englewood Cliffs, NJ. 07632. 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 113666 (Sub-No. 73 TA), filed March 8, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Lackawanna, N.Y., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

for 180 days. Supporting shipper: Bethlehem Steel Corp., Bethlehem, Pa. 18016. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 115917 (Sub-No. 27 TA), filed March 9, 1973. Applicant: UNDERWOOD & WELD COMPANY, INC., a corporation, P.O. Box 247, Crossnore, NC 28616. Applicant's representative: George B. Underwood (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, except in bulk, from points in Akron, Ohio, and St. Clair, Mich., to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Mississippi, Louisiana, and the District of Columbia, for 180 days. Supporting shipper: Diamond Salt Co., St. Clair, Mich. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, NC 28205.

No. MC 117370 (Sub-No. 26 TA), filed March 12, 1973. Applicant: STAFFORD TRUCKING, INC., Wisconsin corporation, 2155 Hollyhock Lane, Box 403, Elm Grove, WI 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, with additives*, in bulk (except in dump vehicles), from Chicago, Ill., to points in Indiana, for 180 days. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632. R. V. Haugen, Assistant Transportation Manager, Motor Transportation. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 117610 (Sub-No. 9 TA), filed March 12, 1973. Applicant: DERRICO TRUCKING CORP., 907 East 141st Street, Bronx, NY 10454. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard such as boxboard, kraftboard, paperboard, and paper* for the account of Whippany Paper Board Co., Inc., from Whippany, N.J. to Central Islip, Valley Stream, Syosset, Hauppauge, Deer Park, Millville, Long Island, N.Y. and Mount Vernon, N.Y. (2) *Wastepaper*, from the aforementioned destinations to Whippany, N.J., for 180 days. Supporting shipper: Whippany Paper Board Co., Inc., 10 North Jefferson Road, Whippany, N.J. Send protests to: Marvin Kanpel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 117765 (Sub-No. 157 TA), filed March 9, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, P.O. Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Oat products*, other than in bulk, *packaged popcorn*, not popped, *grits or corn meal*, *foodstuffs* other than frozen, and *advertising material*, from the plantsites of National Oats Co., Inc., Cedar Rapids and Wall Lake, Iowa to points in Alabama, Arkansas, Colorado, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 90 days. Supporting shipper: James D. Smith, Assistant Traffic Manager, National Oats Co., Cedar Rapids, Iowa 52402. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117765 (Sub-No. 158 TA), filed March 9, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75265, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal and Charcoal products*, from Cotter, Ark., to points in Alabama, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: M. O. Raine, president, Twin Lakes Charcoal Co., Inc., 206 Price Avenue, Harrisonville, MO 64701. Send protests to: C. L. Phillips, district supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 117799 (Sub-No. 51 TA), filed March 12, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Best Way Frozen Express, Inc. (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts* from Lenoir, Marion, Taylorsville, Rutherfordton, Newton, and Conover, N.C., to points in California, for 150 days. Supporting shipper: Broyhill Industries, Broyhill Park, Lenoir, N.C. 28645. Send protests to: A. N. Spath, district supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117815 (Sub-No. 204 TA), filed March 13, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des

Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and inedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in South Dakota, North Dakota, Kansas, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Ohio, and Michigan, restricted to shipments originating at the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, Iowa, for 180 days. Supporting shipper: Lamb-Weston, Inc., Division of Amfac, Inc., P.O. Box 23507, Portland, OR 97223, Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 118535 (Sub-No. 57 TA), filed March 9, 1973. Applicant: JIM TIONA, JR., 111 South Prospect Street, Butler, MO 64730. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, from Van Buren, Ark., to points in Kansas, Oklahoma, Missouri, and Nebraska, for 150 days. Supporting shipper: Occidental Chemical Co., P.O. Box 1185, Houston, TX 77001. Send protests to: John V. Barry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119400 (Sub-No. 11 TA), filed March 12, 1973. Applicant: SIMANEK, INC., a corporation, 150 West Seventh Street, Wahoo, NE 68066. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Doniphan, Nebr., to points in Kansas, for 180 days. Supporting shipper: J. J. Stefanec, Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Max H. Johnston, district supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 119567 (Sub-No. 13 TA), filed March 9, 1973. Applicant: F. H. MCCLURE AND R. V. ESTELL, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, ID 83705. Applicant's representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, ID 83701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pozzolan*, from points in Washington County, Idaho, to points in Idaho and Wyoming, for 180 days. Note: Applicant does not intend to tack authority or interline with any other carriers. Supporting shipper: Acme Concrete Co. and Central Pre-Mix Concrete Co., A Joint Venture, T. A. Box 3366, Spokane, WA 99220. Send protests to: C. W. Campbell, district supervisor, Interstate Commerce Commission, Bu-

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reau of Operations, 550 West Fort Street, Box 07, Boise, ID.

No. MC 119657 (Sub-No. 17 TA), filed March 8, 1973. Applicant: GEORGE TRANSIT LINE, INC., a corporation, 760-764 Northeast 47th Place, Des Moines, IA 52131. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in packages and containers, from Clinton, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Amchem Products, Inc., Ambler, Pa. 19002. Send protests to: Herbert W. Allen, transportation specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119988 (Sub-No. 59 TA), filed March 3, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*and paper products and plastic articles* from the plantsite and warehouse facilities of Great Plains Bag Corp., at or near Jacksonville, Ark., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Great Plains Bag Corp., 2201 Bell Avenue, Des Moines, Iowa 50315. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, TX 77061.

No. MC 124004 (Sub-No. 24 TA), filed March 9, 1973. Applicant: RICHARD DAHN, INC., a corporation, 620 West Mountain Road, Sparta, NJ 07871. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from Lumberville, Pa., to Graham, Southern Pines, and Rocky Mount, N.C., and from Lilesville, N.C., to Lumberville, Pa., for 180 days. Supporting shipper: Delaware Quarries, Lumberville, Pa. 18933. Send protests to: Thomas W. Hopp, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 124236 (Sub-No. 51 TA), filed March 8, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., a corporation, 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from Mill Creek, Okla., to Swan, Tex., for 180 days. Note: Applicant does not intend to tack authority. Supporting shipper: Tyler Pipe Industries, Inc., P.O. Box 2027, Tyler, TX. Send protests to: District

Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 125518 (Sub-No. 2 TA), filed March 8, 1973. Applicant: CLETUS RUHLMAN, doing business as C. RUHLMAN TRUCKING COMPANY, 265 South Riverside Drive, New Miami, OH 45011. Applicant's representative: James Ruhman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump trucks, from Hamilton, Ohio, to points in Alexandria, Ind., for 180 days. Supporting shipper: American Materials Corp., Hamilton, Ohio, 45012. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 126473 (Sub-No. 23 TA), filed March 7, 1973. Applicant: HAROLD DICKEY TRANSPORT, INC., a corporation, Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. 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 Tampa, Iowa, to points in Tennessee, for 180 days. Supporting shipper: Tama Meat Packing Corp., Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128381 (Sub-No. 6 TA), filed March 7, 1973. Applicant: BLUE EAGLE TRUCK LINES, INC., a corporation, P.O. Box 446, 1437 Eastwood, Highland Park, IL 60035. Applicant's representative: Patrick Smyth, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire fighting equipment and parts, and equipment, materials, and supplies used in the manufacture, installation, distribution, and repair thereof*, between Northbrook, Ill., and Culver City, Calif., on the one hand, and, on the other, Sparks, Nev., under a continuing contract, or contracts, with General Fire Extinguisher Corp., for 180 days. Supporting shipper: Ronald A. Lindenberg, General Fire Extinguisher Corp., 1685 Sherman Road, Northbrook, IL 60062. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128882 (Sub-No. 9 TA), filed March 6, 1973. Applicant: R. W. STEELE,

doing business as R. W. STEELE TRUCKING CO., 320 Heaslet Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, between Valley, Nebr., and points within 5 miles thereof, on the one hand, and, on the other, points in Texas and New Mexico, under a continuing contract or contracts with AVI Inc., and Circle A Irrigation Co., for 180 days. Supporting shippers: (1) AVI Inc., Route 4 (Hobbs Highway) Seminole, Tex. 79360, and (2) Circle A Irrigation Co., P.O. Box 1290, Dalhart, TX 79022. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Building, 517 Gold Avenue SW., Albuquerque, NM 97101.

