

FEDERAL REGISTER

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Economic Development
Administration
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Federal Aviation Administration
Federal Communications Commission
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LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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Title 7—AGRICULTURE

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

[Valencia Orange Reg. 327]

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

Limitation of Handling

§ 908.627 Valencia Orange Regulation 327.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is

necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 18, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 21, 1970, through August 27, 1970, are hereby fixed as follows:

- (i) District 1: 270,000 cartons;
- (ii) District 2: 330,000 cartons;
- (iii) District 3: 15,000 cartons.

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

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

Dated: August 18, 1970.

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

[F.R. Doc. 70-11093; Filed, Aug. 19, 1970;
11:48 a.m.]

[Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Fiscal Period and Expenses and Rate of Assessment

Notice of rule making regarding the proposed change in the fiscal period and the proposed expenses and rate of assessment for Area No. 3, to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the July 25, 1970, issue of the FEDERAL REGISTER (35 F.R. 12002). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

1. Section 948.103 is amended to read as follows:

§ 948.103 Fiscal period.

The fiscal periods for all three areas shall begin July 1 and end June 30 of the following year, both dates inclusive.

2. Section 948.263 is added to read as follows:

§ 948.263 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1971, will amount to \$5,810.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, and this part, shall be \$0.0075 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1971, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began June 1, 1970, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

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

Dated: August 14, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Consumer and
Marketing Service.

[F.R. Doc. 70-10918; Filed, Aug. 19, 1970;
8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provision

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 Eastern Ohio-Western Pennsylvania marketing area.

It is hereby found and determined that for the month of September 1970 the following provision of the order will not tend to effectuate the declared policy of the Act: In § 1036.11(b), the provision "(including that diverted from other plants)".

Statement of consideration. This suspension will result in milk that is diverted to a supply plant from other plants not being considered a part of the supply plant's receipts in determining if the supply plant has met the shipping requirements for pooling. Presently, a supply plant qualifies as a pool plant if it moves to pool distributing plants not less than a specified percentage of the approved milk that it receives from dairy farmers and by diversion from other plants.

In a decision issued by the Assistant Secretary on August 11, 1970, this change in the pooling provisions was proposed as one of several amendments to the present order. The proposed amended order has been submitted to producers for their approval through a referendum, and it is anticipated that such order, if approved, would become effective on October 1, 1970.

On the basis that such amendments probably would not be effective in September 1970, Milk, Inc., requested the suspension set forth herein. This cooperative association, which represents over 50 percent of the producers under the Eastern Ohio-Western Pennsylvania order, is the operator of a pool supply plant that serves as a major surplus disposal outlet for the market. The cooperative indicated that since it is being required to process increasing volumes of surplus milk in its manufacturing facilities, the plant may be unable under present operations to remain qualified as a pool plant beginning September 1, 1970. This is when the order's higher shipping requirements for pool supply plants apply. The suspension was requested pending amendment of the pooling provisions.

The general need for changing the pooling provisions in this respect was set forth in the August 11 decision. As was found at that time, the change is desirable to assure the orderly disposition of reserve milk supplies in the market that are not needed for Class I use. If the order is not changed, the cooperative might refuse to receive at its supply plant unneeded milk that is diverted from distributing plants. This step could be necessary to assure that the plant would not lose its pool plant status. Without the suspension, uneconomic and unnecessary handling arrangements would be required in the disposal of such reserve milk supplies.

It is hereby found and determined that 30 days' notice of the effective date hereof 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 the present order provisions do not adequately facilitate the orderly disposal of producer milk supplies that are in excess of the needs of regulated handlers;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The change in the pooling provisions that will result from this suspension was considered at a hearing held in September 1969 on proposed amendments to the Eastern Ohio-Western Pennsylvania order. No opposition to the proposed change was expressed at the hearing or in written exceptions to the recommended decision resulting from that hearing.

Therefore, good cause exists for making this order effective September 1, 1970.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of September 1970.

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

Effective date: September 1, 1970.

Signed at Washington, D.C., on August 17, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-10957; Filed, Aug. 19, 1970;
8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 302—DESIGNATION OF AREAS

Special Impact Areas

Part 302 of Chapter III, Title 13, of the Code of Federal Regulations (31 F.R. 11294, 16674) is amended to provide for the designation of special impact areas under section 401(a)(6) of the Public Works and Economic Development Act of 1965, as amended.

1. Section 302.2 is amended as follows:

a. Paragraph (e) is redesignated as paragraph (g), and "paragraphs (a) through (d)" is deleted from said paragraph and "§ 302.1 and paragraphs (a) through (f)" substituted in lieu thereof.

b. The following new paragraphs (e) and (f) are added thereto as follows:

(e) Those special impact areas which have been selected for assistance under part D of title I of the Economic Opportunity Act of 1964.

(f) Those proposed special impact areas which have not been selected for assistance under part D of title I of the Economic Opportunity Act of 1964, but which satisfy the following criteria:

(1) They are composed of one or more communities or neighborhoods which may be defined without regard to political or other subdivisions or boundaries;

(2) They contain, in the case of urban areas, especially large concentrations of low-income persons, or, they are, in the case of rural areas, within areas experiencing substantial out-migration to urban areas having especially large concentrations of low-income persons; and

(3) They exhibit tendencies toward dependency, chronic unemployment or rising community tensions.

2. Section 302.20 is amended as follows:

a. Paragraph (b) is amended by inserting "other than those areas eligible for designation pursuant to § 302.2 (e) and (f)," after "area".

b. Paragraph (c) is amended by deleting "§ 302.2 (c)" and substituting in lieu thereof "§ 302.2 (c), (e), and (f)".

c. Paragraph (d) is amended by deleting "§ 302.2 (c) and (d)" and inserting in lieu thereof "§ 302.2 (c), (d), (e), and (f)".

(Sec. 701, 79 Stat. 570; 42 U.S.C. 3211, Department Organization Order 10-4, 35 F.R. 5970)

This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 7, 1970.

ROBERT A. PODESTA,
Assistant Secretary
for Economic Development.

[F.R. Doc. 70-10920; Filed, Aug. 19, 1970;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-636; Amdt. 12]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Definitions of Transatlantic and Transpacific Charter Trips for Combination Route Carriers and "Area of Operations" of All-Cargo Carrier With Respect to Transpacific Route Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1970.

In a notice of proposed rule making EDR-174¹ the Board proposed to amend Part 207 of the Board's economic regulations (14 CFR Part 207), Charter Trips and Special Services, by (1) modifying the definitions of "transatlantic charter trip" and "transpacific charter trip" applicable to off-route charters of certificated route carriers as set forth in § 207.1, and (2) defining the "area of operations" for off-route cargo charter trips of an all-cargo carrier (Flying Tiger) to embrace the area of its re-

¹ EDR-174, Jan. 7, 1970, Docket 21246, 35 F.R. 466.

cently awarded route in the Transpacific case.²

Comments were filed by the following: Six supplemental carriers jointly;³ Pan American World Airways, Inc.; Trans World Airlines, Inc.; Airlift International, Inc. and Seaboard World Airlines, Inc., the latter two being all-cargo carriers. In addition, 11 certificated route carriers, jointly,⁴ and Pan American on its own behalf filed a motion for leave to file as an unauthorized pleading answers to the comments of the supplemental air carriers. They assert that the comments of the supplementals are in effect a petition for rule making and that they are entitled under the rules of practice (Part 302) to answer such petition. The motion is granted for the reasons stated therein.

The Board has given consideration to all comments presented. For the reasons hereinafter set forth and those announced in EDR-174, we have decided to adopt the rule as proposed with the following modifications: We shall (1) amend the definition of Seaboard's area of operations by adding thereto the 48 contiguous States (see § 207.6(c)(1), *infra*); and (2) modify the definition of Airlift's area of operations by including therein the area between the 48 contiguous States and the Virgin Islands (see § 207.6(c)(3), *infra*). Except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final.

Redefinitions of transpacific and transatlantic charter trips. Part 207 provides various volume and frequency limitations for off-route charters of certificated route carriers including all-cargo carriers. Section 207.7a generally limits the frequency and regularity of off-route charters for combination carriers that may be conducted between the same pair of points during specified time periods. In the case of transpacific and transatlantic charter trips, the limitations are imposed on an area basis: An off-route charter trip from any point in a State of the United States to any point in the transpacific area is counted as one frequency. However, the regulation expressly exempts Pan American and Northwest from the area frequency restriction applicable to transpacific charter trips, since these carriers are certificated to provide service between points in the transpacific area. Thus, for example, except for Pan American and Northwest, carriers are permitted only eight flights in the same direction be-

tween a point in the United States and a point in the transpacific area during any period of 4 successive calendar weeks. Pan American and Northwest, however, are on a point-to-point frequency basis and are permitted, during such period, eight flights in the same direction between any two given points, e.g., eight flights from St. Louis to Tokyo, eight flights from Detroit to Hong Kong, etc.

In this proceeding, the Board proposed revised exceptions to the definition of "transpacific charter trip" and "transatlantic charter trip" with reference to the frequency and regularity restrictions on off-route charters of the combination route carriers, a modification which would take into consideration the recent route awards made by the Board in the Transpacific Case⁵ and in the Miami-London Route Investigation.⁶ It was proposed to modify the existing exceptions from the definitions for the combination route carriers in the transpacific and transatlantic areas by limiting them to charter trips between a point in a State of the United States⁷ and a point in a country to which the carrier is certificated to serve. Under the proposed amendment, for example, American⁸ and TWA⁹ would be permitted charters to Japan on an area frequency basis only, and the new rule would have the effect of confining the charters of the route carriers largely to the foreign countries to which they are certificated.

TWA and Pan American oppose the proposed rule. They request that the Board retain the existing exception from the definitions of transpacific and transatlantic charter trips for the combination route carriers certificated in those respective areas, TWA seeking the same exception in the transpacific area as is accorded Pan American and Northwest under the existing rule. TWA contends, *inter alia*, that the tentative findings of the Board in the notice that the supplemental carriers are in need of more protection than when the exception to these definitions was granted in 1967¹⁰ is not borne out by the facts,

since the U.S. supplementals' transatlantic traffic in 1969 had increased by 70 percent over 1968 to the point where it will have reached a level of around 700,000 passengers or over 30 percent of the passengers carried by TWA and Pan American on their scheduled services. Further, TWA maintains that EDR-174 would deprive it of the most important transpacific charter market, Japan, and would in addition shrink its transatlantic charter rights by limiting the existing broader definition to one restricted to specific countries which it is certificated to serve. It contends that the Act gives no preference to supplementals with respect to charter service; that TWA's new transpacific route will be a thin one for many years and that the carrier needs charters in the Pacific; yet it cannot today solicit charters to Japan because of the restrictions in Part 207. It notes that foreign route carriers conducting off-route charters face no "expressed" frequency or regularity restrictions with respect to such charters.

Pan American adds that this is a time when the Board should limit the supplementals and build up Pan American's charter rights since it sustained a \$16 million loss in its Atlantic sector in 1969. It asserts that the supplementals are not providing service which "supplements" that of the route carriers such as Pan American, but have been operating at high frequencies and concentrating at gateways, and have been responsible for widespread violations of the Board's charter regulations.

We are not persuaded to modify the proposed rule as requested by the combination route carriers. Although TWA's contention that the Act gives no preference to supplemental carriers may be literally correct, the Board has determined that supplementals should be protected from major incursions into charter markets by scheduled airlines operating off route.¹¹ TWA's arguments of injury seem exaggerated with respect to the

² Transpacific Route Investigation (International Phase), Docket 16242, Orders 69-4-90 served Apr. 24, 1969 and 69-5-121, dated May 26, 1969.

³ American Flyers Airline Corp., Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

⁴ American Airlines, Inc., Braniff International, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc.

⁵ TWA was awarded a new Central Pacific route from Los Angeles/Ontario/Long Beach via Hawaii and Guam to Okinawa, Taiwan, Hong Kong, and Thailand and beyond Thailand to Ceylon and that portion of India which lies south of the 20th parallel. Transpacific Route Investigation (International Phase), Docket 16242, Orders 69-4-90 served Apr. 24, 1969 and 69-5-121, dated May 26, 1969. In addition, Transpacific Route Investigation (South Pacific Deferred Phase), Orders 69-7-104, served July 22, 1969; 69-8-151 dated Aug. 28, 1969.

⁶ Orders 69-7-90 served July 18, 1969; 69-8-148 dated Aug. 27, 1969.

⁷ Or a point within the 48 contiguous States in the case of transatlantic charters.

⁸ American was awarded a new South Pacific route between coterminous points in the 48 contiguous States and intermediate points in Hawaii, American Samoa, Fiji, and New Zealand and via intermediate points and a terminal point in Australia. Order 69-7-104 served July 22, 1969.

⁹ See footnote 5, *supra*, p. 3.

¹⁰ By ER-482, adopted Jan. 13, 1967, 32 F.R. 487, Jan. 18, 1967.

¹¹ In ER-443, adopted Sept. 2, 1965, 30 F.R. 11381, in reimposing frequency and regularity restrictions on off-route charters of combination carriers, the Board stated in part (mimeo. pp. 2-3): " * * * at this time we wish to emphasize again that it is our conclusion that the present regulatory framework, which leaves the regular route operators free to concentrate their entire quota of off-route charters in a single market, threatens to result in undue diversion from the on-route services of regular route operators and from the charter services of supplemental carriers. The latter threatens not only the continued viability of a class of carriers, but the very availability of low cost charter service. In a number of proceedings, the Board has issued interim and permanent certificates to supplemental carriers on the basis of findings that adequate charter service is most likely to be provided if there develops a class of charter specialists with a prime interest in expanding and serving the civil charter market. The orderly development of a class of charter specialists obviously is not encouraged by a regulatory framework which permits established route operators to sporadically enter prime charter markets on a large-scale basis." (footnotes omitted) see also ER-49, Docket 14148, adopted Sept. 18, 1964, 29 F.R. 13246.

transatlantic since placing it on a "country" basis would leave it with most major European cities still counted on the broad point-to-point basis for purposes of frequency/regularity restrictions.¹² Moreover, a great many transatlantic charters by TWA are on-route since it has most major United States and European cities in its certificates. As far as frequent charters to Japan are concerned, TWA has no special right to such charters,¹³ nor is there any particular logic to its contention that the thinness of its new transpacific route entitles it to a share in the United States-Japan charter market.