No. MC 128902 (Sub-No. 8 TA), filed March 12, 1973. Applicant: SCHOENEGGE, INC., Route 20 East, P.O. Box 525, Norwalk, OH 44857. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts for truck cab assemblies*, from the plantsite of Sheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, to Philadelphia, Pa., for 90 days. Supporting shipper: Sheller-Globe Corp., Norwalk Assembly Division, P.O. Box 548, Norwalk, OH 44857. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 129764 (Sub-No. 4 TA), filed March 8, 1973. Applicant: HENRY ALLEN HASTINGS, doing business as H. A. HASTINGS, P.O. Box 361, Memory Garden Lane, Hebron, MD 21830. 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: *Wood chips*, from points in Worcester County, Md. to Sunbury and Philadelphia, Pa., and Perth Amboy, N.J., for 180 days. Supporting shipper: The Celotex Corp., P.O. Box 22602, Tampa, FL 33622. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 133245 (Sub-No. 1 TA), filed March 9, 1973. Applicant: JIMMIE STANFILL, Route 3, Box 209, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete silo staves*, from the plantsite of Arkhola Sand & Gravel Co., Fort Smith, Ark., to 240 Singleton Avenue, Dallas, TX, for 180 days. Supporting shipper: Arkhola Sand & Gravel Co., Merchants National Bank Building, Fort Smith, Ark. 72901. Send protests to: Dis-

trict Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 133534 (Sub-No. 7 TA), filed March 5, 1973. Applicant: ROBERT V. MARKT, 1409 Rifle Terrace, P.O. Box 85, Station A, St. Joseph, MO 64503. Applicant's representative: Tom Kretzinger, Suite 910, Fairfax Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, feed ingredients and animal health aids*, (1) from Elwood, Kans., to points in Missouri; (2) from Omaha, Nebr., to Elwood, Kans.; and (3) from Kansas City, Mo., to Elwood, Kans., for 180 days. Supporting shipper: Allied Mills, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135052 (Sub-No. 3 TA), filed March 9, 1973. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster, Shelbyville, IN 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation material* (mineral wool or glass wool), and *bulk sealing cement* when shipped in conjunction with insulation, from Greenfield, Ind., to Ashtabula, Cincinnati, Fremont, and Cleveland, Ohio; Moline, Ill., and Louisville, Ky., for 180 days. Supporting shipper: Insul-Coustic/Birma Corp., 825 East Main Street, Greenfield, IN. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135248 (Sub-No. 6 TA), filed March 2, 1973. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, P.O. Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Worland, Wyo., to points in Colorado and Nevada, for 180 days. Supporting shipper: Admiral Beverage Corp., 821 Pulliam Avenue, Worland, WY 82401. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East "B" Street, Casper, WY 82601.

No. MC 136498 (Sub-No. 4 TA), filed March 13, 1973. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, 611 Gaston Street, P.O. Box 10103, Raleigh, NC 27604. Applicant's representative:

Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty aluminum spray cans*, from Temecula, Calif., to Milford, Conn.; Danville, Ill., Colwich, Kans.; Hernando, Miss., and Dallas, Tex., for 180 days. Supporting shipper: Aluminum General Corp., 28061 Diaz Road, Temecula, CA 92390. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

No. MC 136513 (Sub-No. 5 TA), filed March 7, 1973. Applicant: TALMADGE C. GRAY, P.O. Box 233, Milford, UT 84751. Applicant's representative: Talmadge C. Gray (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper concentrates*, in bulk, from the plantsite of Essex International, Inc., near Milford, Utah, to the plantsite or facilities of Inspiration Consolidated Copper at or near Inspiration, Ariz., for 180 days. Supporting shipper: Essex International, Inc., Metallurgical and Mining Division, Milford Mine, P.O. Box 888, Milford, UT 84751 (D.C. Belting, Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 136930 (Sub-No. 1 TA), filed March 8, 1973. Applicant: THE GAIL CORPORATION, General Delivery, Falls, PA 18815. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberglass reinforced plastic sewage disposal units*, uncrated, weighing less than 500 pounds each, and *parts and supplies* used in the installation and operation of the above-named commodity, from Scranton, Lackawanna County, Pa., to points in the United States (except Alaska and Hawaii). (B) *Materials, equipment, and supplies*, used or useful in the production, manufacture, and distribution of the above commodities (except bulk commodities), from the above-named destination points to the above-named origin, and (C) *plastic drainage tubing*, from Scranton, Lackawanna County, Pa., and Geneva, N.Y., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Nayadic Sciences, Inc., Village of Eagle, Uchland, Pa. 19480. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 Post Office Building, Scranton, Pa. 18503.

No. MC 138124 (Sub-No. 2 TA), filed December 20, 1972. Applicant: ROCKO TRANSPORTATION, INC., P.O. Box 608, San Marcos, CA 92069. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Rock*, in bulk, from Gardner Ridge Quarry, near Brookings, Oreg., to Crescent City Harbor, Crescent City, Calif., for 180 days. Supporting shipper: Silbergerger Constructors, Inc., Palomar Airport Road, P.O. Box 845, Carlsbad, CA 92008. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138434 TA, filed March 12, 1973. Applicant: NORRIS W. HAYMAN, R.F.D. No. 1, Box 29, Ridgely, MD 21660. Applicant's representative: F. D. Hammond, P.O. Box 53, Dover, DE 19901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfate of ammonia*, in bulk, in dump vehicles, from Hopewell, Va., to points in Caroline County, Md., for 180 days. Supporting shipper: Walter Palmer, doing business as Soil Service, Denton, Md. 21269, G. W. Olson Smith-Douglas, Division of Borden Chemical, Borden Inc., P.O. Box 419, Norfolk, VA 23501. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 138465 TA, filed March 9, 1973. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, FL 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles or in bags, from Albany, Savannah, and Cordele, Ga., to points in Baker, Bradford, Union, Alachua, Levy, Dixie, Gilchrist, Columbia, Suwannee, Lafayette, Taylor, Madison, Jefferson, Wakulla, Leon, and Gadsden Counties, Fla., and (2) *feed and feed ingredients*, in bulk, in dump vehicles or in bags, from Valdosta, Ga., to points in Florida on and north of Florida Highway 60, for 180 days. Supporting shippers: Swift Agricultural Chemicals Corp., P.O. Box 1948, Albany, GA 31702, and Farmers Mutual Exchange, P.O. Drawer N, Live Oak, FL 32060. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138469 TA, filed March 8, 1973. Applicant: DONCO CARRIERS, INC., 8125 Southwest 15th Street, Oklahoma City, OK 73128. Applicant's representative: Wm. L. Peterson, Jr., 401 North Hudson, P.O. Box 917, Oklahoma City, OK 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread cubes and salad dressing*; (1) from the plantsites and warehouses of Consolidated American Industries, Inc., Wichita, Kans.; Elgin and Northfield, Ill.; to Los Angeles and Hayward, Calif., and

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Seattle, Wash.; (2) between plant sites and warehouses of Consolidated American Industries, Inc., Wichita, Kans., on the one hand, and, on the other, plant-sites and warehouses of Consolidated American Industries at Elgin and Northfield, Ill., for 180 days. Supporting shipper: William L. Bennett, Jr., Controller, American Industries, Inc., 410 North St. Francis Street, P.O. Box 800, Wichita, KS 67201. 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 138470 TA, filed March 8, 1973. Applicant: ELROY A. MOORE, 908 International Avenue, Douglas, AZ 85607. Applicant's representative: Elroy A. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona to the port of entry at the international boundary line between the United States and Mexico at Douglas, Ariz., for 180 days. Supporting shippers: Corte, S. A., P.O. Box 1025, Douglas, AZ, and Agua Prieta Industrial, S. de R.L., P.O. Box 1025, Douglas, AZ 85607. Send protests to: Andrews V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 138471 TA, filed March 12, 1973. Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING, 1878 Delemeter Road, Castle Rock, WA 98611. Applicant's representative: Daniel J. Leonard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shales, shingles, and trim* from points in Washington on and west of U.S. Highway 97, to points in California, for 180 days. Supporting shippers: California Shingle & Shake Co., 249 Hookston Road, Pleasant Hill, CA 94523; Washington Cedar & Supply, 223 West Smith Street, Kent, WA 98031; and North Pacific Enterprises, 221 West Smith Street, Kent, WA 98031. Send protests to: District Supervisor Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 138472 TA, filed March 7, 1973. Applicant: CARGO AFFILIATES, INC., 105 Apollo Street, Brooklyn, NY 11222. Applicant's representative: Thomas A. Phemister, Suite 1212, 425 13th Street NW, Washington, DC 20004. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, air coolers, air-conditioners, air-conditioner parts, and home furnaces*, from Edison, N.J., to points in the New York, N.Y., commercial zone as defined by the Interstate Commerce Commission, and points in Nassau, Suffolk, and Westchester Counties, N.Y., and Bayonne, Camden, and Newark, N.J., for 180 days. Applicant

states that interline with other carriers, at the direction of the supporting shipper, is intended at points within the sought destination territory. Supporting shipper: Fedders Corp., Edison, N.J. 08817. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY.

No. MC 138473 TA, filed March 8, 1973. Applicant: ROSEN TRUCKING CO., INC., 102 Junitis Street, Brooklyn, NY 11212. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, which are dealt in or sold by retail home sewing centers and, in connection therewith, *supplies, equipment, and fixtures* used in the conduct of such businesses, between the warehouse of Scottex Corp., Brooklyn, N.Y., on the one hand, and, on the other, points in New Jersey, Connecticut, Maine, New Hampshire, Massachusetts, and Rhode Island, for 180 days. Supporting shipper: Scottex Corp., Consumer Division, 2829 West 21st Street, Brooklyn, NY 11224. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 138477 TA filed March 13, 1973. Applicant: JAMES B. FENIMORE & DON ROGERS, doing business as HIDE TRANSPORT COMPANY, 2301 Honeyuckle, Fort Worth, TX 76111. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green and wet salted hides*, (1) from Guymon, El Reno, and Oklahoma City, Okla., to Fort Worth, Tex.; (2) from Fort Worth, Tex., to Houston and Laredo, Tex.; (3) from Palestine, Tex., to Houston, Tex.; and (4) from San Antonio, Tex., to Houston, Tex., for 180 days. Supporting shipper: Hitex Corp., 3700 North Grove, Fort Worth, TX. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-6033 Filed 3-28-73; 8:45 am]

[Notice 24]

**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

MARCH 23, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the

human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> 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 on or before May 28, 1973, 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.