Both TWA and Pan American contend that the volume of charters by supplementals has grown so rapidly and to such high levels that it is the scheduled airlines that need protection. However, while the volume of charters by supplementals on the transatlantic increased rapidly through 1969, there is reason to believe that the growth in 1970 will not be as great as in prior years as a result of the increased or more effective competition by U.S. scheduled carriers and foreign scheduled and charter carriers. Moreover, charters to Hawaii (once the major destination for inclusive tour charters of the supplementals) have been subjected to extreme competition from the Hawaiian group inclusive tour (GIT) fares of the scheduled carriers.

Pan American takes an alternative position, namely, that if the Board decides to make final EDR-174, then the frequency/regularity provision of Part 207 (§ 207.7a) should be modified so as to except Pan American and other combination route carriers similarly situated from the frequency and regularity restrictions in the transatlantic and transpacific areas between any point in the United States,¹⁴ on the one hand, and any point in a foreign country to which the carrier is certificated, on the other hand. It is maintained that the current frequency and regularity restrictions are particularly burdensome to Pan American because of their complexity to administer and because they bear particularly heavily on sales incentive (single entity) charter programs in which Pan American has pioneered. Also, it avers that the present restrictions give this carrier an incentive to originate charters at New York City and other en-route gateway points, whereas the exception which it proposes would remove this incentive and result in granting some relief from airport congestion at these gateway points.

We are not persuaded to adopt the alternative suggestion of Pan American. The carrier has not shown a need for the complete removal of frequency and regu-

larly restrictions in Part 207 in the case of charters between points within the United States, on the one hand, and points in countries in the transpacific or transatlantic areas where the route carrier is certificated to serve the country in question, on the other hand. The problem is essentially one of balancing the respective authority of the supplemental air carriers who depend entirely on charters for their existence, and the route carriers, whose primary business is individually ticketed scheduled services. The route carriers already have the opportunity to operate unlimited charters between the points on their route systems in competition with the supplemental carriers. And the regulations which we are adopting herein provide substantial flexibility for the transatlantic and transpacific route carriers. There is no showing that a complete elimination of the frequency and regularity restrictions for these carriers is needed in order to support scheduled operations and in our judgment the revised regulations reasonably accommodate the interests of both classes of carriers.

Certain supplemental carriers¹⁵ complain that EDR-174 does not go far enough in protecting them and they propose a number of additional restrictions on the off-route and on-route charters of scheduled carriers.¹⁶ It is clear that the matters set forth herein (footnote 16, this page) are beyond the scope of this proceeding. Accordingly, we shall not grant the request. However, to the extent that the comments of the supplementals pertain to matters beyond the scope of this proceeding, they will be considered a petition for rule making with respect to which the Board will take action in a separate proceeding.¹⁷ Further, we see no need to grant the request for public hear-

¹⁵ American Flyers, Capitol, ONA, Saturn, TIA, and World.

¹⁶ Specifically, their requests include the following: (1) A charter would be considered off-route if it serves "any points not an integral part of the same route award," except with respect to Hawaii where a charter would be off-route unless it was between a point in Hawaii and another point on the same route segment served by that carrier; (2) the supplemental carriers would be given first-refusal rights on all off-route charters by scheduled airlines; and (3) the volume and frequency/regularity restrictions now applicable to off-route charters would no longer be necessary in light of the first-refusal provision, but in modified form they should be made applicable to on-route charters of scheduled airlines, with an increase in the volume percentage from 2 to 3 percent. Also, they propose that the Board hold public hearings and oral argument in an adjudicatory type proceeding on all charter regulations leading to a major review of the whole charter question as it concerns competition between the supplementals and the scheduled carriers, in order to avoid a piecemeal approach to this major problem.

¹⁷ The trunkline carriers (American, Braniff, Continental, Delta, Eastern, National, Northwest, Pan American, TWA, United and Western) jointly and Pan American also in a separate document have filed comprehensive answers to the comments of the supplementals. The contentions of these carriers will be considered by the Board before taking action on the supplemental carriers' petition for rule making.

ings on the revision of all of the Board's charter regulations since the Board has, subsequent to the filing of the supplemental carriers' comments, instituted a comprehensive rule making proceeding proposing extensive changes in all of the Board's charter regulations (EDR-183/PSDR-24, Docket 22174, May 8, 1970, 35 F.R. 7587), and this proceeding is pending.¹⁸

Area of operations. The supplemental carriers object to the proposal to amend the definition of Flying Tiger's area of operations so as to encompass the recent award to that all-cargo carrier of transpacific route authorization.¹⁹ They complain that EDR-174 would grant Tigers by rule making what amounts, in effect, to a grant of Pacific authority identical to that possessed by three supplementals, World, TIA, and Southern. They claim that Flying Tiger was given scheduled cargo authority to eight major countries in the Pacific and there is no indication that the Board intended to broaden its charter authority, although it, in fact, did so by making the major points on-route.

We find the objection without merit. The same argument could be made with respect to the definitions of the area of operations for each all-cargo carrier. The purpose of having areas of operations is to enable the all-cargo carriers to develop off-route cargo charters in areas which are in geographic proximity to their certificated route authority. This is precisely what the proposed amendment would accomplish in the case of Flying Tiger and is in accord with the Board's defined policy relating to areas of operations for all-cargo carriers (see § 207.6).

Airlift calls attention to the fact that existing § 207.6(c) (3) purports to reflect its certificate authority in defining its area of operations for off-route cargo charters, but fails to reflect its Virgin Islands authority. We shall correct this omission by expanding Airlift's area of operations to include the Virgin Islands. (See § 207.6(c) (3), *infra*.)

Further, Airlift asks that its area of operations be expanded to include the

¹⁸ A request for an evidentiary hearing is also the subject of a motion by certain supplemental carriers in a separate rule making proceeding to amend the charter regulations (EDR-183/PSDR-24, Docket 22174). There the supplementals request the Board to conduct a full adjudicatory proceeding in considering the proposed charter rules or, alternatively, to hold an evidentiary hearing within the framework of the rule making proceeding to consider the alleged numerous issues of a factual nature raised by the Board's proposal. Action on the motion was deferred in Order 70-7-125.

¹⁹ Flying Tiger's area of operation, within which the volume, frequency and regularity limitations of Part 207 would not be applicable in the case of off-route cargo charters, would be redefined to include "between the 48 contiguous States and Asia as far west as longitude 70 degrees east, including Japan and the Philippines, but not including Indonesia." In the Transpacific Case, Flying Tiger was awarded a route from the 10 U.S. coterminals it was serving to Japan, Korea, Okinawa, Taiwan, Hong Kong, the Philippines, South Viet Nam, and Thailand.

¹² Its certificate includes all countries of Western Europe except Scandinavia, Austria, Belgium, and the Netherlands.

¹³ Indeed, to permit TWA or American to perform off-route charter trips to Japan on a point-to-point frequency basis would tend to subvert the President's decision in the Transpacific Case, *supra*, that an additional route carrier should not be certificated to perform service to Japan at this time.

¹⁴ Between any point within the 48 contiguous States in the case of transatlantic charter trips.

following: (1) Between the 48 contiguous States and Alaska and Hawaii; (2) between Alaska and Hawaii; and (3) between the 48 contiguous States, on the one hand, and the Caribbean, Central and South America, on the other hand. These requests are clearly beyond the scope of this proceeding and no party has had opportunity to comment thereon.

Seaboard requests an expansion of its area of operations to encompass the new domestic authority which it received in the Domestic Coterminal Points—Europe All-Cargo Service Investigation, Orders 69-4-140, 69-4-141, served April 30, 1969. Specifically, it requests that its area of operations be expanded to include the 48 contiguous States.

We shall grant this request. In the Domestic Coterminal Points—Europe All-Cargo Service Investigation, supra, the Board amended Seaboard's international route (Route 119) and designated certain U.S. cities²⁰ as additional coterminal points along with its existing U.S. coterminals of Boston, Baltimore, New York, and Philadelphia. In addition, the Board granted Seaboard a new domestic route (Route 119A) which authorized the carrier to provide interstate carriage of mail and cargo on a restricted basis.²¹ Since the carrier has certificate authority to serve a number of U.S. Points and can provide transcontinental service, its area of operations in Part 207 should embrace the 48 contiguous States. We believe that the carrier's request for this expansion of its area of operations for off-route cargo charters is within the scope of this proceeding.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207), effective September 20, 1970, as follows:

1. Amend the definitions "Transatlantic charter trip" and "Transpacific charter trip" in § 207.1 to read as follows:

§ 207.1 Definitions.

As used in this part, unless the context otherwise requires:

"Transatlantic charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, or Asia, as far east as (and including) India, on the other hand: *Provided, however*, That this definition shall not apply to off-route charter trips performed by a carrier between a point within the 48 contiguous States of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air

transportation pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

"Transpacific charter trip" means a charter trip between points within any State of the United States, on the one hand, and points in Australasia (including Australia, New Zealand, Polynesia, Micronesia, and Melanesia), Indonesia, or Asia as far west as longitude 70° east, on the other hand: *Provided, however*, That this definition shall not apply to off-route charter trips performed by a carrier between a point within any State of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

2. Delete (a) of § 207.5 so that § 207.5 will read as follows:

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall not during any calendar year perform off-route charter trips which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year.

3. Delete and reserve paragraph (a) of § 207.6 and modify paragraphs (b) and (c) thereof. As modified, § 207.6 will read as follows:

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

(a) [Reserved].

(b) An all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year: *Provided, however*, That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(c) Within the meaning of paragraph (b) of this section, the areas of operations of the all-cargo carriers are the following:

(1) Within the 48 contiguous States—The Flying Tiger Line Inc.; Airlift International, Inc.; and Seaboard World Airlines, Inc.

(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc.

(3) Between the 48 contiguous States, on the one hand, and Puerto Rico and the Virgin Islands, on the other hand—Airlift International, Inc.

(4) Between the 48 contiguous States and Asia as far west as longitude 70° east, including Japan and the Philippines, but not including Indonesia—The Flying Tiger Line Inc.

(Secs. 204(a), 401(e) (6), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754

(as amended by 76 Stat. 143, 82 Stat. 867); 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10951; Filed, Aug. 19, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

REPORT ON PROCUREMENT BY CIVILIAN EXECUTIVE AGENCIES

This amendment updates procedures applicable to GSA procurement officials regarding the preparation and submission of Standard Form 37, Report on Procurement by Civilian Executive Agencies.

PART 5-1—GENERAL

The table of contents for Part 5-1 is amended as follows:

Sec.
5-1.807 Records and reports.

Subpart 5-1.8—Labor Surplus Area Concerns

Subpart 5-1.8 and § 5-1.807 are added as follows:

§ 5-1.807 Records and reports.

Central Office service and staff offices which award procurement contracts and each regional office shall maintain such records of procurement contracts to be performed in labor surplus areas as are necessary to prepare Part II of the Report on Procurement by Civilian Executive Agencies (Standard Form 37) which is prescribed by § 1-16.804 of this title. Implementing instructions regarding the preparation of the report appear in § 5-1.5001.

Subpart 5-1.50—Reports

1. Section 5-1.5001-1(e) is revised as follows:

§ 5-1.5001-1 Submission.

(e) Reports shall be submitted through normal channels in an original and one copy to reach the Central Office, Accounting Programs Division (BCR), Office of Finance, Office of Administration, within 30 calendar days after the close of the report period.

2. Section 5-1.5001-2 is revised as follows:

§ 5-1.5001-2 Form.

This report shall be prepared on Standard Form 37, Report on Procurement by Civilian Executive Agencies, illustrated at § 1-16.901-37 of this title. The appropriate reporting period, e.g., July 1 through September 30; July 1 through December 31; July 1 through March 31; or July 1 through June 30,

²⁰ Chicago, Ill., Cleveland, Ohio, Detroit, Mich., Los Angeles Calif., San Francisco/Oakland, Calif., and Washington, D.C.-Baltimore, Md.

²¹ Specifically, subject to the condition that all flights must serve a point or points in Europe, Seaboard was certificated to engage in the interstate transportation of property and mail between each of its new and existing coterminal points, except New York.

shall be inserted in the "Period Covered" block on Standard Form 37.

3. Section 5-1.5001-4 is revised as follows:

§ 5-1.5001-4 Instructions.

(a) Standard Form 37 shall be prepared in accordance with the instructions on the reverse of the form and §§ 1-16.804 of this title and 5-1.5001.

(b) Where Standard Form 37 refers to "Reporting Agency," the instructions shall apply to each service or staff office in the Central Office having reportable procurements and to each regional office.

§ 5-1.5008 [Deleted]

4. Section 5-1.5008 is deleted.

PART 5-16—PROCUREMENT FORMS

The table of contents for Part 5-16 is amended by adding the entry for § 5-16.804 as follows:

Sec.

5-16.804 Report on procurement.

Subpart 5-16.8—Miscellaneous Forms

Section 5-16.804 is added to read as follows:

§ 5-16.804 Report on procurement.

The report on procurement required by § 1-16.804 of this title shall be pre-

pared on Standard Form 37, Report on Procurement by Civilian Executive Agencies. Implementing instructions appear in § 5-1.5001 of this chapter.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(e))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 13, 1970.

JOHN W. CHAPMAN, JR.,
Acting Administrator
of General Services.

[F.R. Doc. 70-10890; Filed, Aug. 19, 1970; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Ohio	Lorain	Brownhelm Township.	E 39 093 0710 01	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Office of the Township Clerk, 8372 Claus Rd., Amherst, Ohio 44001.	Aug. 14, 1970.

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

Issued: August 20, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-10944; Filed, Aug. 19, 1970; 8:48 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Ohio	Lorain	Brownhelm Township.	T 39 093 0710 01	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Insurance Dept., 115 East Rich St., Columbus, Ohio 43215.	Office of the Township Clerk, 8372 Claus Rd., Amherst, Ohio 44001.	Aug. 20, 1970.

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

Effective date: August 20, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-10945; Filed, Aug. 19, 1970; 8:48 a.m.]

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

Catahoula National Wildlife Refuge, La.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER. These special regulations provide access across and through certain portions of National Wildlife Refuges. These access routes are delineated on maps available at the respective refuge office.

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

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

A corridor open for the transportation of unloaded and encased firearms by vehicle and boat during any and all legal waterfowl hunting seasons as follows:

That portion of Catahoula Refuge between and including refuge road on south side of French Fork and Catahoula Lake in sections 8 and 9, T. 6 N., R. 4 E.; refuge road along east and south boundary of Bureau owned land in section 2, T. 6 N., R. 4 E.; Bureau owned land in sections 3 and 4, T. 6 N., R. 4 E.