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 730 (Sub-No. 343), filed February 5, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk and articles which because of size or weight require special equipment), between the Yellow Creek State Inland Port, located at or near Burnsville, Miss., on the one hand, and, on the other, points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, and Webster Counties, Miss., and Chester, Decatur, Hardeman, Hardin, Henderson, McNairy, and Madison Counties, Tenn. Note: Applicant states that the proposed authority can be tacked at the port, allowing service between its presently authorized points in MC 921 and subs, located in Mississippi, Tennessee, and Kentucky, on the one hand, and, on the other, the applied for points. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 2202 (Sub-No. 439), filed February 20, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the plantsite and warehouse facilities of Chesebrough-Ponds, Inc. and Westinghouse Electric Corp., at or near Jefferson City, Mo., as off-route points in connection with applicant's present regular route operations to and from Columbia, Mo.; and (2) serving the plantsite and warehouse facilities of Rhodia, Inc. located at points in Buchanan County, Mo., as an off-route point in connection with applicant's present regular route operations to and from Kansas City, Mo. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 921 (Sub-No. 24), filed February 12, 1973. Applicant: DEAN TRUCK LINES, INC., Post Office Drawer 631 (Fulton Drive), Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue,

Memphis, TN 38137. 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 in 17 M.C.C. 467, livestock, commodities in bulk and articles which because of size or weight require special equipment), between the Yellow Creek State Inland Port, located at or near Burnsville, Miss., on the one hand, and, on the other, points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, and Webster Counties, Miss., and Chester, Decatur, Hardeman, Hardin, Henderson, McNairy, and Madison Counties, Tenn. Note: The purpose of this partial publication is to correct the commodity description to read as follows: "Commodities (except oilfield equipment and boats) which, because of size or weight, require the use of special equipment." Further the tacking information should reflect that applicant proposes to tack through the State of Texas, pursuant to its certificates in Sub-Nos. 75, 88, 143, and 127, to continue to provide transportation to and from points in Arkansas, Oklahoma, Kansas, Nebraska, New Mexico, Arizona, and California. Also the correct address of Applicant's Representative Turney should read 2001 Massachusetts Avenue NW., Washington, DC 20036. All of the above is to correct the *FEDERAL REGISTER* notice in lieu of the previous publication. The rest of the application remains the same.

No. MC 19227 (Sub-No. 181) (Correction), filed January 26, 1973, published in the *FEDERAL REGISTER* issue of February 23, 1973, and republished as corrected, in part, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33162. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036.

Note: The purpose of this partial publication is to correct the commodity description to read as follows: "Commodities (except oilfield equipment and boats) which, because of size or weight, require the use of special equipment." Further the tacking information should reflect that applicant proposes to tack through the State of Texas, pursuant to its certificates in Sub-Nos. 75, 88, 143, and 127, to continue to provide transportation to and from points in Arkansas, Oklahoma, Kansas, Nebraska, New Mexico, Arizona, and California. Also the correct address of Applicant's Representative Turney should read 2001 Massachusetts Avenue NW., Washington, DC 20036. All of the above is to correct the *FEDERAL REGISTER* notice in lieu of the previous publication. The rest of the application remains the same.

No. MC 22229 (Sub-No. 75), filed February 26, 1973. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Pulvair Corp. at Woodstock, Tenn., as an off-route point in connection with applicant's otherwise authorized service to Memphis, Tenn. Note: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 25798 (Sub-No. 235) (Clarification), filed January 8, 1973, published in the *FEDERAL REGISTER* issue of February 23, 1973, and republished, as clarified, this issue. Applicant: CLAY HYDER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hop extract*, liquid or powdered, in cartons or in metal containers, from points in Yakima County, Wash., to ports of entry in Seattle and Tacoma, Wash., and Portland, Oreg. Note: Applicant holds contract carrier authority under MC 124658 and Subs, therefore dual operations may be involved. Applicant further states that the

origin and destination territories. Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in North Carolina or South Carolina to serve points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 27500 (Sub-No. 5), filed February 23, 1973. Applicant: MISHAK TRUCK LINE, INC., 320 Seventh Avenue North, Clear Lake, IA 50428. Applicant's representative: Larry D. Knox, Ninth floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Shakopee, Minn., to points in Minnesota, Iowa, Wisconsin, and Illinois, restricted to traffic originating at the facilities of Certain-Teed Products Corp. Note: Applicant also holds contract carrier authority under MC 127410 (Sub-No. 1), therefore dual operations and 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 29601 (Sub-No. 13), filed February 20, 1973. Applicant: MIDWEST COACHES, INC., 216 North Second Street, Post Office Box 228, Mankato, MN 56001. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at all authorized service points on carrier's authorized regular service route, as described below, and extending to points in the United States (including Alaska but excluding Hawaii); between Mankato, Minn., and junction U.S. Highway 75 and Iowa Highway 10 at a point approximately 9 miles west of Orange City, Iowa, as follows: From Mankato over U.S. Highway 14 to junction U.S. Highway 59, thence over U.S. Highway 59 to Slayton, Minn., thence over Minnesota Highway 30 to Pipestone, Minn., thence over U.S. Highway 75 to junction Iowa Highway 10, and return over the same route, serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Mankato or Minneapolis-St. Paul, Minn.

No. MC 30837 (Sub-No. 458), filed February 20, 1973. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200—39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and farm tractors*, in

truckaway service, from Wixom, Mich., to points in Wisconsin, and points in Allamakee, Benton, Black Hawk, Bremer, Buchanan, Cedar, Chickasaw, Clayton, Clinton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn, Muscatine, Scott, Tama, and Winneshiek Counties, Iowa; and Boone, Bureau, Carroll, Henry, Jo Daviess, Lake, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside, and Winnebago Counties, 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 Washington, D.C.

No. MC 32882 (Sub-No. 68), filed February 21, 1973. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) between points in Oregon, Washington, and California, except those in Inyo, San Bernardino, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties, Calif.; and (2) between points in Oregon, Washington, and that part of Nevada located on and west of U.S. Highway 95. Note: Applicant states that the requested authority can be tacked with its authority in MC-32882 (Sub-No. 37) for size and weight commodities, to serve points in Oregon, Washington, California, Idaho, Montana, and Nevada; and also may be tacked with its pending request for authority in MC-32882 (Sub-No. 60) for related commodities, to serve points in Oregon, Washington, Idaho, Nevada, Utah, Colorado, Wyoming, and Arizona. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or San Francisco, Calif.

No. MC 39300 (Sub-No. 10), filed January 11, 1973. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, OH 45232. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. 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 Louisville, Ky., and junction Interstate Highway 80 and U.S. Highway 41 near Chicago, Ill.: From Louisville over Interstate Highway 65 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 41, as an alternate route in connection with carrier's presently authorized regular-route operations, and serving no intermediate points except those which

the carrier is presently authorized to serve. Note: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio or Chicago, Ill.

No. MC 42487 (Sub-No. 803), filed February 15, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1600 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, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, Ala., and junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., (1) from Birmingham over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Knoxville, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 81, and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, and (2) from Birmingham over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to junction U.S. Highway 11, at or near Ooltewah, Tenn., thence over U.S. Highway 11 to Lenoir City, Tenn., thence over Tennessee Highway 95 to junction Interstate Highway 75, near Lenoir City, Tenn., thence over Interstate Highway 75 to Knoxville, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 11W, at or near Knoxville, Tenn., thence over U.S. Highway 11W to junction Interstate Highway 81, about 5 miles southwest of Bristol, Tenn., thence over Interstate Highway 81 to junction U.S. Highway 11, about 4 miles east of Christiansburg, Va., thence over U.S. Highway 11 to junction Interstate Highway 81, near Glenvar, Va., and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, as alternate routes in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving the junction of Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., for purposes of joinder only, and under (2) above, authority is sought to use additional segments of Interstate Highways 40, 75 and 81 as they are completed with the right to use necessary connecting highways between completed portions of these Interstate Highways and U.S. Highway 11 and 11W. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests

It be held at Washington, D.C., or Atlanta, Ga.

No. MC 42487 (Sub-No. 804), filed February 15, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1600 L Street NW, Washington, D.C. 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, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Knoxville, Tenn., and junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., (1) from Knoxville, over Interstate Highway 40 to junction Interstate Highway 81, and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, and (2) from Knoxville over Interstate Highway 40 to junction U.S. Highway 11W, at or near Knoxville, Tenn., thence over U.S. Highway 11W to junction Interstate Highway 81, about 5 miles southwest of Bristol, Tenn., thence over Interstate Highway 81 to junction U.S. Highway 11, about 4 miles east of Christiansburg, Va., thence over U.S. Highway 11 to junction Interstate Highway 81, near Glenvar, Va., and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, as alternate routes in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving the junction of Interstate Highway 81 and U.S. Highway 30 near Chambersburg, Pa., for purposes of jointer only, and under (2) above, authority is sought to use additional segments of Interstate Highways 40 and 81 as they are completed with the right to use necessary connecting highways between completed portions of those Interstate Highways and U.S. Highways 11 and 11W. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 55037 (Sub-No. 12), filed February 16, 1973. Applicant: DEARMIN TRANSFER, INC., Highway 81, Wapello, Iowa 52653. Applicant's representative: Kenneth F. Dudley, 811 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and fabricated and prefabricated trusses*, from Burlington, Iowa to points in Illinois, Indiana, Missouri, 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 Chicago, Ill., or Kansas City, Mo.