Bureau owned lands in sections 15 and 22, T. 7 N., R. 4 E. and that portion of refuge road along Old River in section 14, T. 7 N., and R. 4 E.

These special regulations supplement the regulations governing transportation of firearms on National Wildlife Refuges generally which are set forth in Code of Federal Regulations, Title 50, Part 28, and are effective through the 1970-71 waterfowl hunting season.

W. L. TOWNS,

Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1970.

[F.R. Doc. 70-10911; Filed, Aug. 19, 1970; 8:46 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from August 28 through November 1 and November 16 through December 13, 1970, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunters are requested to obtain a registration card which will be issued by asking for them, either in person or by mail, from the Refuge Headquarters, Upham, N. Dak. 58789.

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1970.

ROBERT C. FIELDS,

Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

AUGUST 13, 1970.

[F.R. Doc. 70-10912; Filed, Aug. 19, 1970; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 273—U.S. STANDARDS FOR GRADES OF FROZEN RAW SCALLOPS

AUGUST 14, 1970.

On pages 7737 and 7738 of the FEDERAL REGISTER of May 20, 1970, there was published a notice and text of a proposed new Part 273—U.S. Standards of Grades of Frozen Raw Scallops of Title 50, Code of Federal Regulations.

Interested persons were given 30 days to submit written comments, suggestions or objections with respect to the proposed new part. Several technical comments were received regarding § 273.3 *Types* to clarify the definition of the adductor muscle and adjoining parts of it. A change is in § 273.3 *Types* incorporating the suggested clarification.

The new part is issued pursuant to sections 203 and 205 of Title II of the Agri-

cultural Marketing Act of 1946, 60 Stat. 1087, 1090, as amended, 7 U.S.C. sections 1622 and 1624, as transferred to the Department of the Interior by section 6 of the Fish and Wildlife Act of 1956, 70 Stat. 1122, as amended, 16 U.S.C. section 742e.

Accordingly, the new Part 273—U.S. Standards for Grades of Frozen Raw Scallops is hereby adopted and set forth below. This part shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

PHILIP M. ROEDEL,
Director.

Sec.	Description of the product.
273.1	Styles.
273.2	Types.
273.3	Grades.
273.11	Determination of the grade.
273.21	Definition and methods.
273.25	Tolerances for certification of officially drawn samples.

AUTHORITY: The provisions of this Part 273 issued under sec. 6, 70 Stat. 1122; 16 U.S.C. sec. 742e; and secs. 203 and 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 273.1 Description of the product.

Frozen raw scallops are clean, wholesome, adequately drained, whole or cut adductor muscles of the scallop of the regular commercial species. The portion of the scallop used shall be only the adductor muscle "eye" which controls the shell movement. Scallops shall be washed, drained, packed, and frozen in accordance with good manufacturing practices and are maintained at temperatures necessary for the preservation of the product. Only scallops of a single species shall be used within a lot.

§ 273.2 Styles.

(a) *Style I.* Solid pack scallops are frozen together into a solid mass.

- (1) *Substyle a.* Glazed.
- (2) *Substyle b.* Not glazed.

(b) *Style II.* Individually quick-frozen pack (IQF) scallops are individually quick frozen. Individual scallops can be separated without thawing.

- (1) *Substyle a.* Glazed.
- (2) *Substyle b.* Not glazed.

§ 273.3 Types.

(a) *Type 1.* Adductor muscle.
(b) *Type 2.* Adductor muscle with catch (gristle or sweet meat) portion removed.

§ 273.4 Grades.

(a) "U.S. Grade A" is the quality of frozen raw scallops that (1) possess good flavor and odor and that (2) for those factors that are rated in accordance with the scoring system outlined in this part, have a total score of 85 to 100 points.

(b) "U.S. Grade B" is the quality of frozen raw scallops that (1) possess at least reasonably good flavor and odor,

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and that (2) rate a total score of not less than 70 points for these factors of quality that are rated in accordance with the scoring system outlined in this part.

(c) "Substandard" is the quality of frozen raw scallops that meets the requirements of § 273.1, *Description of the product*, but otherwise fails to meet the requirements of "U.S. Grade B."

§ 273.11 Determination of the grade.

In a plant under Continuous USDI Inspection, the grade is determined by examining the product for factors 1-5 in the fresh or thawed state and Factor 6 in the cooked state. For lot inspection, examination of the product for Factor 1 is carried out in the frozen state and 2-5 in the thawed state. Factor 6 is examined in the cooked state.

(a) *Factors rated by score points.* Points are deducted for variation in the quality of each factor in accordance with the schedule in Table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100, the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "Flavor and odor" is evaluated organoleptically by smelling and tasting the product in the cooked state.

(1) Good flavor and odor (essential requirements for a U.S. Grade A product) means that the product has the typical flavor and odor of the species and is free from bitterness, staleness, and off-flavor and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements for a U.S. Grade B product) means the product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

§ 273.21 Definitions and methods.

(a) *Selection of the sample unit.* The sample unit shall consist of the primary container and its entire contents. The number and size of sample units to be examined shall be as indicated in § 273.25.

(b) *Examination of sample, frozen state.* When this product is examined under Continuous USDI Inspection, the samples are examined for Factor 1 in Table 1 in the fresh or thawed state. When the product is lot inspected, the samples are examined for Factor 1, in Table 1 in the frozen state.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE
FROZEN STATE

Factors scored	Method of determining score	Deduct
1 Dehydration	Small degree: Easily scraped off of each 10 percent of top surface affected. Large degree: Deep dehydration not easily scraped off, affecting each 10 percent of surface.	2 4

FRESH OR THAWED STATE

2 Undesirable pieces.	Percent by weight:	
	Up to 5 percent	3
	Over 5 percent—not over 10 percent.	6
3 Uniformity	Over 10 percent	10
	Weight ratio:	
	Over 2.5—not over 3.0	4
4 Color	Over 3.0—not over 3.3	6
	Over 3.3	10
	Each 10 percent by count of nonuniform colored scallops in excess of the 10 percent of nonuniform colored scallops permitted.	10
5 Extraneous material.	Minor: Each instance of minor extraneous material in the sample unit per pound.	1
	Major: Each instance of major extraneous material in the sample unit per pound.	5

COOKED STATE

6 Texture	Firm but tender and moist	0
	Small degree: Moderately tough, dry, and fibrous or mushy.	5
	Large degree: Excessively tough, dry and fibrous or mushy.	15

(1) "Dehydration" refers to the loss of moisture from the scallops surface during frozen storage. Small degree of dehydration is color-masking but can be easily scraped off. Large degree of dehydration is deep, color-masking, and requires a knife or other instrument to scrape it off.

(c) *Examination of sample, thawed state.* When necessary, thawing the sample is best accomplished by enclosing it in a water impermeable film-type bag and immersing in an agitated water bath at 68° F. ± 2° F. The complete thawing of the product is determined by gently squeezing the bag occasionally until no hard core or ice crystals are felt.

(1) Undesirable small pieces are pieces which will pass through the openings in a 3/4-inch sieve for larger size scallops. For the smaller scallops, such as bay scallops, undesirable pieces are pieces of scallops that do not have the general conformation of the other scallops. The total weight of these pieces within a sample unit will be obtained. These pieces shall not be used for determining the weight ratio.

(2) Uniformity of size refers to the degree of weight uniformity of the individual scallops. This factor is measured by obtaining a weight ratio between the largest and smallest scallops. The determination is made on the thawed scallops by dividing the total weight of the 15 mination is made on the thawed scallops by the 15 percent (by count) of the smallest scallops.

(3) "Color" refers to reasonably uniform color characteristics of the species used within an individual container. Only noticeable variation in color from the predominating color of the scallops in the container is considered. Medium

gray to black colored scallops are not to be graded.

(4) "Extraneous materials" are pieces or fragments of undesirable material that are naturally present in or on the scallops and which should be removed during processing.

(i) An instance of minor extraneous material includes but is not limited to each occurrence of intestines, seaweed, etc., and each aggregate of sand and grit up to 1/2-inch square and located on the scallop surface. Deduction points shall be assessed for additional instances of intestines, seaweed, etc., and aggregates of sand and grit up to 1/2-inch square.

(ii) An instance of major extraneous material includes but is not limited to each instance of shell or aggregate of embedded sand or other extraneous embedded material that affects the appearance or eating quality of the product.

(d) *Examination of sample, cooked state.* Cooked state means the state of the sample after being cooked. Place at least 25 percent by weight of the thawed sample from each sample unit into a boilable film-type pouch and seal. Submerge the pouch and its contents into boiling water for about 3 to 4 minutes or until cooked. Alternatively the product is placed into a baking pan lined with aluminum foil. A cover of aluminum foil is crimped around the edges of the top of the pan. The pan is placed in an oven that has been pre-heated to 450° F. for 20 minutes or until cooking has been completed. Flavor and odor and texture shall be evaluated in the cooked state.

(1) "Texture" refers to the firmness, tenderness, and moistness of the cooked scallop meat, which is characteristic of the species.

(e) *General definitions.* (1) "Small" (overall assessment) refers to a condition that is noticeable but is only slightly objectionable.

(2) "Large" (overall assessment) refers to a condition that not only is noticeable but is seriously objectionable.

(3) "Minor" (individual assessment) refers to a defect that slightly affects the appearance and/or utility of the product.

(4) "Major" (individual assessment) refers to a defect that seriously affects the appearance and/or utility of the product.

(5) "Net weight" means the total weight of the scallop meats within the package after removal of all packaging materials, ice glaze, or other protective materials.

§ 273.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products).

[F.R. Doc. 70-10910; Filed, Aug. 19, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

[363.2]

CAST IRON PIPE AND FITTINGS

Proposed Revocation of Exception of Certain Articles From Requirements of Marking To Indicate Country of Origin; Extension of Time To Furnish Comments

AUGUST 17, 1970.

The Bureau of Customs published in the FEDERAL REGISTER of July 9, 1970 (35 F.R. 11033), a notice of proposed revocation of the exception from the country of origin marking requirements for cast iron pipe and fittings provided under 19 U.S.C. 1304(a)(3)(J). The notice provided that consideration would be given to all data, views, or arguments submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Notice is hereby given that the time for furnishing comments in response to the above notice is extended for 15 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[F.R. Doc. 70-11009; Filed, Aug. 19, 1970;
8:49 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitation on Dividends Received Deduction for Mutual Savings Banks, Building and Loan Associations, and Cooperative Banks

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person

submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to prescribe regulations under section 596 of the Internal Revenue Code of 1954, as added by section 434(a) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 624), the Income Tax Regulations (26 CFR Part 1) are amended as follows:

The following sections are added immediately after § 1.595-1:

§ 1.596 Statutory provisions; limitation on dividends received deduction.

Sec. 596. *Limitation on dividends received deduction.* In the case of an organization to which section 593 applies and which computes additions to the reserve for losses on loans for the taxable year under section 593 (b) (2), the total amount allowed under sections 243, 244, and 245 (determined without regard to this section) for the taxable year as a deduction with respect to dividends received shall be reduced by an amount equal to the applicable percentage for such year (determined under subparagraphs (A) and (B) of section 593 (b) (2)) of such total amount.

[Sec. 596 as added by sec. 434(a), Tax Reform Act 1969 (83 Stat. 624)]

§ 1.596-1 Limitation on dividends received deduction.

(a) *In general.* For taxable years beginning after July 11, 1969, in the case of mutual savings banks, domestic building and loan associations, and cooperative banks, if the addition to the reserve for losses on qualifying real property loans for the taxable year is determined under section 593(b)(2) (relating to the percentage of taxable income method), the total amount allowed as a deduction with respect to dividends received under sections 243, 244, and 245 and the regulations under such sections (determined without regard to section 596 and this section) for such taxable year is reduced. In such case, the dividends received deduction is reduced by an amount equal to the applicable percentage for such year (determined under subparagraphs (A) and (B) of section 593(b)(2) and the regulations thereunder) of such total amount.

(b) *Example.* The provisions of this section may be illustrated by the following example:

Example. X Corporation, a domestic building and loan association, determines the addition to its reserve for losses on qualifying real property loans under section 593(b)(2) for its taxable year beginning in 1971. During that taxable year, X Corporation received a total of \$100,000 as dividends from domestic corporations subject to tax under chapter 1 of the Code. X Corporation received no other dividends during the taxable year. Under section 243 a deduction, determined without regard to section 596 and this section, of \$85,000 would be allowed with respect to the dividends. For the taxable year, the applicable percentage, determined under subparagraphs (A) and (B) of section 593 (b) (2), is 54 percent. Under section 596 and this section, the amount allowed as a deduction under section 243 and the regulations thereunder is reduced by \$45,900 (54 percent of \$85,000) to \$39,100 (\$85,000 less \$45,900).

[F.R. Doc. 70-10921; Filed, Aug. 19, 1970;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

MIGRATORY BIRD PERMITS

Taxidermist Permits

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 703 et seq.), the Secretary of the Interior proposes to amend Part 16, Title 50, Code of Federal Regulations.

The proposed amendment adds the requirement that the taxidermist permit be posted in the principal place of employment, and it allows the taxidermist to sell mounted, captive reared birds.

Section 16.12(a) as amended will read:

§ 16.12 Taxidermist permits.

(a) A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself. The permit authorizes a taxidermist to receive, return, transport, hold in custody or possession, and mount or otherwise prepare specimens owned by another. The permit also authorizes a taxidermist to sell or dispose of captive reared migratory birds which he has legally acquired and has mounted or otherwise prepared. The permit must be conspicuously posted at the location where taxidermy services are performed.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240,

within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 14, 1970.

[F.R. Doc. 70-10909; Filed, Aug. 19, 1970;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 907, 908]

[Dockets Nos. AO-245-A7, AO-250-A5]

NAVEL AND VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Further Amendment of Marketing Agree- ments and Orders

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13, 1970, after notice thereof published in the FEDERAL REGISTER (35 F.R. 5587) on proposed further amendment of the respective marketing agreements and orders (7 CFR Parts 907 and 908) regulating the handling of Navel and Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 15, 1970, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (F.R. Doc. 70-9270; 35 F.R. 11587) on July 18, 1970. No exception was filed.

The material issues, findings and conclusions, rulings and the general findings of the recommended decision are hereby approved and adopted as the material issues, findings and conclusions, rulings and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California," "Order Amending the Order, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California," "Marketing Agreement, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California," and "Order Amending the Order, as Amended, Regulating the Handling of

Valencia Oranges Grown in Arizona and Designated Part of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period November 1, 1969, through July 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 907), in the production of Navel oranges for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such oranges; and

(2) Among the producers who, during the period February 1, 1969, through January 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 908), in the production of Valencia oranges for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such oranges.

Warren C. Noland and Edmund J. Blaine, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 1733, 312 North Spring Street, Los Angeles, Calif. 90012, are hereby designated referendum agents to conduct said referenda.

The procedure applicable to each referendum shall be the "Procedure for the Conduct to Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts, Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed orders of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered. That all of this decision and referendum order, except the annexed marketing agreements, as amended, be published in the FEDERAL REGISTER. The respective regulatory provisions of the said marketing agreements

are identical with those contained in the said orders as further amended by the annexed orders which will be published with this decision.

Dated: August 17, 1970.

RICHARD E. LYNG,
Assistant Secretary.

*Order¹ Amending the Order, as Amended,
Regulating the Handling of Navel
Oranges Grown in Arizona and
Designated Part of California*

§ 907.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13, 1970, upon proposed amendments to the marketing agreement, as amended, and to Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Navel oranges; and

(5) All handling of Navel oranges grown in the designated production area

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Navel oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 907.31 [Amended]

1. Section 907.31 *Expenses and compensation* is amended by deleting "\$15" in the first sentence and substituting in lieu thereof "\$25".

2. Section 907.53 *Prorate bases* is amended by deleting paragraph (c) and substituting in lieu thereof a new paragraph (c) to read as follows:

§ 907.53 *Prorate bases.*

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this part, of the oranges described in the application.

3. Section 907.57 *Allotment loans* is amended by deleting the first sentence, including the proviso, in paragraph (a) and the second sentence in paragraph (b), and substituting in lieu thereof new sentences to read as follows:

§ 907.57 *Allotment loans.*

(a) A person to whom allotments have been issued under general maturity or the short life provisions of this subpart may, in accordance with the provisions of this section, lend such allotments to other persons, within any prorate district, to whom allotments also have been issued. * * *

(b) * * * A person desiring to loan allotment to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans and, failing to do so, may then arrange to offer the loan outside of the district in an equitable manner: *Provided,* That offers to loan short life allotment to persons within any district to whom allotments have been issued under general maturity shall be arranged through the committee. * * *

4. Section 907.60 *Early maturity allotments* is amended by revising the fourth sentence to read as follows:

§ 907.60 *Early maturity allotments.*

* * * Total early maturity allotments approved by the committee for each prorate district shall be allocated in an equitable manner among the requesting handlers who qualify therefor. * * *

§ 907.61 [Amended]

5. Section 907.61 *Short life allotments* is amended by deleting the sentence reading, "Short life allotments may be used only in the handling of short life oranges".

6. Section 907.66 *Prorate districts* is amended by adding a new paragraph (d) to read as follows:

§ 907.66 *Prorate districts.*

(d) Upon a determination by the committee that such action is necessary and appropriate it may, with the approval of the Secretary, establish a separate district for that part of the production area north of the 38th Parallel.

7. The text of § 907.40 *Expenses* is revised to read as follows:

§ 907.40 *Expenses.*

The Navel Orange Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year.

8. The first sentence of paragraph (a) in § 907.41 *Assessments* is revised to read as follows:

§ 907.41 *Assessments.*

(a) Each person who first handles oranges shall, with respect to the oranges handled by him, pay to the committee upon demand, such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred each fiscal year. * * *

Order¹ Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California

§ 908.0 *Findings and determinations.*

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13, 1970, upon proposed amendments 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. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Valencia oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 908.31 [Amended]

1. Section 908.31 *Expenses and compensation* is amended by deleting "\$15" in the first sentence and substituting in lieu thereof "\$25".

2. Section 908.53 *Prorate bases* is amended by deleting paragraph (c) and substituting in lieu thereof a new paragraph (c) to read as follows:

§ 908.53 *Prorate bases.*

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this marketing order, of the oranges described in the application.

3. Section 908.57 *Allotment loans* is amended by deleting the first sentence, including the proviso, in paragraph (a) and the second sentence in paragraph (b), and substituting in lieu thereof new sentences to read as follows:

§ 908.57 *Allotment loans.*

(a) A person to whom allotments have been issued under general maturity or the short life provision of this subpart may, in accordance with the provisions of this section, lend such allotments to other persons, within any prorate district, to whom allotments also have been issued. * * *

(b) * * * A person desiring to loan allotment to persons outside his own district shall request the committee to arrange the loan on his behalf with the

committee first offering the loan to persons within the district who file requests for such loans and, failing to do so, may then arrange to offer the loan outside of the district in an equitable manner: *Provided*, That offers to loan short life allotment to persons within any district to whom allotments have been issued under general maturity shall be arranged through the committee. * * *

4. Section 908.60 *Early maturity allotments* is amended by revising the fourth sentence to read as follows:

§ 908.60 Early maturity allotments.

* * * Total early maturity allotments approved by the committee for each pro-rate district shall be allocated in an equitable manner among the requesting handlers who qualify therefor. * * *

§ 908.61 [Amended]

5. Section 908.61 *Short life allotments* is amended by deleting the sentence reading, "Short life allotments may be used only in the handling of short life oranges".

7. The text in § 908.40 *Expenses* is revised to read as follows:

§ 908.40 Expenses.

The Valencia Orange Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year.

8. The first sentence of paragraph (a) in § 908.41 *Assessments* is revised to read as follows:

§ 908.41 Assessments.

(a) Each person who first handles oranges shall, with respect to the oranges handled by him, pay to the committee upon demand, such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred each fiscal year. * * *

[F.R. Doc. 70-10958; Filed, Aug. 19, 1970; 8:49 a.m.]

[7 CFR Part 913]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Proposed Reporting Requirement

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the rules and regulations (§ 913.150) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment to said rules and regulations was proposed by the Interior Grapefruit Marketing Committee, established under said amended marketing

agreement and order as the agency to administer the terms and provisions thereof. The amendment would provide that whenever any handler ships Interior grapefruit to a destination outside the regulation area he must, prior to the shipment of such fruit, give written notification to the committee or its designated agent. The notification will be the basis for computing handlers' shipments outside the regulation area, which shipments are subject to the volume regulations issued under the marketing agreement and order program.

The amendment would add a new § 913.151 *Reporting shipments outside the regulation area* to read as follows:

§ 913.151 Reporting shipments outside the regulation area.

Prior to shipment of each lot of grapefruit, the handler shall provide the Interior Grapefruit Marketing Committee, or its designated agent, a copy of the shipping manifest applicable to such lot. Such manifest shall indicate whether such fruit is to be transported to a point or points outside the regulation area or within the regulation area, and shall be certified by the handler to the committee as to the correctness of such information shown thereon.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours. (7 CFR 1.27(b)).

Dated: August 14, 1970.

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

[F.R. Doc. 70-10917; Filed, Aug. 19, 1970; 8:47 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Santa Maria control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments

as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR instrument approach procedure is proposed for Santa Maria Public Airport utilizing the 117° M (133° T) radial of the Santa Maria VOR. In addition, a modification to the current VOR-1 instrument approach is proposed, changing the final approach radial from 316° M (332° T) to 311° M (327° T). The proposed 700-foot transition area and control zone extension are required to provide controlled airspace protection for aircraft executing the proposed instrument procedures while operating below 1,500 feet and 1,000 feet, respectively.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (35 F.R. 2054) the description of the Santa Maria control zone is amended to read as follows:

SANTA MARIA, CALIF.

Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.); within 1.5 miles each side of the Santa Maria VOR 133° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VOR. This control zone is effective from 0600 to 2200 hours local time daily.

In § 71.181 (35 F.R. 2134) the description of the Santa Maria transition area is amended to read as follows:

SANTA MARIA, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.) and within 3 miles each side of the Santa Maria VOR 133° and 327° radials extending from 17 miles southeast to 7 miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on July 27, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-10894; Filed, Aug. 19, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-61]

CONTROL ZONES

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Renton and Seattle, Wash. (Boeing Field International), control zones.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The airspace requirements for Boeing Field International Airport, Washington, have been reviewed in accordance with the U.S. Standards for Terminal Instrument Approach Procedures (TERPs). The review resulted in a modification of the NDB (ADF) runway 31L instrument approach procedure by changing the final approach course from 144° T (122° M) to 146° T (124° M) from the Seattle-Tacoma ILS OM (Park). Alteration of the approach procedure will require a small control zone extension approximately 3 miles east of the Seattle-Tacoma control zone and 1 mile south of the Renton control zone.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions:

In § 71.171 (35 F.R. 2054) the description of the Renton, Wash., control zone is amended to read as follows:

RENTON, WASH.

That airspace bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W.; thence clockwise along an

arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. This control zone is effective from 0700 to 2300 hours local time daily.

In § 71.171 (35 F.R. 2054) the description of the Seattle, Wash. (Boeing Field International), control zone is amended to read as follows:

SEATTLE, WASH. (BOEING FIELD INTERNATIONAL)

That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., to latitude 47°32'10" N., longitude 122°12'40" W., thence via an arc of a 3-mile radius circle centered on Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°13'33" W., to latitude 49°29'20" N., longitude 122°23'10" W., thence clockwise along an arc of a 5-mile radius circle centered on Boeing Field International Airport (latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning; within 2 miles each side of the 150° bearing from the Magnolia LOM, extending from the 5-mile radius arc to 2 miles southeast of the Magnolia LOM, excluding the portion within the Seattle, Wash. (Seattle-Tacoma International Airport), control zone, and the portion within the Renton, Wash., control zone when the Renton control zone is effective.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on July 27, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-10895; Filed, Aug. 19, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-62]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone for El Monte, Calif., Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications

should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The Federal Aviation Administration will commission a control tower at El Monte Airport on or about November 1, 1970. Commissioning of the control tower will qualify the El Monte Airport for designation of a control zone by providing weather reporting services and communications to the runway surface. Approach control service will be provided by Ontario approach control.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action.

In § 71.171 (35 F.R. 2054) the following control zone is added:

EL MONTE, CALIF.

Within a 5-mile radius of El Monte Airport (latitude 34°05'11" N., longitude 118°02'21" W.), excluding the portion within a 1-mile radius of Shepherd Field (latitude 34°00'50" N., longitude 118°03'07" W.). This control zone is 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.

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

Issued in Los Angeles, Calif., on August 3, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-10896; Filed, Aug. 19, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-65]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that

would alter the descriptions of the Eugene, Oreg., control zone and transition area.

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 Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. 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 proposals 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The instrument approach procedures for Mahlon-Sweet Field, Eugene, Oreg., have been reviewed in accordance with the United States Standard for Terminal Instrument Procedures (TERPS). The proposed additional control zone and 700-foot transition area will provide controlled airspace for aircraft executing prescribed instrument procedures. The additional 1,200-foot transition will provide controlled airspace for aircraft executing the VOR/DME Rwy 16 approach procedure, transitioning from V-121 Northeast of Eugene.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Eugene, Oreg. control zone is amended to read as follows:

EUGENE, OREG.

Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°-13'05" W.), within 3 miles each side of the Eugene VORTAC 008° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2.5 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 9 miles south of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Eugene, Oreg., transition area

is amended as follows: In the fifth and sixth lines of the text delete "* * * 2 miles east of and parallel to the Eugene VORTAC 172° radial, * * *" and substitute therefor "* * * 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, * * *". At the end of the description of the transition area delete "* * * radial." and add the following "* * * radial, and that airspace Northeast of Eugene bounded on the north by the south edge of V-536, on the south by the north edge of V-121, and on the north-west by the southeast edge of V-23E.

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

Issued in Los Angeles, Calif., on August 11, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-10897; Filed, Aug. 19, 1970;
8:45 a.m.]

National Highway Safety Bureau

[49 CFR Part 575]

[Docket No. 28-8; Notice 2]

**MOTOR VEHICLE SAFETY
REGULATIONS**

**Consumer Information; Trailer Towing
Performance—Passenger Cars and
Multipurpose Passenger Vehicles**

Correction

In F.R. Doc. 70-10453, appearing on page 12849 in the issue of Thursday, August 13, 1970, the word "approximately" in the second line of § 575.108 (d)(9) should read "appropriately".

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Parts 89, 91, 93, 95]

[Docket No. 18921]

**PRIVATE LAND MOBILE RADIO
SERVICES**

**Cooperative Use and Multiple Licens-
ing of Stations; Order Extending
Time for Filing Comments and Reply
Comments**

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules to adopt new practices and procedures for cooperative use and multiple

licensing of stations in the private land mobile radio services, Docket No. 18921; amendment of Parts 89 (Subpart P) 91, 93, and 95 of the Commission's rules relating to sharing practices in the Safety and Special Radio Services, RM-1197; amendment of §§ 89.13, 91.6, and 95.87 of the Commission's rules to limit cooperative use and multiple licensing practices in the Safety and Special Radio Services and request for general inquiry into sharing practices in the private land mobile services, RM-1218; amendment of Part 91 of the Commission's rules to prohibit operation of jointly licensed radio stations by telephone answering services, RM-1330.

1. The National Association of Radiotelephone Systems (NARS) has asked the Commission to extend the time for filing comments and replies in the above-captioned proceeding to October 15, 1970, and October 30, 1970, respectively. The dates presently set for this purpose are August 28, 1970, and September 14, 1970. Memorandum Opinion and Order and Notice of Proposed Rule Making (FCC 70-773), Docket No. 18921, 35 F.R. 12007 (July 25, 1970).

2. In support of its request, NARS states that it was one of the moving parties in petitioning for the institution of this rule making; that it has a vital interest in its outcome; and that the additional time is required to afford it an opportunity to consider the full import of the proposed rules with its officers and membership, during its annual convention scheduled for September 20th through the 23d, 1970, so that it will be able to present its views in a manner best designed to give the Commission the maximum assistance in reaching its decision in this case.

3. It appears that the extension asked by NARS would not unduly delay this proceeding, and that, in view of the nature of the proposal, itself, other parties may well be able to use the additional period to advantage in formulating and presenting their position.

4. Accordingly, it is ordered, Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments and reply comments in this proceeding is extended from August 28, 1970, to October 15, 1970, and from September 14, 1970, to October 30, 1970, respectively.

Adopted: August 12, 1970.

Released: August 13, 1970.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

IRVING BROWNSTEIN,

Deputy Chief, Safety and

Special Radio Services Bureau.

[F.R. Doc. 70-10936; Filed, Aug. 19, 1970;
8:48 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 77]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

AUGUST 14, 1970.