No. MC 57591 (Sub-No. 16), filed December 8, 1972. Applicant: EVANS DELIVERY COMPANY, INC., Post Office Box 268, Pottsville, PA 17901. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. 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), in cargo containers or cargo vans, between Philadelphia, Pa., on the one hand, and, on the other, points in Lancaster, Montgomery, Lehigh, Berks, Dauphin, Schuylkill, Lehigh, Northampton, Carbon, Northumberland, Union, Montour, Columbia, Luzerne, and Lycoming (west of Interstate Highway 80 and north of U.S. Highway 611) Counties, Pa., restricted to shipments having a prior or subsequent movement by water. 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 Philadelphia, Pa.

No. MC 62538 (Sub-No. 17), filed February 20, 1973. Applicant: ASHTON TRUCKING CO., a corporation, Post Office Box 472, Monte Vista, CO 81144. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold or otherwise dealt in by persons engaged in the milling of flour or in the sale and distribution of feeds and grains, (1) between Monte Vista, Colo., and a 35-mile radius thereof, on the one hand, and, on the other, points in Arizona (except Apache, Navajo, Coconino, and Maricopa Counties), and (2) from points in Apache, Navajo, Coconino, and Maricopa Counties, Ariz., to points in Colorado, under contract with Ranch-Way Feed Mills. Note: Applicant also holds common carrier authority under MC 57880 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 63417 (Sub-No. 49), filed February 20, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE, Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay and earthenware, glazed and not glazed, with and without backing; tile facing and flooring; china bathroom fixtures; quarries, flooring, paving, and promenade tile; cement, grout, and sundry items necessary for tile installation and maintenance*, from Jackson, Tenn., to points in Alabama, Georgia, Maryland, North

Carolina, South Carolina, 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 Philadelphia, Pa. or Washington, D.C.

No. MC 63417 (Sub-No. 50), filed February 20, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE, Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay and earthenware, glazed and not glazed, with and without backing; tile facing and flooring; china bathroom fixtures; quarries, flooring, paving, and promenade tile; cement, grout, and sundry items necessary for tile installation and maintenance*, from Lewisport and Cloverport, Ky., to points to Alabama, Georgia, Maryland, North Carolina, South Carolina, Tennessee, 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 Philadelphia, Pa. or Washington, D.C.

No. MC 63417 (Sub-No. 51), filed February 20, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE, Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay, and earthenware, glazed and not glazed, with and without backing; tile facing and flooring; china bathroom fixtures; quarries, flooring, paving, and promenade tile; cement, grout, and sundry items necessary for tile installation and maintenance*, from Olean, N.Y. and Quakertown and Lansdale, Pa., to points in Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds authority in MC 63417 (Sub-No. 5) to transport general commodities, with the usual exceptions, from Lansdale, Pa., to points in Henry County and a portion of Pittsylvania County, Va., but applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 63417 (Sub-No. 52), filed February 22, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE, Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW, Washington, DC 20005. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), from the plantsites of Pennzoil Co. at Rouseville, Pa., Wolf's Head Oil Refining Co. division of Pennzoil Co. at Reno, Pa., Penreco, a subsidiary of Pennzoil Co., at Karns City, Pa., and Witco Chemical Corp. at Bradford and Petrolia, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has authority to transport general commodities from points in Pennsylvania to Rocky Mount, Va. (MC 63417 Sub-No. 5): to Roanoke, Va., restricted to traffic moving by interchange of trailers to points beyond Roanoke, also its Sub 27 certificate authorizes transportation of petroleum products from Bradford, Pa., to Roanoke, Va., but applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 64808 (Sub-No. 14), filed February 12, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. 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 irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Winston-Salem, N.C., to points in Ohio, Pennsylvania, West Virginia, and Maryland. **NOTE:** Applicant states that the requested authority could be tacked at points in Marion County, W. Va., with its present general commodity authority under MC 64808, so as to permit a through service to points in Maryland and portions of Pennsylvania, but indicates that it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Wheeling or Charleston, W. Va.

No. MC 64808 (Sub-No. 15), filed February 20, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. 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 irregular routes, transporting: *Wood pallets and shipping devices*, from points in Alabama, Connecticut, Delaware, Georgia, Indiana, Iowa, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, 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, to Clarksburg, Fairmont, and Huntington, W. Va., Charlotte, Mich., Winston-Salem, N.C., Brockport and Elmira, N.Y.,

North Bergen and Bridgeton, N.J., Clarion, Pa., Atlanta, Ga., Alton and Streator, Ill., and Gas City, Ind. **NOTE:** Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Toledo, Ohio.

No. MC 69116 (Sub-No. 152), filed February 22, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazeley, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulation materials* (except iron and steel and commodities in bulk) and *materials used in the manufacture, installation, and distribution thereof*, between the plantsites and warehouse facilities of Certain-teed Products Corp. located in Scott County, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Wisconsin, and the Lower Peninsula of Michigan, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp., Scott County, Minn. **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 or St. Paul, Minn.

No. MC 74321 (Sub-No. 73), filed February 12, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Pueblo, Colo., to points in Arizona, Arkansas, California, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Utah. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority in MC-74321 (Sub-Nos. 15, 17, 21, 27, 32, 34, and 48) but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver or Pueblo, Colo.

No. MC 75320 (Sub-No. 163), filed February 12, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Chicago, Ill., and Nashville, Tenn., from Chicago, Ill., over Interstate Highway 94 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., and return over the same routes, serving no intermediate points and serving Nashville, Tenn., as a point of joinder with applicant's authority in No. MC 75320 (Sub-Nos. 91, 142, and 157), as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Chicago, Ill.

No. MC 78118 (Sub-No. 22), filed February 16, 1973. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Prepared food products*, serving the H. J. Heinz Co. warehouse located at or near Woodstown, N.J., as an off-route point in connection with carrier's presently authorized regular route operations between Salem, N.J., and Pittsburgh, Pa. **Restriction:** The service authorized herein is restricted to the transportation of traffic moving from, to, or between plants, storage, or other facilities of food processing or manufacturing plants. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 82044 (Sub-No. 3), filed January 22, 1973. Applicant: STAR WEST CARTAGE COMPANY, INC., 4320 West 41st Street, Chicago, IL 60632. Applicant's representative: Philip A. Lee, 33 North Dearborn, Suite 1801, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry bulk sugar, and newsprint in rolls*, between points within the territory bounded by a line beginning at Winthrop Harbor, Ill., and extending west along the Illinois-Wisconsin State line to East Dubuque, Ill., thence along the east bank of the Mississippi River to Rock Island, Ill., thence south along U.S. Highway 67 to Rushville, Ill., thence in a southeasterly direction through Beardstown, Ill., to Springfield, Ill., thence in a northeasterly direction through Decatur and Pesotum, Ill., to the Illinois-Indiana State line at a point 5 miles east of Grape Creek, Ill., thence north along said State line to a point directly west of Dyer, Ind., thence east along U.S. Highway 30 to a point 4 miles north of Beatrice, Ind., thence north to Lake Michigan, and thence along the southwest shore of Lake Michigan to Winthrop Harbor, including the points named and points on the indicated portions of the highways specified, under contract with The Great Western Sugar Co. and Wacker Warehouse Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94350 (Sub-No. 326), filed February 2, 1973. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Washington County, N.Y., to points in the United States east of the Mississippi River, including Minnesota and Louisiana. **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 Albany, N.Y.

No. MC 94350 (Sub-No. 328), filed February 20, 1973. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Merrick County, Nebr., to points in Montana, Wyoming, Colorado, New Mexico, Kansas, Texas, Oklahoma, Missouri, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 100666 (Sub-No. 235), filed February 21, 1973. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, laminated flooring planks, blocks, tile, laminated stair treads, risers and adhesives and accessories necessary for the installation thereof*, from Center, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, 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. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that such operations are not feasible 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 hear-

ing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 103786 (Sub-No. 7), filed February 20, 1973. Applicant: SCHJONE-MAN TRUCKING, INC., Post Office Box 237, 703 South Main Street, Colby, WI 54421. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Wisconsin (except points in Jackson, Clark, Wood, Marathon, Portage, Adams, Juneau, Monroe, and Vernon Counties, Wis.). **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 Madison or Milwaukee, Wis.

No. MC 106398 (Sub-No. 639), filed February 20, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Baxter County, Ark., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 640), filed February 20, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, mounted on wheeled undercarriages, from points in Montana to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 106398 (Sub-No. 641), filed February 20, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of Rotadyne, Inc., at Macedonia and Solon, Ohio to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority can-

not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 106398 (Sub-No. 642), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes* between points in the United States including Alaska (but excluding Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 643), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipes, ducts, fittings, and couplings used in heating, cooling and air handling systems, and materials used in the installation of such products*, from the plantsite of United Sheet Metal Co. at Westerville, Ohio to points in Arkansas. **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106398 (Sub-No. 645), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, materials or fittings, and accessories used in the installation thereof*, from the plantsite of Carlon Products, Division of Indianhead, at Nazareth, Pa., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106398 (Sub-No. 646), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Merrick County,

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Nebr., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106398 (Sub-No. 647), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Trailers designed to be drawn by passenger automobiles, in initial movements, from points in Herkimer County, N.Y., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Utica or Syracuse, N.Y.