The following applications are governed by Special Rule 247¹ of the Commission's general rules of practice (49 CFR 1100.-247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2228 (Sub-No. 58) (Amendment), filed June 3, 1970, published in FEDERAL REGISTER issue of July 2, 1970, amended July 27, 1970, and republished as amended, this issue. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Laurence M. Cottingham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including classes A and B explosives (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (A) (1) Between Dallas, and Houston, Tex., from Dallas, Tex., over U.S. Highway 175 to Jacksonville, Tex., thence over U.S. Highway 69 to Lufkin, Tex., thence over U.S. Highway 59 to Houston, Tex., and return over the same route, serving all intermediate points; (2) between Dallas, and Beaumont, Tex., from Dallas, Tex., over U.S. Highway 175 to Jacksonville, Tex., thence over U.S. Highway 69 to Beaumont, Tex., and return over the same route, serving all intermediate points; (3) between Alto, and Beaumont, Tex., from Alto, Tex., over Texas Highway 21 to San Augustine, Tex., thence over Texas Highway 147 to junction with U.S. Highway 96, thence over U.S. Highway 96 to Beaumont, Tex., and return over the same route, serving all intermediate points; (4) between Nacogdoches, and Lufkin, Tex., from Nacogdoches, Tex., over U.S. Highway 50 to Lufkin, Tex., and return over the same route, serving all intermediate points;

(5) Between Silsbee, Tex., and junction of Texas Highway 327 and U.S. Highway 69; from Silsbee, Tex., over Texas Highway 327 to junction with U.S. Highway 69, and return over the same route, serving all intermediate points. (B) (1) Between San Augustine, and Za-

valla, Tex., from San Augustine, Tex., over Texas Highway 147 to Zavalla, Tex., and return over the same route; (2) between Zavalla and Jasper, Tex., from Zavalla, over Texas Highway 63 to Jasper, Tex., and return over the same route; (3) between Jasper and Livingston, Tex., from Jasper, Tex., over U.S. Highway 190 to Livingston, Tex., and return over the same route, serving Woodville, Tex., for purposes of joinder only; (4) between Woodville and Corrigan, Tex., from Woodville, over U.S. Highway 287 to Corrigan, Tex., and return over the same route serving no intermediate points as an alternate route for operating convenience only. NOTE: The purpose of this republication is to show in Part (A) (3) U.S. Highway 96 in lieu of U.S. Highway 59 and Part (B) (3) Jasper, Tex., over U.S. Highway 190 to Livingston, Tex., deleted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Austin, Houston, or Dallas, Tex.

No. MC 2228 (Sub-No. 59), filed July 16, 1970. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Laurence M. Cottingham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Fort Worth, Tex., and Lubbock, Tex., from Fort Worth over Texas State Highway 199 to Seymour, Tex., thence over U.S. Highway 82 to Lubbock, Tex., and return over the same route, serving all intermediate points between Jermyn, and Lubbock, Tex.; (2) between Albany, Tex., and Wichita Falls, Tex., from Albany, over U.S. Highway 283, to Throckmorton, Tex., thence over Texas State Highway 79 to Wichita Falls, Tex., and return over the same route, serving all intermediate points; (3) between Quanah, Tex., and the junction of Texas State Highway 283 and U.S. Highway 380, from Quanah, over Texas State Highway 283 to its junction with U.S. Highway 380, as a point of joinder, and return over the same route, serving all intermediate points; (4) between Childress and Aspermont, Tex., from Childress over U.S. Highway 287 to junction U.S. Highway 83, thence over U.S. Highway 83 to Aspermont, and return over the same route, serving all intermediate points; (5) between Vernon and Dimmitt, Tex., from Vernon over U.S. Highway 287 to junction U.S. Highway 70, thence over U.S. Highway 70 to Plainview, Tex., thence over U.S. Highway 70 to junction Texas

Highway 194, thence over Texas Highway 194 to junction U.S. Highway 385 south of Dimmitt, Tex., thence over U.S. Highway 385 to Dimmitt, and return over the same route, serving all intermediate points; and (6) between Floy-dada and Ralls, Tex., over Texas Highway 207, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 2860 (Sub-No. 81), filed July 27, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Cleveland and Solon, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Washington, D.C., and points in Pennsylvania east of U.S. Highway 15. 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 New York, N.Y., or Washington, D.C.

No. MC 2229 (Sub-No. 156), filed July 20, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247. Applicant's representative: J. W. Whittemore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading); (1) Between Memphis, Tenn., and New Orleans, La., from Memphis over U.S. Highway 51 and Interstate Highway 55 to junction U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate points of Jackson, Miss., and Hammond, La., and serving the junction of U.S. Highways 84 and 51 for purpose of joinder only; (2) between Natchez, Miss., and junction U.S. Highways 84 and 51, over U.S. Highway 84, serving no intermediate points, but serving junction of U.S. Highways 84 and 51 for purpose of joinder only; (3) between Memphis Tenn., and Natchez, Miss., over U.S. Highway 61, serving the intermediate point of Vicksburg, Miss.; (4) between Memphis, Tenn., and Monroe, La., from Memphis over U.S. Highway 61 to junction U.S. Highway 82 thence over U.S. Highway 82 to junction Arkansas Highway 81, thence over Arkansas Highway

81 to the Arkansas-Louisiana State Line, thence over Louisiana Highway 139 to junction U.S. Highway 165, thence over U.S. Highway 165 to Monroe, and return over the same route, serving all presently authorized intermediate points west of the Mississippi River; (5) between Jackson, Miss., and Mobile, Ala., from Jackson over U.S. Highway 49 to junction U.S. Highway 98, thence over U.S. Highway 98 to Mobile, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving junction of U.S. Highways 49 and 98 for the purpose of joinder only; (6) between junction U.S. Highways 49 and 98 and Gulfport, Miss., over U.S. Highway 49, as an alternate route for operating convenience only, serving no intermediate points, but serving the junction of U.S. Highway 49 and 98 for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., with continued hearings at New Orleans and Monroe, La., Mobile, Ala., and Jackson, Tenn.

No. MC 4267 (Sub-No. 3), filed July 23, 1970. Applicant: C. L. JILLICH TRUCK LINE, INC., 16842 Park Avenue, Post Office Box 96, Hazel Crest, Ill. 60429. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts, and materials, supplies, and equipment* used in the manufacture and fabrication thereof, between Matteson, Ill., on the one hand, and on the other, points in Ohio and Indiana, under contract with Allis Chalmers Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 14252 (Sub-No. 25), filed July 27, 1970. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Applicant's representative: R. L. Ratchford (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), between Portsmouth and McDermott, Ohio, from Portsmouth over U.S. Highway 52 to junction Ohio Highway 73, thence over Ohio Highway 73 to junction Ohio Highway 104, thence over Ohio Highway 104 to junction unnumbered highway just north of Rushtown, Ohio, thence over unnumbered highway to McDermott, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 15897 (Sub-No. 6), filed July 26, 1970. Applicant: O.K. TRANSFER AND STORAGE CO., a corporation, 207 South Union Street, Post Office Box 1602, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 600

Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unrated store fixtures and furnishings*, in mixed loads with one or more of the commodities named in (2) below; and (2) *such commodities* as are dealt in by electronic equipment and supply stores in mixed loads with the commodities set forth in (1) above, from the warehouse facilities of the Radio Shack Division of the Tandy Corp. at Fort Worth, Tex., to points in Indiana, Illinois, Ohio, Michigan, West Virginia, Pennsylvania, and New York. 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 Fort Worth, Tex.

No. MC 27817 (Sub-No. 87), filed July 29, 1970. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa., 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs* (except cold-pack and frozen) from the shipping points and warehouses of Hanover Terminal, Inc., California Cannery and Growers, and D. Westervelt, Inc., at or near the borough of Hanover and the township of Penn, York County, Pa., to points in Pennsylvania, restricted to traffic having a prior or subsequent 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 Harrisburg, Pa., or Washington, D.C.

No. MC 29079 (Sub-No. 60), filed August 3, 1970. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Virgil H. Schwartz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implement parts, tractor parts, and tractor attachments*, between Louisville, Ky., on the one hand, and, on the other, points in Fulton and Rock Island Counties, Ill., restricted to traffic originating at the plants, warehouses and storage facilities used by the International Harvester Co. 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 29910 (Sub-No. 90), filed July 23, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th, Fort Smith, Ark. 72901. Applicant's representatives: Thomas Harper and Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles (except commodities in bulk), between Newport, Ark., and points within the States of Alabama, Arkansas,

Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority would be tacked at Newport, Ark., with all of its regular route authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Little Rock, Ark., or Washington, D.C.

No. MC 30022 (Sub-No. 92), filed July 13, 1970. Applicant: PAUL S. CREBS, INC., 277 Ninth Street, Northumberland, Pa. 17857. Applicant's representative: Richard V. Zug, Woolson Building, Post Office Box 279, Springfield, Vt. 05156. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and accessories, materials, equipment, and supplies used in the sale, manufacture and distribution of containers and container ends, between points in New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Ohio, West Virginia, Maryland, District of Columbia, New Jersey, and Delaware.* 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 30837 (Sub-No. 401), filed July 24, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottling machinery and parts therefor when moving therewith, from Cudahy, Wis., to Laredo, Tex.* 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 40915 (Sub-No. 24), filed July 24, 1970. Applicant: BOAT TRANSPORT, INC., Post Office Box 1403, Newport Beach, Calif. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, insect repellants, and vermin exterminators, restricted against transportation of commodities in bulk, from Baton Rouge, La., to points in Arizona, California, Connecticut, New Jersey, New York, Maryland, 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 New Orleans, La.

No. MC 40915 (Sub-No. 25), filed July 24, 1970. Applicant: BOAT TRANSPORT, INC., Post Office Box 1403, Newport Beach, Calif. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Carpets, carpet remnants, and rugs, from Villa Rica, Calhoun, and Resaca, Ga., to points in Illinois, Indiana, and Pennsylvania.* 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 Atlanta, Ga., or Washington, D.C.

No. MC 40915 (Sub-No. 26), filed July 30, 1970. Applicant: BOAT TRANSPORT, INC., Post Office Box 1403, Newport Beach, Calif. 92663. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, buffing or polishing compounds; insecticides; paint, enamel, shellac, varnish, lacquer, and stain; paint or varnish removing compounds; weed killing compounds; deodorant compounds; paper cups and towels; vacuum cleaners and attachments therefore; janitorial supplies and equipment; floor mats (all restricted against the transportation of commodities in bulk), from the plantsite or warehouse facilities utilized by Zep Manufacturing Co., in Atlanta, Ga., to Boston, Mass.; Chicago, Ill.; Cleveland, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; St. Louis, Mo.; St. Paul, Minn.; Santa Clara, Calif.; and Springfield, N.J.* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 42487 (Sub-No. 753), filed July 13, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from San Diego, Calif., to Phoenix, Ariz., over U.S. Highway 80, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with said carriers presently authorized regular-route operations.* NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 42487 (Sub-No. 754), filed July 23, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representatives: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680, and E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Fort Worth, Tex.; (1) from Denver over U.S. Highway 87 to junction U.S. Highway 287 at Dumas, Tex., thence over U.S. Highway 287 to Fort Worth, and return over the same route, serving no intermediate points, as an alternative route for operating convenience only; and (2) from Denver over Interstate Highway 25 to junction U.S. Highway 87 near Raton, N. Mex., thence over U.S. Highway 87 to junction U.S. Highway 287 at Dumas, Tex., thence over U.S. Highway 287 to Fort Worth, and return over the same route, serving no intermediate points, as an alternative route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 42487 (Sub-No. 755), filed July 28, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linwood Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Goldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling, serving the site of the Duane Arnold Energy Center located near Palo (Linn County) Iowa, as an off-route point in connection with applicant's presently authorized regular routes.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids or Des Moines, Iowa.

No. MC 42487 (Sub-No. 759), filed August 4, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fats, in bulk, in tank vehicles, from Seattle, Wash., to Los Angeles, Calif.* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Ore.

No. MC 43038 (Sub-No. 445), filed July 30, 1970. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representatives: T. Randolph Buck, 3800 Frederica Street, Owensboro, Ky. 42301, and Paul H. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, complete or not complete, set up or not set up and parts and accessories moving in connection with shipments*

thereof, in secondary movements, in truckaway or driveaway service, restricted to traffic manufactured or assembled by General Motors Corp. and having an immediately prior movement by common, contract, or air carrier, between Sharonville and Cementdale, Ohio, on the one hand, and, on the other, points in Virginia and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Cincinnati, Ohio, or Louisville, Ky.

No. MC 52579 (Sub-No. 124), filed July 24, 1970. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: W. Abel (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons or packages, and/or *wearing apparel, accessories, and supplies* used by wearing apparel stores, in mixed loads with wearing apparel, loose, on hangers, from the Los Angeles, Calif., commercial zone as defined by the Commission to points in Tarrant, Dallas, Brazoria, Fort Bend, Galveston, and Harris Counties, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 52579 (Sub-No. 125), filed August 3, 1970. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: W. Abel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Hialeah and Miami, Fla.; Little Rock, Ark.; Brownsville and Morgantown, Ky.; Dresden, Greenfield, Rutherford, and Trenton, Tenn., to Tucker, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 53965 (Sub-No. 68), filed July 23, 1970. Applicant: GRAVES TRUCK LINES, INC., 739 North 10th, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. 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, (1) between Oklahoma City, Okla., and Wichita, Kans., over Interstate Highway 35, as an alternate route, in connection with applicant's presently authorized regular routes, serving no intermediate points, except the intersections of Interstate Highway 35 and U.S. Highway 60, Interstate Highway 35 and Oklahoma Highway 15, and Interstate

Highway 35 and U.S. Highway 64 for purpose of joinder, and (2) between Tulsa, Okla., and Enid, Okla., over U.S. Highway 64, as an alternate route in connection with applicant's presently authorized regular route authority, serving no intermediate points, except the intersections of Interstate Highway 35 and U.S. Highway 64, for purpose of joinder. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 55889 (Sub-No. 35) (Correction), filed July 17, 1970, published in the FEDERAL REGISTER issue of August 8, 1970, and republished, in part, as corrected this issue. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004; and Kenneth A. Roberts, 1026 17th Street NW., Washington, D.C. 20036. The purpose of this partial republication is to show the correct address of A. Alvis Layne as: 915 Pennsylvania Building, Washington, D.C. 20004 in lieu of 914 Pennsylvania Avenue, as previously published. The rest of the application remains as published.

No. MC 56679 (Sub-No. 41), filed July 16, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Augusta, Ga., on the one hand, and, on the other, points in Florida. 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 Atlanta, Ga., or Jacksonville, Fla.

No. MC 61048 (Sub-No. 10), filed July 17, 1970. Applicant: LEONARD EXPRESS, INC., Post Office Box 610, Greensburg, Pa. 15601. Applicant's representative: Robert R. Kolthoff (same address as above). 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, and commodities requiring special equipment), between Newark, N.J., and points in New Jersey and New York within 30 miles of Newark, N.J., and points in Ohio. Restriction: (1) Service to and from Ohio is restricted to transportation of shipments moving through the gateway of Trumbull County, Ohio; and (2) Service to and from New Jersey and New York is restricted to the transportation of shipments moving through the gateway of Warren County, N.J. NOTE: By the instant application, applicant seeks an extension of gateway to allow applicant to utilize a new highway—Interstate U.S. Highway 80 which traverses New Jersey,

Pennsylvania, and Ohio. Applicant states it presently holds authority to service all points requested by tacking with portions of its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 61592 (Sub-No. 182), filed July 20, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *All terrain vehicles and materials, equipment and supplies*, used in the manufacture and distribution of all terrain vehicles, between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 183), filed August 3, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Jack Davis, 1100 IBM Building, Seattle, Wash. 98101. 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*, from Ellensburg, Wash., to New York, N.Y.; Philadelphia, Pa.; Boston, Mass.; Williamsburg, Va.; Columbia, S.C.; and New Orleans, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 76032 (Sub-No. 260), filed July 27, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: David N. Inwood (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated steel buildings, knocked down, including parts and accessories, and iron and steel articles*, from plantsites of Inland-Ryerson Construction Products Co., Milwaukee, Wis., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Michigan, Indiana, Illinois, Iowa, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Colorado, New Mexico, Arizona, Nevada, and California. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76032 (Sub-No. 261), filed July 27, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223.

Applicant's representative: David N. Inwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in appendix V in the Commission's descriptions of motor carrier certificates, between Pueblo and Minnequa, Colo., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 79135 (Sub-No. 46), filed July 29, 1970. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. 13346. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Delaware, Chango, Madison, and Otsego Counties, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 82063 (Sub-No. 29), filed July 27, 1970. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Mount Carmel, Ill., to points in Illinois, Indiana, Kentucky, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 83539 (Sub-No. 286), filed July 27, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical switch-*

boards, circuit breakers, and gear the transportation of which, because of size or weight, require special equipment or handling, and *parts thereof* when moving in connection therewith, from Napa, Calif., to points in the United States (except points in Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 287), filed August 3, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Circuit breakers and parts thereof*, from Los Angeles, Calif., to points in the United States (except California and Hawaii). 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 Los Angeles, Calif.

No. MC 83539 (Sub-No. 288), filed August 3, 1970. Applicant: C & H MANUFACTURING CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Transformers and switches* which because of their size or weight require the use of special equipment, and *transformers and switches*, other than those described above, when transported in mixed loads with transformers and switches requiring special equipment, from the plantsite of General Electric Co. at or near Shreveport, La., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 289), filed August 4, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power pumps, and parts for power pumps*, from the plantsite of Byron Jackson Pump Division, Borg Warner Corp., at Los Angeles, Calif., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. 83539 (Sub-No. 291), filed August 4, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal processing machinery*, from Los Angeles, Calif., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 92983 (Sub-No. 540), filed July 14, 1970. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils, including blends and products thereof*, in bulk, from points in California, to points in Nebraska, New Mexico, and Utah. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94265 (Sub-No. 238), filed July 27, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Gerald K. Gimmel, Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair Co. at Lafayette, Ind., to points in Connecticut, Delaware, New Jersey, New York, Pennsylvania, Virginia, West Virginia, Maryland, and the District of Columbia restricted to the transportation of traffic originating at the above-named cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 782), filed July 27, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Tip-pah County, Miss., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio,

Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. **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 Memphis, Tenn., or Washington, D.C.

No. MC 96633 (Sub-No. 4), filed July 27, 1970. Applicant: UNITED DRAYAGE COMPANY, a corporation, 2425 Porter Street, Post Office Box 21156, Market Station, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. 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, commodities requiring special equipment and those injurious or contaminating to other lading; (1) from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, restricted to shipments moving from territories and possessions of the United States and the State of Hawaii; and (2) from points in Los Angeles County, Calif., to points in the Los Angeles, Calif., commercial zone, as defined by the Commission, restricted to shipments moving to the territories and possessions of the United States and the State of Hawaii, with all of the foregoing authority to be consolidated with its present operating authority. **NOTE:** Applicant states it is presently authorized as a common carrier to transport general commodities (with the usual exceptions); (A) from the Port of Wilmington, Calif., to points in the Los Angeles, Calif., commercial zone as defined by the Commission, restricted to shipments moving from territories and possessions of the United States and Alaska and Hawaii; and (B) from points in Los Angeles County, Calif., to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, restricted to shipments moving to the territories and possessions of the United States and Alaska and Hawaii. The principal purpose of the within application is to authorize the applicant to accept from and deliver to water carriers, and their motor carrier agents, containers at points in the Los Angeles, Calif., commercial zone, as well as points in the Los Angeles Harbor, Calif., commercial zone, in order to meet current operating practices of such water carriers. Common control may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 103993 (Sub-No. 551), filed July 24, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same

address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles in initial movements, in truckaway service; and (2) *buildings* in sections, mounted on undercarriages, from points in Brunswick County, Va., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 103993 (Sub-No. 553), filed August 4, 1970. Applicant: MORGAN DRIVEAWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Ralph H. Miller and Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Garvin County, Okla., to points in the United States (except Alaska and Hawaii); and (2) *buildings*, in sections, mounted on undercarriages, from points in Garvin County, Okla., to points in the United States (except Alaska and Hawaii, Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106398 (Sub-No. 484), filed July 24, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials; and building materials, component parts, and accessories* used in the manufacture and furnishing of mobile homes, from Newton, Kans., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 485), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Building materials*, from the plant-sites and warehouses of Fingerle Lumber Co., Washtenaw County, Mich., to points in Kentucky. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 106398 (Sub-No. 486), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036, and Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials; and, building materials, component parts, and accessories* used in the manufacture and furnishing of mobile homes, from Arlington, Tex., to points in Kansas and Oklahoma. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 106398 (Sub-No. 487), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural framing steel, expanded metals, metal gratings, lath, mesh, panels, partitions, under floor, electric distribution systems, metal products, component parts, and accessories thereto*, from Zelenople, Pa., to points in Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New York, New Jersey, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Pennsylvania. **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 Pittsburgh, Pa.

No. MC 106398 (Sub-No. 489), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036, and Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Channel steel, structural steel brackets, flooring, elevated, disassembled, and parts and accessories* used in the installation of such products, from Pontiac, Mich., 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 Detroit, Mich.

No. MC 106398 (Sub-No. 490), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036 and Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, window frames, doors, door frames, and molding*, from Dubuque, Iowa, and Columbus, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106398 (Sub-No. 491), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. 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 and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture, from points in Pottawatomie County, Okla., 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 Oklahoma City, Okla.

No. MC 106398 (Sub-No. 492), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. 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 Charlotte County, Va., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. No duplicating authority is sought. 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 106400 (Sub-No. 78), filed July 8, 1970. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representatives: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101 and Harold D. Holwick (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Wichita, Kans. to points in Colorado, Illinois, Indiana, Michigan, Texas, and Wyoming. 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 Kansas City, Mo.

No. MC 107064 (Sub-No. 79), filed July 30, 1970. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, from Artesia, N. Mex., to points in Kansas on and west of U.S. Highway 281, and points in Oklahoma on and west of Interstate Highway 35. 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 or Fort Worth, Tex.

No. MC 107295 (Sub-No. 420), filed July 29, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, and when shipped therewith supplies used in the installation thereof, from Sedalia, Mo., to points in Iowa, Arkansas, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that should possible duplication be discovered later, they will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 421), filed July 29, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry portland cement and products and chemical adhesives*, from Kansas City, Mo., to points in Michigan, Minnesota, Wisconsin, Illinois, Nebraska, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Colorado, Wyoming, Indiana, Tennessee, Kentucky, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107403 (Sub-No. 798), filed July 14, 1970. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representatives: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001 and John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum refined oil distillate*, in bulk, in tank vehicles, from Rochester, N.Y. to points in Connecticut, Massachusetts, New Jersey, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 702), filed August 3, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry, poultry products, poultry dinners, and animal feed*, from points in Wilkes, Alexander, and Union Counties, N.C., and points in Hanover and Accomack Counties, Va., to points east of the Mississippi River and Louisiana, Iowa, Missouri, Arkansas, Kansas, Nebraska, Oklahoma, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Atlanta, Ga.

No. MC 108207 (Sub-No. 306), filed July 24, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Arkansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above specified cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Fort Worth, Tex.

No. MC 108228 (Sub-No. 41), filed March 9, 1970. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus fruit juices*, (1) from Tampa, Fla., to Baltimore, Md., Jersey City and Newark, N.J., Philadelphia, Pa., New York, N.Y., the District of Columbia, and points in Georgia, North Carolina, and South Carolina, and (2) from Plant City, Fla., to Baltimore, Md., Jersey City and Newark, N.J., Philadelphia, Pa., New York,

N.Y., District of Columbia, Omaha, Nebr., Milwaukee, Wis., Pittsburgh and Scranton, Pa., Wheeling, W. Va., Richmond, and Norfolk, Va., and points in Delaware, Illinois, Kansas, Massachusetts, Michigan, Missouri, Ohio, Rhode Island, Indiana (except Lafayette and Indianapolis), Kentucky (except Louisville, Lexington, Frankfort, and Middlesboro), Tennessee (except Knoxville), and that part of New York bounded by a line beginning at the New York-Canada boundary at Buffalo, N.Y., and extending along Interstate Highway 90 to Syracuse, N.Y., thence north and west along New York Highway 57 to the shore of Lake Ontario at Oswego, N.Y., and thence along Lake Ontario shore and the New York-Canada border to point of beginning including points on the indicated portions of the highways specified. 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 Tampa, Fla., or Washington, D.C.

No. MC 109397 (Sub-No. 231), filed July 27, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories* used in the installation thereof, from the plants and warehouse facilities of Penn Ventilator Co., located at Tabor City, N.C.; Keyser, W. Va.; Junction City, Ky.; and Philadelphia, Pa.; to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 109397 (Sub-No. 232), filed July 30, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies, trailers, containers, tanks, and fabricated metal products*, from points in Wirt County, W. Va., to points in the United States; (2) *materials and supplies* used in the manufacture or fabrication of the commodities described in (1) above, from points in the United States to points in Wirt County, W. Va. NOTE: Common control may be involved. Applicant states that tacking is feasible with its Sub 195

on those commodities sought on the application which, because of size or weight, require special equipment or handling. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109397 (Sub-No. 233), filed July 31, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Heavy machinery and articles* which require specialized handling or rigging because of their size or weight, between points in Steuben and La Porte Counties, Ind., on the one hand, and, on the other, points in the Lower Peninsula of Michigan, restricted to the interchange of traffic with other motor carriers which presently may interchange traffic with applicant in Lucas County, Ohio. NOTE: Common control may be involved. Applicant states that it does not propose any new service but only to be able to interchange traffic at points in Steuben and La Porte Counties, Ind., with the same carriers whom it may presently interchange traffic with in Lucas County, Ohio, under its certificate MC 109397 (formerly MC 108068 Sub 52). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 109435 (Sub-No. 63), filed July 27, 1970. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Greenville, Tex., to points in Oklahoma and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 109478 (Sub-No. 116), filed July 27, 1970. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic jars, jugs, and enclosures, containers and sheet liners*, from Nashua, N.H., and Pepperell, Mass., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 109994 (Sub-No. 33), filed July 20, 1970. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Donald A. Morken, 1000

First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, packinghouse products and articles distributed by meat packinghouses* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *food stuffs* (except meat and meat products as described above) when transported in mixed truck loads with meat and meat products from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Fort Dodge, Iowa, and Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) *meat, meat products, packinghouse products and articles distributed by meat packinghouses* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the plantsite and warehouse facilities of Scottsbluff Packing Co., Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restricted to traffic originating at plantsite and warehouse facilities of Geo. A. Hormel & Co., Fort Dodge, Iowa, and Fremont, Nebr., and Scottsbluff Packing Co., Scottsbluff, Nebr., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109994 (Sub-No. 34), filed July 27, 1970. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Restriction: Restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110322 (Sub-No. 2), filed July 24, 1970. Applicant: HERBERT L. STUGELMAYER, doing business as HERB STUGELMAYER, 818 Seventh Avenue Southeast, Aberdeen, S. Dak. 57401. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul,

Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared feeds*, in bulk, from Minneapolis, Minn., to Aberdeen, S. Dak., and (2) *prepared feeds*, from Mankato, Minn., and Sioux City, Iowa, to Aberdeen, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Aberdeen, S. Dak.

No. MC 110525 (Sub-No. 983), filed July 23, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Kingsport, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). 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. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 75), filed July 28, 1970. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McNerny, 1000 16th 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading), serving the plantsite of Hercules, Inc., located near Terre Haute, Ind., as an off-route point in connection with applicant's regular route authority to serve Terre Haute, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 111302 (Sub-No. 59), filed July 27, 1970. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, S.C. 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric sulphate (iron sulphate)*, in bulk, from Copperhill, Tenn., to Dalton, Ga. 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 Atlanta, Ga., or Chattanooga, Tenn.

No. MC 111328 (Sub-No. 10), filed July 23, 1970. Applicant: DOLLISON TRUCK LINES, INC., 1000 Pennsylvania Avenue, Charleston, W. Va. 25302. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Magazines, periodicals, and magazine parts and sections*, between Cincinnati, Middletown, Hamilton, Dayton, and Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111432 (Sub-No. 2), filed July 28, 1970. Applicant: FRANK J. SIBER & SONS, INC., 5240 West 123d Place, Alsip, Ill. 60658. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in tank vehicles, from the plantsite of Clark Oil & Refining Corp., at Hammond, Ind. to points in Illinois, on and north of U.S. Highway 26, under contract with Clark Oil & Refining Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 143), filed July 27, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, between points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina on the one hand, and, on the other, points in Arkansas, Delaware, Kentucky, Missouri, North Carolina, Pennsylvania, Tennessee, Texas, 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. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held in Atlanta, Ga.