No. MC 107496 (Sub-No. 881), filed September 28, 1972. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Sodium sulfate, from Danville, Ill., to points in Missouri, Kentucky, Ohio, and Indiana; (2) chemicals, in bulk, from points in Jefferson County, Colo., to points in Nebraska, South Dakota, Wyoming, Montana, Washington, Idaho, Utah, Arizona, New Mexico, Oklahoma, Kansas, and Colorado; and (3) petroleum products, in bulk, in tank vehicles, from the Kansas City, Mo.-Kans. commercial zone, to points in Nebraska. **NOTE:** Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Omaha, Nebr.

No. MC 108633 (Sub-No. 10), filed February 8, 1973. Applicant: BARNES FREIGHT LINE, INC., Box 369, Carrollton, GA 30117. Applicant's representative: Robert S. Richard, Post Office Box 2069, Montgomery, AL 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Anniston, Ala., and Talladega, Ala., over Alabama Highway 21, serving no in-

termediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 108876 (Sub-No. 52), filed February 20, 1973. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chica-mauga Avenue NE, Knoxville, TN 37917. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cooling towers and fluid coolers which because of size or weight require the use of special equipment, and cooling towers, fluid coolers and accessories for cooling towers and fluid coolers which do not require the use of special equipment, when moving in the same vehicle with cooling towers and fluid coolers which because of size or weight require the use of special equipment, from the plantsite of Marley Co., at Louisville, Ky., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. **NOTE:** Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 294), filed January 8, 1973. Applicant: SCHNEIDER TANK LINES, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: E. Stephen Heisley, 666 11th Street NW, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Waste acid, in bulk, in tank vehicles, from Burns Harbor, Ind., to points in Wisconsin, and (2) chemicals, in bulk, in tank vehicles, from Rhinelander, Wis., to points in Minnesota, North Dakota, and South Dakota. **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 111045 (Sub-No. 97), filed February 1, 1973. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Prestressed and precast concrete forms, pilings, beams, poles, and slabs, from Jacksonville, Fla., to points in Georgia, and (2) steel joists and parts, fittings, and accessories used or useful in the installation thereof, from Starke, Fla., to points in Georgia. **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 Jacksonville, Fla.

No. MC 111812 (Sub-No. 485), filed February 20, 1973. Applicant: MID-WEST COAST TRANSPORT, INC., 900 West Delaware, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foodstuffs, from the plantsite and warehouse facilities of Jeno's, Inc., at Duluth, Minn., to points in California, Arizona, Nevada, Utah, Colorado, Wyoming, Montana, Ohio (except Toledo and Cleveland), Michigan (except the Lower Peninsula), New York, New Jersey, Maryland, Vermont, Massachusetts, Maine, Virginia, West Virginia, Pennsylvania, Connecticut, Rhode Island, New Hampshire, Delaware, and the District of Columbia. **NOTE:** Common control was approved by the Commission in Nos. MC-F-8280 and MC-F-11285. 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 Minneapolis, Minn.

No. MC 112520 (Sub-No. 268), filed February 22, 1973. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from points in Barbour County, Ala., to points in Indiana, Kentucky, North Carolina, South Carolina, Tennessee, and Mississippi. Note: Common control was approved by the Commission in MC-F-5239. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 261), filed February 20, 1973. Applicant: BRAY LINES INC., Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). 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 packing-houses*, as described in section 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 Wallula, Wash., to points in California. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Los Angeles, Calif.

No. MC 113622 (Sub-No. 14), filed February 16, 1973. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. 14525. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, and parts and components thereof*, (a) from Batavia, N.Y., to points in the New York, N.Y., commercial zone, as defined by the Commission within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act, restricted to shipments having a subsequent movement by water to points other than points in the contiguous 48 States; (b) from Batavia, N.Y., to Buffalo, N.Y., restricted to the transportation of traffic having a subsequent movement by water to points other than points in the contiguous 48 States; and (c) from Batavia, N.Y., to Niagara Falls, Lewiston, and Buffalo, N.Y., restricted to the transportation of traffic delivered to connecting motor carriers at the main destination points. Note: Common control may be involved. Applicant states it has the authority set forth in (a), (b), and (c) above for the transportation of front-end loaders (tractor shovels) and parts and components thereof, and at the present

time seeks only to extend commodity descriptions in order to provide service to the same shipper for the transportation of cranes, and that there is no desire to extend either origin or destination points or the purposes for which the transportation is now being provided. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 114097 (Sub-No. 4), filed February 21, 1973. Applicant: NIEDFELDT TRUCKING SERVICE, INC., 821 South Front Street, La Crosse, WI 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, sheet iron or steel, with a liquid capacity not exceeding 1 gallon*, from the plantsite of Continental Can Co., at La Crosse, Wis., and the warehouse facilities of G. Heileman Brewing Co., Inc., at St. Paul, Minn., under a continuing contract, or contracts, with G. Heileman Brewing Co., Inc., at La Crosse, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 114457 (Sub-No. 137), filed February 8, 1973. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, (1) from Chicago, Ill., to points in Minnesota and Wisconsin; and (2) from Milwaukee, Wis. to points in Minnesota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114552 (Sub-No. 75), filed February 22, 1973. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, and accessories therefor* (except commodities in bulk), from Camden, N.J., to points in Virginia, North Carolina, South Carolina, and Georgia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 452), filed February 21, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Surgical instruments, medical syringes* (with or without needles), *syringe needles, medical needles, thermometers* (filled or empty), *glass and plastic blood collecting bottles, laboratory glassware and glass tubing, laboratory and surgical gloves, bandages, adhesives, swabs* (with alcohol), *chemicals and articles distributed by pharmaceutical houses* (except commodities in bulk), from Sumter, S.C., to Dallas, Tex., and Los Angeles, Calif., restricted to traffic originating at the plantsite and warehouse facilities of Becton-Dickinson & Co. at or near Sumter, S.C., and destined to the named destination points. Note: Common control was approved by the Commission in No. MC-F-7304. 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 115917 (Sub-No. 26) (Correction), filed February 1, 1973, published in the *FEDERAL REGISTER* issue of March 15, 1973, and republished as corrected, in part, this issue. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 247, Crossnore, NC 28616. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW, Washington, DC 20001. Note: The sole purpose of this partial republication is to correct the territorial description to include St. Clair, Mich., as an origin point, which was inadvertently omitted in the previous publication. The rest of the application remains the same.

No. MC 116073 (Sub-No. 250), filed February 20, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Applicant's representative: Robert G. Tessar and David L. Wanner, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete or in sections and mounted on wheeled undercarriages*, from Dubuque County, Iowa, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 116073 (Sub-No. 251), filed February 20, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, 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 Dakota County, Minn. to points in the United States (including Alaska but excluding Hawaii)*. Note: Applicant states that the requested authority cannot be

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tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116763 (Sub-No. 242), filed February 16, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Filters, cleaners, purifiers, parts, and accessories thereto*; and (2) *swimming and wading pools, parts, accessories, and attachments thereto*, from points in Darke County, Ohio to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 243), filed February 20, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food and pet related items*, from the plantsite and/or warehouse facilities of Lipton Pet Foods, Inc. located at or near Woburn, Mass., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117427 (Sub-No. 65), filed February 13, 1973. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Box No. 1685, North Wilkesboro, NC 28659. Applicant's representative: Francis J. Ortman, 1100 17th Street NW, Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit* (other than iron and steel), from Rootstown Township (Portage County), Ohio, to points in Virginia, West Virginia, North Carolina, South Carolina, and Georgia. **NOTE:** Applicant also holds contract carrier authority under MC 116145, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 117883 (Sub-No. 177), filed February 15, 1973. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority

sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foods, food products, food preparations and foodstuffs, and advertising equipment, materials and supplies* when shipped therewith (except commodities in bulk), in vehicles equipped with mechanical refrigeration: (1) from points in Ohio and those in Boone, Campbell, and Kenton Counties, Ky., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) from points in Ohio and those in Boone, Campbell, and Kenton Counties, Ky., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118127 (Sub-No. 24), filed February 12, 1973. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, CA 90640. Applicant's representative: William J. Augello, 120 Main Street, Huntington, NY 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Los Angeles and Orange Counties, Calif., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia (except frozen fruit and avocado dip from points in Los Angeles County to Baltimore, Md., Boston, Mass., Hartford, Conn., Philadelphia, Pa., New York, N.Y., Providence, R.I., and the District of Columbia; frozen fruits and rhubarb from points in Los Angeles and Orange Counties, Calif., to points in Connecticut, Massachusetts, and New York; and frozen bakery products from points in Los Angeles and Orange Counties, Calif., to points in Maryland, New Jersey, New York, Pennsylvania, 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 Los Angeles, Calif.

No. MC 119441 (Sub-No. 32) (Correction) filed January 31, 1973, published in the *FEDERAL REGISTER* issue of March 1, 1973, and republished as corrected, in part, this issue. Applicant: BAKER HIGHWAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. **NOTE:** The sole purpose of this partial republication is to correct the territorial description in (1) to include West Virginia, as a

destination point, which was inadvertently omitted in the previous publication. The rest of the application remains the same.

No. MC 119641 (Sub-No. 110), filed February 22, 1973. 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 truck tractors), *tractor parts and attachments* thereof, from Romeo, Mich., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and ports of entry on the international boundary line between the United States and Canada located in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to the transportation of traffic (a) originating at the named origin point, and (b) destined to points in the named destination States, except that the restriction (b) shall not apply to traffic moving in foreign commerce. **NOTE:** The requested authority can be tacked with applicant's existing authority but applicant states it does not propose to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119656 (Sub-No. 14), filed February 12, 1973. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric synchronous motors*, from Crystal Lake, Ill., to North Manchester, Ind., and (2) *electric switch components*, from Crystal Lake, Ill., to Winamac, Ind., restricted to traffic moving between the plantsite of Controls Co. of America located at Crystal Lake, Ill., North Manchester and Winamac, Ind. **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 Indianapolis, Ind., or Chicago, Ill.

No. MC 123233 (Sub-No. 42), filed February 12, 1973. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437, PQ, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Syracuse, N.Y., to the port of entry on the international boundary line between the United States and Canada located at or near Alexan-

dria Bay, N.Y., restricted to the transportation of shipments destined to Maitland, Ontario, Canada. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Albany, N.Y.

No. MC 123314 (Sub-No. 17), filed February 16, 1973. Applicant: JOHN F. WALTER, INC., Post Office Box 175, Newville, PA 17241. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products*, from the H. J. Heinz Co. warehouse at Woodstown, N.J., to the H. J. Heinz distribution center at Mechanicsburg, Pa., restricted to the transportation of traffic originating at the indicated origin point and destined to the indicated destination point. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123407 (Sub-No. 119), filed February 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and paper products*, from Brainard and Cloquet, Minn., to points in Indiana, Iowa, Michigan, Ohio, Wisconsin, Illinois (except Chicago and points in its commercial zone), and St. Louis, Mo. 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 Minneapolis, Minn.

No. MC 124083 (Sub-No. 46), filed February 12, 1973. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate crystals*, in dump trucks, from Indianapolis, Ind., to points in St. Clair County, Ill., St. Louis County, Mo., 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 Indianapolis, Ind., or St. Louis, Mo.

No. MC 124174 (Sub-No. 93), filed January 15, 1973. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common car-*

*rier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum plate and extrusions, and contractor's machinery, equipment, materials, and supplies*, from Indian Oaks, Ill., to points in Iowa, Kansas, Minnesota, Nebraska, and South Dakota. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated hearing with coapplicants.

No. MC 124309 (Sub-No. 8), filed February 8, 1973. Applicant: ALPHIE J. BOUSLEY, Box 61A, Route 3, Armstrong Creek, WI 54103. 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: *Lumber and plywood*, from points in Oregon, Washington, Idaho, and Montana, to points in Wisconsin and the Upper Peninsula of Michigan, under contract with Hartman Wholesale Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 124692 (Sub-No. 103), filed February 12, 1973. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cloquet, Minn., to points in Illinois, Indiana, Iowa, Michigan, North Dakota, Ohio, South Dakota, 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 St. Paul, Minn.

No. MC 125785 (Sub-No. 18), filed February 20, 1973. Applicant: SATURN EXPRESS, INC., 8716 L Street, Omaha, NE 68127. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile and materials and supplies used in the application thereof*, from Lexington, N.C., to points in Alabama, Connecticut, Florida, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, New York, Ohio, Tennessee, and Wisconsin, under contract with Mid-State Tile Co. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125820 (Sub-No. 7), filed February 13, 1973. Applicant: ELK VALLEY FREIGHT LINE, INC., 526 Hagan Street, Nashville, TN 37203. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General*

*commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the Tennessee-Alabama State line and Mobile, Ala., from the Tennessee-Alabama State line over U.S. Highway 431 to Anniston, Ala., thence over Alabama Highway 21 to Talladega, thence over U.S. Alternate Highway 231 to Sylacauga, thence over U.S. Highway 231 to Montgomery, Ala., thence over Interstate Highway 65 to Mobile, Ala., and return over the same route, serving all intermediate points (except those between Montgomery and Mobile, Ala.); (2) between Gadsden and Talladega, Ala., from Gadsden over Interstate Highway 59 to the junction of Alabama Highway 77, thence over Alabama Highway 77 to Talladega, Ala., and return over the same route, serving no intermediate points, but serving the junction of Alabama Highway 77 and Interstate Highway 20 for joinder only, as an alternate route for operating convenience only; and, (3) between Anniston and Talladega, Ala., from Anniston, over Alabama Highway 21 to the junction of Interstate Highway 20, thence over Interstate Highway 20 to the junction of Alabama Highway 77, thence over Alabama Highway 77 to Talladega, Ala., and return over the same route, serving no intermediate points, but serving the junction of Interstate Highway 20 and Alabama Highway 77 for joinder only, as an alternate route for operating convenience only. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126243 (Sub-No. 9), filed February 13, 1973. Applicant: ROBERTS TRUCKING CO., INC., 111 North McKenna, Poteau, OK 74953. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and piece goods*, from points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, to points in Oklahoma. 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.

No. MC 126489 (Sub-No. 18), filed January 22, 1973. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. 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: *Dry feed and feed ingredients*, from Van Buren, Ark., to points in Arkansas, Oklahoma, Kansas, Missouri, Colorado, Nebraska, Mississippi, Louisiana, Texas, New Mexico, Iowa, and South Dakota. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a

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hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 126844 (Sub-No. 19), filed February 22, 1973. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from St. Francisville, and Belledeau, La., to points in Pennsylvania, New York, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New Jersey, Maryland, Delaware, Virginia, West Virginia, Ohio, Indiana, Michigan, 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 Washington, D.C.

No. MC 127005 (Sub-No. 2), filed February 11, 1973. Applicant: CENTRAL STORAGE & VAN COMPANY, a corporation, 801 South 15th Street, Omaha, NE 68108. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse site of Western Electric Co. at or near Underwood, Iowa, to the Omaha, Nebr.-Council Bluffs, Iowa commercial zone. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128527 (Sub-No. 34), filed February 7, 1973. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage*, from Vancouver, Wash., and Portland, Oreg., to points in Nevada on and north of U.S. Highway 40, points in Idaho south of the southern boundary of Idaho County, and points in Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128698 (Sub-No. 5), filed February 16, 1973. Applicant: ERDNER BROS., INC., Fow and Leahy Avenues, Swedesboro, NJ 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities

of Stouffer Foods Corp., located at Solon, Ohio to points in Delaware, Maryland, New Jersey, New York, those in that part of Pennsylvania located on the east of U.S. Highway 15 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 Washington, D.C.

No. MC 129516 (Sub-No. 13), filed February 12, 1973. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Seattle and Tacoma, Wash. and points in California, to ports of entry on the international boundary line between the United States and Canada located at Raymond, Mont. and Portal and Pembina, N. Dak., restricted to traffic having a subsequent movement in foreign commerce. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or Portland, Oreg.

No. MC 133095 (Sub-No. 41), filed February 20, 1973. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages* from points in Connecticut and Massachusetts to points in Texas, Oklahoma, Arkansas, and Louisiana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133917 (Sub-No. 2), filed February 20, 1973. Applicant: CARTHAGE FREIGHT LINE, INC., Post Office Box 174, Carthage, TN 37030. Applicant's representative: Walter Harwood, 1822 Parkway Towers, 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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lebanon, Tenn. and the junction of Tennessee Highway 53 and Interstate Highway 40 near Hickman, Tenn.: From Lebanon over U.S. Highway 70N to junction Tennessee Highway 53, thence over Tennessee Highway 53 to junction Interstate Highway 40, and return over the same route serving all intermediate

points, restricted to interline with other carriers in service at Lebanon, Tenn. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 134387 (Sub-No. 16), filed October 19, 1972. Applicant: BLACK-BURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers* from points in Los Angeles and Alameda Counties, Calif., to points in Washoe County, Nev. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134467 (Sub-No. 3), filed January 22, 1973. Applicant: POLAR EXPRESS, INC., Post Office Box 691, Springdale, AR 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafood and seafood products*, including commodities exempted from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicles and at the same time as commodities not so exempted, from South Bend and Ocean Park, Wash., to points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Missouri, New York, Pennsylvania, Wisconsin, California, Michigan, and Minnesota. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 134547 (Sub-No. 2), filed February 19, 1973. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, TX 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials and materials and supplies used in the manufacture, installation, and distribution* (except iron and steel and commodities in bulk) between the plantsite of Certain-Teed Products Corp., located at or near Dallas, Tex. on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee, under a continuing contract with Certain-Teed Products Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 134599 (Sub-No. 70), filed February 12, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 8086, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; plastic and plastic articles; fabricated metal products; waste and scrap materials; and equipment materials and supplies* used in the manufacture of the above, between the plants and warehouse facilities of Container Corporation of America located in points in Washington, Oregon, and California, on the one hand, and, on the other hand, points in the United States located east of the line formed by the western boundaries of Montana, Wyoming, Colorado, New Mexico, and Texas (where contiguous to Mexico), under contract with Container Corporation of America. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134922 (Sub-No. 43), filed February 20, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. 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 Deerfield and Chicago, Ill., to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134922 (Sub-No. 44), filed February 20, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. 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 food* from Chicago and Deerfield, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, 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 Chicago, Ill., or Washington, D.C.

No. MC 136385 (Sub-No. 2), filed February 20, 1973. Applicant: HALL TRUCK LINES, INC., Lone Tree, Iowa 52755. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of the Kitchens of Sara Lee located at or near New Hampton, Iowa, to

points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named origin and destined to the named destination States. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136420 (Sub-No. 3), filed February 12, 1973. Applicant: OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, AR 72901. Applicant's representative: Tom Harper, Jr., Post Office Box 43, Kelley Building, Fort Smith, AR 72901. 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 Oklahoma City and Altus, Okla.: From Oklahoma City over the H. E. Bailey Turnpike to Lawton, Okla., thence over U.S. Highway 62 to Altus, and return over the same route, serving the intermediate points of Cache, Indianola, Snyder, Headrick, and Altus Air Force Base, Okla. Note: Common control was approved by the Commission in MC-F-11260. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Fort Smith, Ark.