No. MC 111661 (Sub-No. 4), filed July 22, 1970. Applicant: GERDIN TRANSFER, INC., Princeton, Minn. 55371. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lad-

ing), from Milaca, Minn., to Foley, Minn., over Minnesota Highway 23, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112713 (Sub-No. 125), filed July 23, 1970. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, 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 Lake City, Girard, and Cory, Pa., as off-route points in connection with applicant's presently held regular-route operations to and from Erie, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Erie, Pa., or Cleveland, Ohio.

No. MC 112801 (Sub-No. 107), filed July 24, 1970. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Dubuque, Iowa to points in Illinois, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113024 (Sub-No. 94), filed July 29, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fibre*, from Yorklyn, Del., to St. Paul, Minn., Milwaukee, Wis., and Memphis, Tenn., under contract with NVF Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 191), filed July 27, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair Co., at Lafayette, Ind., to points in Connecticut, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at the above specified cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it

be held at Des Moines, Iowa or Chicago, Ill.

No. MC 113678 (Sub-No. 394), filed July 24, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Ackle and Richardson Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, from Denison and Iowa Falls, Iowa, to points in California, Arizona, Nevada, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 113974 (Sub-No. 43), filed August 3, 1970. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Roanoke County, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 114115 (Sub-No. 23), filed August 3, 1970. Applicant: TRUCKAWAY SERVICE, INC., 10990 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representatives: James R. Stiverson and H. Edwin Van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Ludlowville (Tompkins County) and Retsof, N.Y., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Cayuga Rock Salt Co., and International Salt Co. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 71), filed July 27, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Connecticut, Delaware,

Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to transportation of traffic originating at the above-specified cold storage facilities and destined to the above-specified destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114284 (Sub-No. 44), filed July 27, 1970. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, Okla., to points in California. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to the transportation of traffic originating at the plant site or storage facilities of Wilson Certified Foods and Frisco Packing Co., at or near Oklahoma City, Okla., and destined to points in California. Said authority is restricted against the transportation of hides and commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114552 (Sub-No. 46), filed July 29, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 33, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets, flat, consisting of sawdust or ground wood with added resin binder*, from points in Middlesex County, N.J., and Brooklyn, N.Y., to points in Arkansas, California, Idaho, Kansas, Louisiana, Nevada, Oklahoma, Utah, Oregon, Texas, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 115113 (Sub-No. 15), filed August 3, 1970. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, Iowa 51301. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. 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* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson-Sinclair Co. at Albert Lea, Minn., to points in Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115113 (Sub-No. 16), filed August 3, 1970. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, Iowa. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. 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* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson/Sinclair Co. at Cedar Rapids, Iowa, to points in Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 199), filed July 29, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, vehicle body sealer, and sound deadening compound*, in containers, from St. Marys, W. Va., to points in Florida. 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 115162 (Sub-No. 200), filed July 29, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood, paneling, and moulding*; and (2) *materials, supplies, and accessories* (except commodities in bulk) used in the installation of plywood, paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling and moulding, from points in Manatee County, Fla., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, South Carolina, North Carolina, Kentucky, 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 Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 115180 (Sub-No. 60), filed July 16, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or cold storage facilities utilized by Wilson Sinclair Co., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, and Rhode Island. Restriction: Restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115703 (Sub-No. 4), filed July 31, 1970. Applicant: KREITZ MOTOR EXPRESS, INC., 717 Tulpehocken Street, Reading, Pa. 19603. Applicant's representative: James Alan Vitez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles* requiring special handling or rigging; and (2) *articles* which do not require special handling or rigging but when moving on the same vehicle and bill of lading with articles requiring special handling or rigging (except commodities in bulk) from the plantsite of Overseas Packaging Inc., Cleveland, Ohio, to the piers and wharves in Baltimore, Md.; New York, N.Y.; Philadelphia, Pa.; Port Elizabeth, N.J.; Port Newark, N.J.; Norfolk, Va.; and Wilmington, Del. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Cleveland, Ohio.

No. MC 115840 (Sub-No. 59), filed July 30, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies* used in the agricultural water treatment, and food processing, wholesale groceries, and institu-

tional supply industry, when moving in mixed shipments with salt and salt mixtures, from the plantsite, warehouse, and shipping facilities of The Carey Salt Co., a subsidiary of Interpace Corp., located at New Orleans, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 386), filed July 27, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Mason City, and Des Moines, Iowa; Omaha, Nebr., and St. Joseph, Mo. to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, Kentucky, Alabama, Arkansas, Mississippi, and Louisiana. 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 Birmingham, Ala.

No. MC 115841 (Sub-No. 387), filed July 27, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in report to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Mason City, and Des Moines, Iowa; Omaha, Nebr.; and St. Joseph, Mo., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. 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 Birmingham, Ala.

No. MC 115955 (Sub-No. 19), filed July 23, 1970. Applicant: SCARI'S DELIVERY SERVICE, INC., Post Office Box 2627, Wilmington, Del. 19805. Applicant's representative: Albert F. Beitel, 905 American Security Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except motor vehicles and commodities in bulk, having prior or subsequent transportation over railroad trailer on flatcar service, between railroad trailer on flatcar facilities in Philadelphia, Pa., Wilmington, Del., and Alexandria, Va., on the one hand, and, on the other, points in Philadelphia, Chester, and Delaware Counties, Pa., Camden, Gloucester, and Salem Counties, N.J., and points in Delaware. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.

No. MC 116073 (Sub-No. 128), filed July 24, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (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 Bienville and Ouachita Parishes, La., to points in the United States, except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport or Baton Rouge, La.

No. MC 116077 (Sub-No. 302), filed July 28, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, Suite 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Iberia Parish, La., to points in Mississippi, Alabama, Oklahoma, Arkansas, Texas, and Louisiana. 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. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116254 (Sub-No. 113) (Amendment), filed May 25, 1970, published in the FEDERAL REGISTER issue of June 18, 1970, and republished as amended this issue. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and materials manufactured and/or sold by Occidental Chemical Co., from the plant-site of Occidental Chemical Co., at or near White Springs, Fla., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Mississippi, Tennessee, Kentucky, Louisiana, Pennsylvania, and New Jersey.* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the commodity description as follows: Feed, feed ingredients, and materials manufactured and/or sold by Occidental Chemical Co. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Nashville, Tenn.

No. MC 116763 (Sub-No. 173), filed July 24, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380, also 906 Magnolia Avenue, Auburndale, Fla. 33823. 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) *Foodstuffs*, and (2) *commodities*, in mixed shipments, the transportation of which is partially exempt from economic regulations under section 203(b)(6) of the Act, when transported in mixed shipments with (1) above, from Dover, Fla., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Tennessee, Texas, Vermont, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116982 (Sub-No. 7), filed July 27, 1970. Applicant: FUCHS, INC., 306 Water Street, Sauk City, Wis. 53583. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, and agricultural chemicals*, such as but not limited to insecticides, herbicides, fungicides, pesticides, and rodenticides, when shipped with fertilizer or fertilizer materials; (1) from the plant and warehouse facilities of Swift Agricultural Chemicals Corp. of Dubuque, Iowa, to points in Wisconsin, and (2) from the plant and warehouse facilities of Swift Agricultural Chemicals Corp. at Almond, Wis., to points in Illi-

nois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, and Wisconsin, under a continuing contract or contracts with Swift Agricultural Chemicals Corp., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 117565 (Sub-No. 30), filed July 20, 1970. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats, and buildings*, in sections, from points in Butler County, Ky., to points in the United States (except Hawaii); (2) *fiber-glass vacation houses*, from Pleasantville, N.J., to points in the United States (including Alaska but excepting Hawaii); and, (3) (a) *trailers, and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, trailer converter dollies, containers, and bodies; (b) *truck-tractors* in secondary driveaway service only when drawing trailers or trailer chassis, in initial driveaway service, from points in Mecklenburg County, N.C., to points in the United States (including Alaska but excepting Hawaii), and *returned shipments* of the commodities described above from points in the United States (including Alaska but excepting Hawaii) to points in Mecklenburg County, N.C.; and (c) *materials and supplies* used in the manufacture and parts of the commodities named in (a) and (b) above (except such commodities which, because of size or weight, require the use of special equipment, and commodities in bulk), between points in Mecklenburg County, N.C., on the one hand, and, points in the United States (including Alaska but excepting Hawaii), on the other. 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 Nashville, Tenn.

No. MC 117940 (Sub-No. 26), filed July 20, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 44359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, the transportation of which would otherwise be exempt from economic regulations, pursuant to section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with commodities subject to economic regulations (as otherwise authorized), from Galveston, Tex., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, and Shreveport, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states it hold contract carrier authority under

MC 114789 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 118263 (Sub-No. 28), filed July 22, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, restricted to the transportation of traffic originating at the above-specified cold storage facilities and destined to the above-specified destinations. NOTE: Applicant has an application pending under Docket No. MC 111069 Sub 53 for contract carrier authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Louisville, Ky.

No. MC 118263 (Sub-No. 29), filed July 24, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from the plantsites of the Duffy-Mott Co., Inc., located at Bailey, Grawn, and Hartford, Mich., to points in Indiana, Kentucky, Ohio, and the Chicago, Ill., commercial zone. NOTE: Applicant holds a pending application for contract carrier authority under Docket No. MC 111069 Sub 53. 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 Detroit, Mich., or Chicago, Ill.

No. MC 118612 (Sub-No. 6), filed July 24, 1970. Applicant: COLUMBIA TRUCKING CO., INC., 3333 Sheffield Avenue, Hammond, Ind. 46320. Applicant's representative: Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude coal tar*, in tank trucks, from Bethlehem Steel, Burns Harbor, Ind., to Cicero, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119192 (Sub-No. 5), filed July 23, 1970. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, Conn. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home furnishings and furniture*, from carrier's terminal in Bridgeport, Conn., to points in Connecticut, Massachusetts, Rhode Island, New

York, and New Jersey, restricted to shipments having an immediately prior movement to carrier's terminal by motor vehicle in interstate commerce, under contract with Popular Services, Inc. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119493 (Sub-No. 61), filed July 20, 1970. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour*, in containers, from McPherson, Buhler, and Inman, Kans., to points in Illinois, Arkansas, Kentucky, Louisiana, Mississippi, Tennessee, and Georgia, and points in that part of Missouri on and south of U.S. Highway 50 (except those in the St. Louis-East St. Louis, Ill., commercial zone as defined by the Commission; and (2) *animal and poultry feed and ingredients*, from (a) McPherson, Kans., to points in Georgia; and (b) from Buhler and Inman, Kans., to points in Kentucky and Georgia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119539 (Sub-No. 12), filed July 24, 1970. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Foodstuffs, and canning materials and supplies*, between Hamlin, Holley, Williamson, Rochester, and Brockport, N.Y., on the one hand, and, on the other, Hartford, Bailey, and Grawn, Mich., restricted to traffic originating at or destined to the plantsites of Duffy-Mott Co., Inc. **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 Rochester or New York, N.Y.

No. MC 119619 (Sub-No. 33), filed July 24, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of traffic originating at the above-specified cold storage facilities and destined to the above-specified destinations. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 34), filed July 24, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson-Sinclair Co., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 35), filed August 3, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and except commodities in bulk), and *cheese*, (1) from piers, wharves, cold-storage facilities, and warehouse facilities located at Baltimore, Md., Wilmington, Del., Philadelphia, Pa., Boston, Mass., and points in the New York, N.Y. commercial zone as defined by the Commission in 53 M.C.C. 451, to East Brunswick, N.J.; (2) from East Brunswick, N.J., and piers, wharves, cold-storage facilities and warehouse facilities located at Baltimore, Md., Wilmington, Del., Philadelphia, Pa., Boston, Mass., and points in the New York, N.Y. commercial zone as defined by the Commission in 53 M.C.C. 451, to Pittsburgh, Pa., Louisville, Ky., and points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, Colorado, Washington, Oregon, California, Nevada, Utah, Arizona, Wyoming, and New Mexico; (3) from East Brunswick, N.J., and piers, wharves, cold-storage facilities, and warehouse facilities located in the New York, N.Y. commercial zone as defined by the Commission in 53 M.C.C. 451, to Albany, Buffalo, Rochester, and Syracuse, N.Y.; Washington, D.C.; Philadelphia, Pa., and Baltimore, Md., restricted to the transportation of traffic originating at or destined to the plantsite, cold-

storage facilities, or warehouse facilities of D.A.K. Meat Packers Ltd. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119767 (Sub-No. 249), filed August 4, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Hartford, Bailey and Grawn, Mich., to points in Illinois, Iowa, Missouri, and Nebraska, and (2) from Grawn, Mich., to points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan. 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 tuck 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 Milwaukee, Wis.

No. MC 119789 (Sub-No. 33), filed July 29, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged foodstuffs*, from Hoopeston, Princeville, and Streator, Ill., Maysville, Wis., and Fowler, Ind., to points in Arkansas, Mississippi, Alabama, Georgia, Florida, Louisiana, Texas, Oklahoma, New Mexico, Colorado, Utah, Arizona, Nevada, and California. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 34), filed July 29, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged foodstuffs*, from Cade and Lozes, La., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Tennessee (except Memphis), Kentucky, West Virginia, Ohio, Indiana, Michigan, Wisconsin, and Illinois. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at New Orleans, La., Dallas, Tex., or Washington, D.C.

No. MC 119864 (Sub-No. 42), filed August 4, 1970. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain flour*, between Toledo, Ohio, and Naperville, 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 Columbus, Ohio, or Washington, D.C.