No. MC 136534 (Sub-No. 1), filed January 16, 1973. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, 611 Gaston Street, Raleigh, NC 27603. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture; new children's desk sets; new dishwashers; new fume hoods; new fume hood bases; new kitchen cabinets and tops, tables, bases, and sinks therefor; new marble slabs; new ranges; new refrigerators; new show or display cases; new stoves; new table parts; and new television stands*, from points in North Carolina, South Carolina, and Tennessee, to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming. Note: Applicant holds temporary authority as a motor contract carrier and has pending in No. MC-136498 (Sub-No. 3) a permanent authority request, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 136903 (Sub-No. 6), filed February 20, 1973. Applicant: INTERMODAL TRANSPORT, INC., Post Office Box 19022, Louisville, KY 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the site of Bulk Distribution Centers, Inc., lo-

cated in Broward and Palm Beach Counties, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments having a prior movement by rail. 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 Louisville, Ky., or Atlanta, Ga.

No. MC 136916 (Sub-No. 3), filed February 20, 1973. Applicant: LENAPE TRANSPORTATION CO., INC., Post Office Box 227, Lafayette, NJ 07848. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Top soil and humus* (exempt), in single or mixed shipments, from points in Sussex, Warren, and Morris Counties, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136949 (Sub-No. 2), filed February 6, 1973. Applicant: BUESING BROS. TRUCKING INC., North 520 Tamarack Avenue, Long Lake, MN 55356. Applicant's representative: B. W. Christopherson, 1421 Park Avenue, Minneapolis, MN 55404. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Washed stone and pea rock, and sand and processed gravel materials*, from points in Minnehaha and Lincoln Counties, S. Dak., to points in Rock, Nobles, Jackson, and Martin Counties, Minn., under contract with Woodrich Construction Co., Arcon Construction Co., and Barton Contracting Co. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138099 (Sub-No. 2), filed February 21, 1973. Applicant: EDWARD LOWRANCE, doing business as LOWRANCE MOVING & STORAGE, 735 West Commercial Street, Lebanon, MO 65536. Applicant's representative: Alan F. Wohlsteller, 1700 K Street NW, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic between points in Camden, Christian, Dallas, Dent, Douglas, Greene, Howell, Laclede, Maries, Miller, Oregon, Ozark, Phelps, Polk, Pulaski, Shannon, Stone, Taney, Texas, Webster, and Wright Counties, Mo. Note: If a hearing

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is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 138391 (Correction), filed November 8, 1972, published as MC 13891, in the *FEDERAL REGISTER* of March 1, 1973, and republished as corrected this issue. Applicant: FRED A. PERELLA, 340 39th Street, Pittsburgh, PA 15201. Applicant's representative: Robert McKenzie, 11th Floor, 100 Fifth Avenue, Pittsburgh, PA 15222. Note: The purpose of this republication is to show the correct docket number assigned thereto as shown above in lieu of MC 13891, which was in error. The rest of the notice remains as previously published.

No. MC 138406, filed February 14, 1973. Applicant: WATERLOO FREIGHT SERVICE, INC., 409 Second Street, Waterloo, NE 68069. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: *Regular route operations: Milk*, from Waterloo, Nebr., to Fremont, Nebr., over Milk Route No. 500 of the Nebraska-Iowa Milk Producers Association, via Nebraska Highway 16 and U.S. Highway 30, serving farmers along said route. *Irregular route operations: (1) General commodities* (except high explosives and commodities requiring special equipment), between points and places within a 15-mile radius of Waterloo, Nebr.; and between points and places within said radial area on the one hand, and, on the other, all points in Nebraska; and (2) *contractor's and construction equipment and machinery, materials and supplies, and commodities*, which by reason of their weight, size, or length require special handling or equipment, between all points within a 20-mile radius of Waterloo, Nebr. Note: The purpose of this application is to convert a certificate of registration issued to Max Wrigg, doing business as Waterloo Freight Service in Docket No. MC 120086 (Sub-No. 1) to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138444 (Sub-No. 1), filed February 12, 1973. Applicant: KEYSTONE LIME CO., INC., Springs, Pa. 15562. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed Limestone and bituminous road materials*, in dump equipment, from points in Somerset County, Pa., to points in Gar-

rett County, Md. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

## MOTOR CARRIER OF PASSENGERS

No. MC 112422 (Sub-No. 5) (Correction), filed November 3, 1972, published in the *FEDERAL REGISTER* of December 7, 1972, and republished, as corrected, this issue. Applicant: SAM VAM GALDER, INC., 74 South Harmony Drive, Janesville, WI 53545. Applicant's representative: Robert M. Kasko, 8 South Madison Street, Evansville, WI 53536. 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, between Janesville and Beloit, Wis., and the Admiral Corp. plant, at Harvard, Ill. Note: The purpose of this republication is to properly indicate the applicant's representative which was filed in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 116212 (Sub-No. 6), filed February 6, 1973. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, Md. 21797. Applicant's representative: Bruce E. Mitchell, 1600 First Federal Building, Atlanta, Ga. 30303. 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 operations, in round trip, sightseeing, and pleasure tours, beginning and ending at points in Carroll, Frederick, Howard, and Montgomery Counties, Md., and extending to points in the United States, including Alaska (but excluding Hawaii). Note: Applicant also holds contract carrier authority to transport passengers under MC 134929 (Sub-No. 1 TA). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Frederick, Md.

No. MC 138389 (Sub-No. 2), filed November 27, 1972. Applicant: HUDSON VALLEY BUS CO. INC., Englewood Terrace, Mahopac, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip operations, between the town of Carmel, N.Y., and the town of Yorktown, N.Y., on the one hand, and, on the other, Philadelphia,

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 Brewster, N.Y., White Plains, N.Y., or New York, N.Y.

## APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

## MOTOR CARRIERS OF PASSENGERS

No. MC 111215 (Sub-No. 4), filed December 18, 1972. Applicant: SASKATCHEWAN TRANSPORTATION COMPANY, a Corporation, 2041 Hamilton Street, Regina, SK S4P 2E2 Canada. Applicant's representative: W. W. Flynn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, between points on the international boundary line between the United States-Canada and points in the United States (except Hawaii). Note: Common control may be involved.

## MOTOR CARRIERS OF PROPERTY

No. MC 128672 (Sub-No. 5), filed February 8, 1973. Applicant: TIMBER TRUCKING CO., INC., Post Office Box 8188, 928 Cross Lanes Drive, Nitro, WV 25143. Applicant's representative: Robert L. DeHart (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, timber, and wood products*, (1) from points in Clearfield County, Pa., to points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, New Hampshire, Illinois, and the District of Columbia; (2) from points in Roane County, W. Va., Rockbridge County, Va., and Powell County, Ky., to points in Georgia, Alabama, Mississippi, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, New Hampshire, Illinois, and the District of Columbia; and (3) from Chesapeake Bay Plywood Co., near Pocomoke City, Md., to points in Rockbridge County, Va., under contract with the Burke-Parsons-Bowlby Corp.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FED Doc.73-5911 Filed 3-28-73 8:45 am]

## CUMULATIVE LISTS OF PARTS AFFECTED—MARCH

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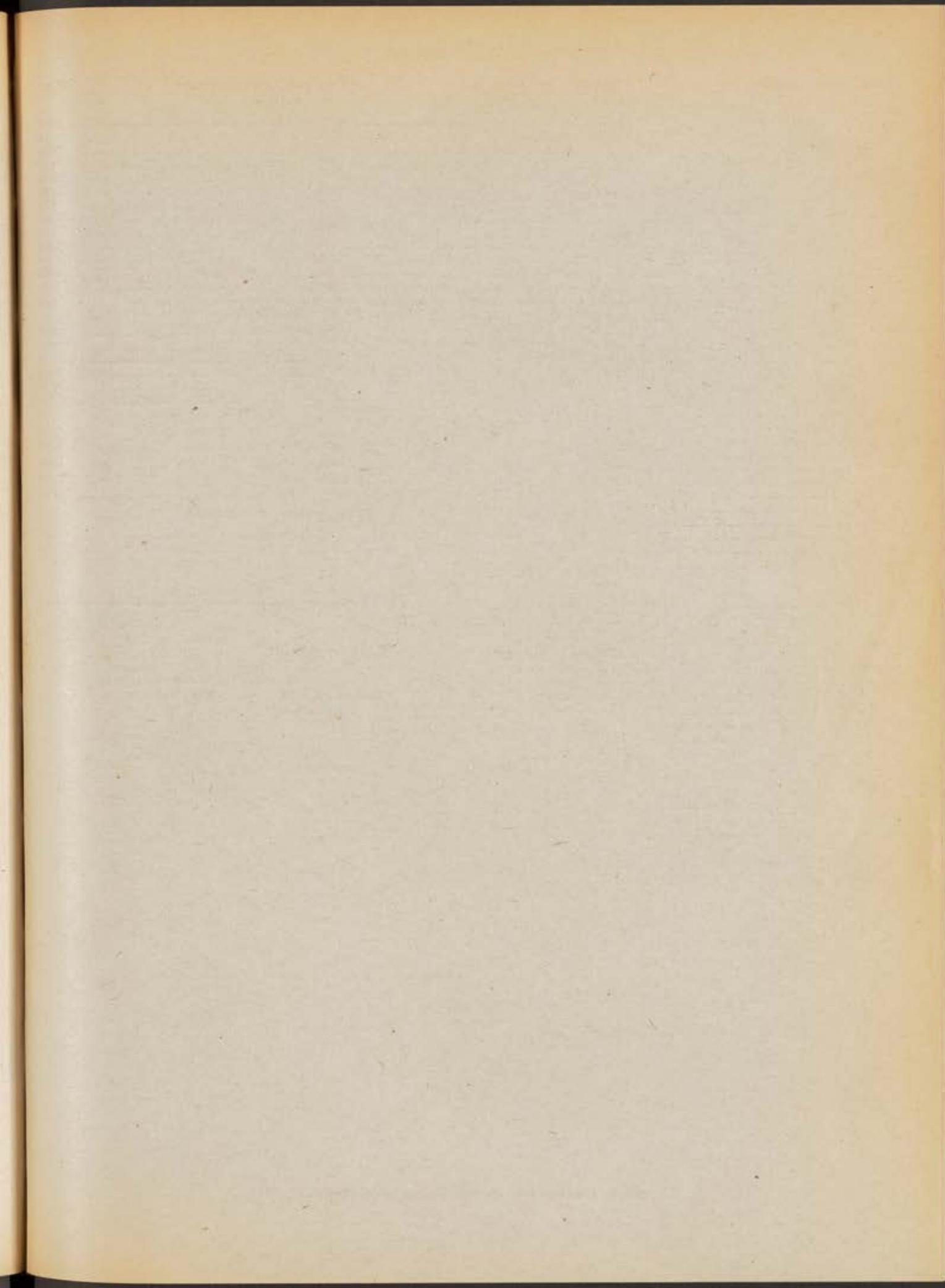
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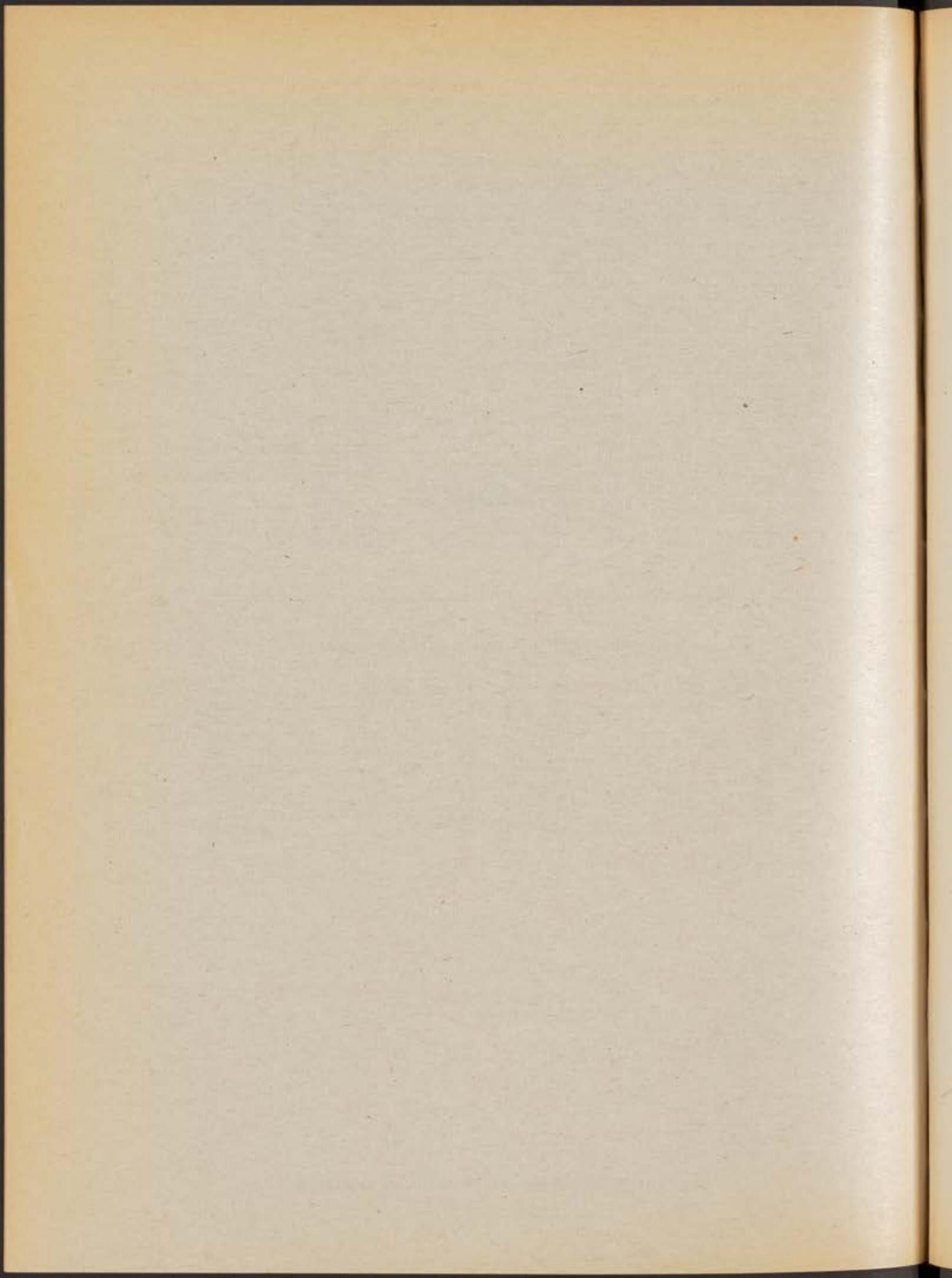
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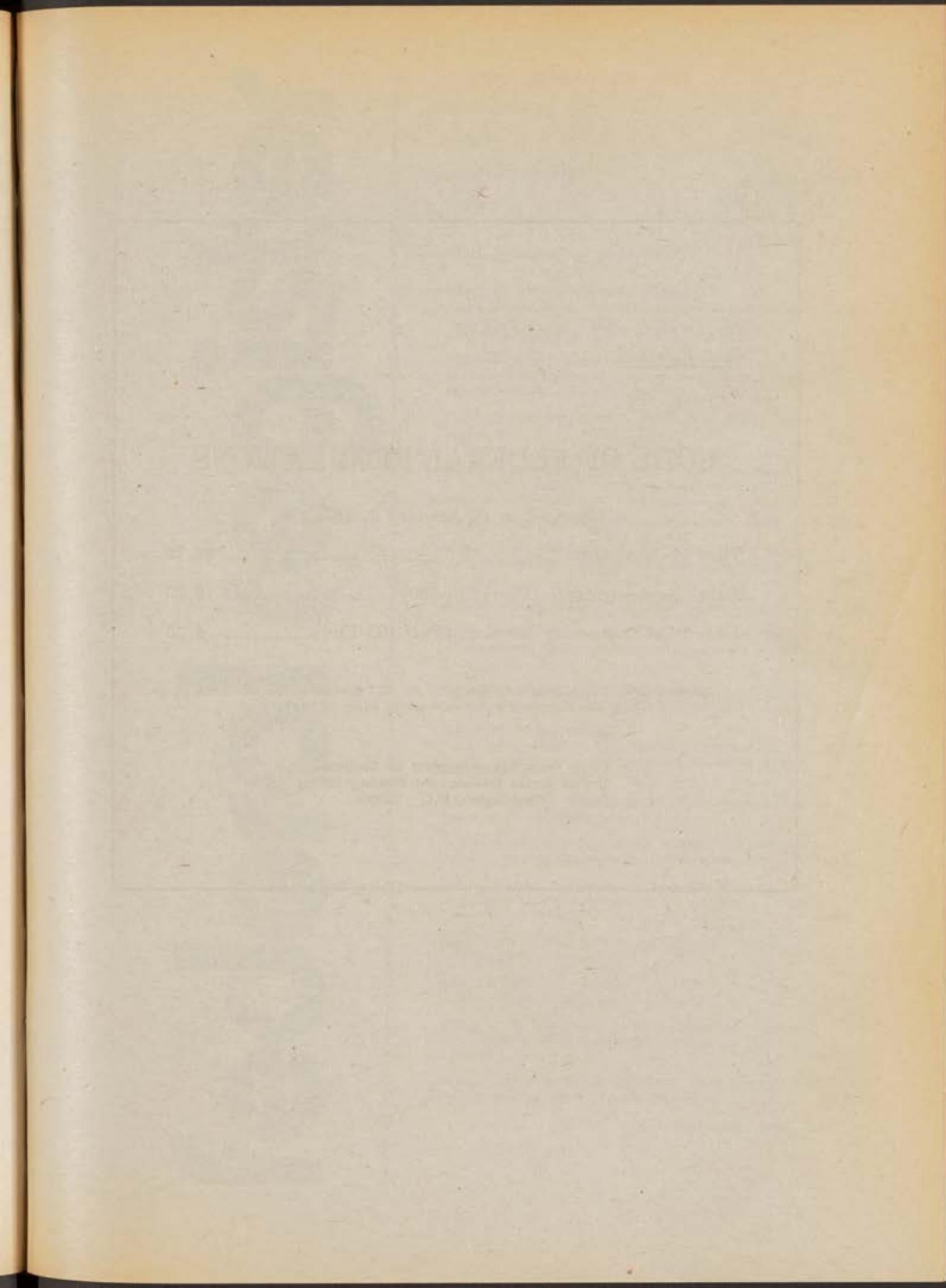
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