No. MC 119974 (Sub-No. 34), filed July 22, 1970. Applicant: TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Lafayette, Ind., to points in Illinois, Iowa, Michigan, Minnesota, Ohio and Wisconsin. Restricted: To traffic originating at the storage facilities utilized by Wilson-Sinclair Co. at Lafayette, Ind., and destined to named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 120737 (Sub-No. 10), filed July 24, 1970. Applicant: STAR DELIVER & TRANSFER, INC., a corporation, Rural Route 35, Box 39, Canton, Ill. 61520. Applicant's representative: Chester J. Claudon, 121 West Elm Street, Canton, Ill. 61520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implement parts, agricultural machinery parts, tractor parts*, between Memphis, Tenn., on the one hand, and, on the other, points in Adams County, Ill. NOTE: Applicant states it will tack with its existing authority between points within a 50-mile radius of Pottstown, Ill., on the one hand, and, on the other, Chicago, Rock Island, East St. Louis, and Moline, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 123314 (Sub-No. 13), filed July 24, 1970. Applicant: JOHN F. WALTER, INC., Box 175, Newville, Pa. 17241. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products and advertising matter, materials, equipment, and supplies* used in, or incidental to, the preparation, packing, sale, and distribution of prepared food products, from points in Franklin County, Pa., to the distribution center of H. J. Heinz Co. at Toledo, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 446), filed July 13, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and in bulk, from St. Louis, Mo., to points in Arkansas, Illinois, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 447), filed July 13, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and adhesives*, in bulk, from points in Cobb County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee (except Kingsport and Elizabethton, Tenn.); (2) *petroleum and petroleum products*, from Douglasville, Ga., to points in Florida. NOTE: Applicant states that it will tack at Cobb County, Ga., to serve points set forth in this application from various points in Georgia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 449), filed July 29, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, from Headland, Ala., to points in Georgia and Florida. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124211 (Sub-No. 150), filed July 27, 1970. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street,

Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter and advertising paraphernalia*, when moving in mixed shipments with beverages; and *beverages*, from points in Platte County, Mo., to points in the United States (except Hawaii); and (2) *advertising matter, advertising paraphernalia, beverages, packaging materials, equipment, and supplies*, from points in the United States (except Hawaii) to points in Platte County, Mo. NOTE: Applicant states that it may tack part "(1)" of proposed operations, at Platte County, Mo., with authority held in MC 124211 Sub 18 and Sub 127 to provide a through service from Lincoln and Omaha, Nebr. Applicant further states that it is not aware of any other tacking possibilities and that it will tack existing and future certificates where deemed appropriate. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124383 (Sub-No. 9), filed July 29, 1970. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, Wis. 53151. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete panels*, from Milwaukee, Wis., to points in Illinois, Indiana, Michigan, Iowa, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 124692 (Sub-No. 72), filed July 24, 1970. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Richard Bebel, 2814 Cleveland Avenue North, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tools, implements, and replacement parts* for agricultural tools and implements, from Portland, Oreg., and Vancouver, Wash., to points in Montana, North Dakota, South Dakota, Iowa, Minnesota, Nebraska, Illinois, Wisconsin, Kansas, Colorado, Utah, Wyoming, Idaho, Washington, and Oregon. 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 Billings, Mont., or Seattle, Wash.

No. MC 126999 (Sub-No. 1), filed July 17, 1970. Applicant: MATTHEW BERLETCH, JR., 62 Lalpale Street, Bridgeport, Ohio 43912. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003.

Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Carbonated nonalcoholic beverages and carbonated beverage flavoring syrup*, from Morgantown, W. Va., to Steubenville, Ohio; and (2) *glass bottles*, from Connellsville and Glenshaw, Pa., to Morgantown, W. Va., under contract with Royal Bottling Co., Morgantown, W. Va. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128075 (Sub-No. 10), filed July 28, 1970. Applicant: LEON JOHNSTON, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Mason City, Iowa, to points in Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Ohio, Rhode Island, and Florida. **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, Miss.

No. MC 129039 (Sub-No. 4), filed July 27, 1970. Applicant: JACOBY TRANSPORT SYSTEM, INC., 4754 James Street, Philadelphia, Pa. 19137. Applicant's representative: Paul Ribner, 400 Penn Square Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Ice cream*, in packages and cartons, from the plantsites of the Dolly Madison Ice Cream Co., Inc., in Philadelphia, Pa., to points in Maryland; and (2) *materials and food products* (except in bulk, in tank vehicles), from points in Maryland to the Dolly Madison plantsites in Philadelphia, Pa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129645 (Sub-No. 26), filed August 3, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced and finished with decorative and protective material* (except commodities in bulk), and *accessories and supplies* used in the installation thereof, from the plant and warehouse sites of Evans Products Co. at or near Phillips, Wis., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 127093 Sub 2, therefore dual operations may be involved. If a hearing is deemed

necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129880 (Sub-No. 1), filed July 6, 1970. Applicant: KELLER TRUCKING, INC., 18000 State Road 9, Miami, Fla. 33162. Applicant's representatives: John W. Prunty and Bernard C. Pestcoe, 837 and 708 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, dangerous explosives, commodities requiring special equipment, household goods as defined in "Practices of Motor Common Carriers of Household Goods" 17 M.C.C. 467, and those commodities injurious or contaminating to other lading), between points in the United States (excluding Alaska and Hawaii), under contract with Keller Industries, Inc., and its wholly owned subsidiaries, restricted to movements either originating at or destined to plants, warehouses, and sales facilities of Keller Industries, Inc., and its wholly owned subsidiaries. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 133002 (Sub-No. 1), filed July 30, 1970. Applicant: ROBERT W. GROH, 2610 South Lakeport, Sioux City, Iowa. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery supplies*, from the plantsite of Globe Products Co., Inc., in Clifton, N.J., to points in Ohio, Kentucky, and West Virginia, restricted to a transportation service to be performed under a continuing contract or contracts with Globe Products Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133065 (Sub-No. 12), filed August 3, 1970. Applicant: ECKLEY TRUCKING AND LEASING, INC., Mead, Nebr. 68041. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the manufacture of metal buildings, grain tanks, grain crop dryers, and hydraulic presses, and *component parts thereof*, from Chicago, Ill., and its commercial zone, the plantsite of Jones & Laughlin Steel Corp. in Putnam County, Ill., and the plantsite of Bethlehem Steel Corp. at Burns Harbor, Ind., to the plantsite and storage facilities of the Behlen Manufacturing Co., at or near Columbus, Nebr., under continuing contract with Behlen Manufacturing Co. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133316 (Sub-No. 5), filed July 28, 1970. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, 1513 San Pedro

Street, Post Office Box 22, Trinidad, Colo. 81082. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Building, 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable commodities and food products* requiring mechanical refrigeration in transit; (1) from Denver, Colorado Springs, and Pueblo, Colo., to points in Colfax, Union, Harding, Mora, San Miguel, and Taos Counties, N. Mex.; (2) from Denver and Colorado Springs, Colo., to points in Pueblo, Huerfano, Las Animas, Otero, Baca, Bent, and Prowers Counties, Colo.; and (3) *food products* in vehicles equipped with mechanical refrigeration, from the plantsite of Johnson Food Co., Colorado Springs, Colo., to Reno, Nev.; Phoenix, Ariz.; and all 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 Denver or Colorado Springs, Colo.

No. MC 133920 (Sub-No. 4), filed July 31, 1970. Applicant: HOWARD SHEPPARD, INC., Post Office Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in hopper type or dump vehicles, from Gordon and Amco, Ga., to Camp Croft, S.C. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133947 (Sub-No. 1), filed August 3, 1970. Applicant: McCUE EXPRESS, INC., Rural Route No. 3, Box 391, Jeffersonville, Ind. 47130. 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: *Forgings*, from Portland and Carmel, Ind., to Winchester and Louisville, Ky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 133970 (Sub-No. 2), filed August 2, 1970. Applicant: CHARLES BOGESS, doing business as BOGESS TRANSFER, 64 31st Street, East Nitro, W. Va. 25143. Applicant's representative: John Friedman, Post Office Box 426, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wetting agents, methanol, and reclaimed chemicals or containers*, used in the manufacture and shipment of wetting agents and methanol (except commodities in bulk), between Nitro, W. Va., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, and Virginia, under contract with Fike Chemical, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 134106 (Sub-No. 1), filed July 23, 1970. Applicant: L. G. WILKERSON, doing business as TRUCKEE AUTO REPAIR, Post Office Box 1238, Truckee, Calif. 95734. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled automobiles, buses, trucks, tractors, semitrailers and full trailers and replacements thereof and wrecked or disabled trailers*, in truckaway service using wrecker type tow trucks, between points in that part of California on and north of U.S. Highway 50 and on and south of a line beginning at the Pacific Ocean and extending along U.S. Highway 299 to junction U.S. Highway 395 at Alturas, Calif., and thence along U.S. Highway 395 to the California-Oregon State lines, and points in that part of Nevada on and north of U.S. Highway 6. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134134 (Sub-No. 8), filed August 3, 1970. Applicant: MAINLINER MOTOR EXPRESS, INC., 5037 South 26th Street, Omaha, Nebr. 68107. Applicant's representative: John Hornung (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 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, in tank vehicles), from Cherokee, Iowa; and Omaha, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, 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 Chicago, Ill., or Omaha, Nebr.

No. MC 134265 (Sub-No. 2), filed July 24, 1970. Applicant: CLIFTON R. SPARKMAN, Route 3, Culleoka, Tenn. Applicant's representative: John D. Whalley, Third National Bank Building, Seventh Floor, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate and phosphatic materials*, from points in Limestone, County, Ala., to points in Giles County, Tenn., under contract with J. T. Kelley, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 134282 (Sub-No. 2) (Correction), filed May 20, 1970, published in FEDERAL REGISTER issue of June 18, 1970, corrected July 28, 1970, and republished in part as corrected this issue. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. The purpose

of this republication in part is to show applicant's representative address as 2505 Republic National Bank Tower in lieu of 3505 Republic National Bank Tower as previously published. The rest of the application remains the same.

No. MC 134313 (Amendment) filed February 2, 1970, published in FEDERAL REGISTER issue of February 27, 1970, amended July 2, 1970, as republished as amended this issue. Applicant: ENID MOVING & STORAGE COMPANY, a corporation, 507 South Grand, Enid, Okla. 73701. Applicant's representative: Charles G. Huddleston, 934 Bass Building, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Oklahoma restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such traffic. NOTE: The purpose of this republication is to change authority sought from contract to common and re-describe commodity description. If a hearing is deemed necessary, applicant requests it be held at Enid or Oklahoma City, Okla., or Dallas, Tex.

No. MC 134323 (Sub-No. 6), filed July 27, 1970. Applicant: JAY LINES, INC., Post Office Box 1644, 6210 River Road, Amarillo, Tex. 79109. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from the plantsite and storage facilities used by Hearst Publications at or near Kokomo, Ind., to points in New Mexico, Texas, Colorado, Louisiana, and Oklahoma, under contract with Hearst Publications. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Lincoln, Nebr.

No. MC 134472 (Sub-No. 1), filed July 22, 1970. Applicant: RICHARD KUSTERMANN, doing business as KUSTERMANN TRUCK SERVICE, Rural Route No. 2, Highland, Ill. 62249. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cocoa, chocolate milk powder, fruit and fruit drink concentrates, bottled fruit drinks, flavored syrups*, in containers, in refrigerated vehicles, for the account of Consolidated Fruit & Flavor Corp., from Granite City, Ill., to St. Louis, Mo., Holland, Evansville and Jasper, Ind., Morgantown, Madisonville and Owensboro, Ky.; (2) *Cocoa, frozen juice concentrates, containers, frozen fruits, nuts, and canned fruits*, in containers, in refrigerated vehicles, for the account of Consolidated Fruit & Flavor Corp., from St. Louis, Mo., to Granite City, Ill.; (3) *Ice cream mix, milk cottage cheese, and cream*, in containers, in refrigerated ve-

hicles, for the account of Aro-Dressel Division of Prairie Farms Dairy, Inc., from Granite City, Ill., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Perry, Pemiscot, St. Francois, Scott, Stoddard, St. Genevieve, and Washington Counties, Mo.; and (4) *Fruit, flavored syrup, confections, flavors, nuts, cones, and paper and plastic supplies*, used by drive-in and dairy stores, in containers, in refrigerated vehicles, for the account of P. F. D. Supply Corp., from Granite City, Ill., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Perry, Pemiscot, St. Francois, Scott, Stoddard, St. Genevieve, and Washington Counties, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 134475 (Sub-No. 1), filed July 28, 1970. Applicant: WHEELERS DISTRIBUTING CO., a corporation, 3415 Potash Road, Post Office Box E, Grand Island, Nebr. 68801. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is used or dealt in by wholesale and retail, by farm and home supply stores (except commodities in bulk in tank vehicles), from points in the United States (except Alaska and Hawaii), to points in Iowa, Kansas, and Nebraska, restricted to the transportation of traffic destined to the warehouses or stores of Wheelers Stores, Inc., or its subsidiaries; and further restricted to service performed under a continuing contract or contracts with Wheelers Stores, Inc., or its subsidiaries. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.*

No. MC 134509 (Sub-No. 2), filed July 13, 1970. Applicant: ATOMIC TRUCKING CORP., 25 Johnston Avenue, Jersey City, N.J. Applicant's representative: Mr. LaVern Martens, 450 East Illinois Street, Chicago, Ill. 60611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, between points in Hudson, Middlesex, Union, Bergen, Essex, and Passaic Counties, N.J., on the one hand, and, on the other, points in that portion of the New York, N.Y., commercial zone as defined by the Commission, within which local operations may be conducted under partial exemption provided by section 203(b)(8) of the act (the exempt zone), and points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134608 (Sub-No. 1), filed July 27, 1970. Applicant: B & S HAULERS, INC., Box 216 (Highway 411), Sylva, N.C. 28779. Applicant's representative: Robert R. Williams, Jr., Post Office Box 7316, 4 South Pack Square, Asheville, N.C. 28807. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Black masterbatch (rubber), from Houston, Tex. to Franklin, N.C. under contract with Tire Treads, Inc., Franklin (Macon County), N.C. NOTE: Applicant holds common carrier authority under Docket No. MC 124353 and Subs 1, 2, and 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Asheville, or Charlotte, N.C., Atlanta, Ga. or Raleigh, N.C.

No. MC 134658, filed May 28, 1970. Applicant: M. A. SOLLINGER, INC., 5547 Julmar Drive, Cincinnati, Ohio 45238. Applicant's representative: Nicholas Bauer, 503 Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in bulk in bags, from the sites of the shipping facilities used by the International Salt Co., at Cincinnati, Ohio, to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., and points in Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Kenton, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Trimble, and Woodford Counties, Ky., under contract with International Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 134678 (Correction), filed June 3, 1970, published FEDERAL REGISTER, issue of June 16, 1970, and republished as corrected this issue. Applicant: FRED HANDLEY, Route 1, Box 14-A, Quincy, Wash. 98848. 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: Cottonseed meal, from points in Fresno and Kern Counties, Calif., to points in Washington and Montana. NOTE: The purpose of this republication is to show that applicant seeks points in Fresno County, Calif., rather than just Fresno, Calif. If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash.

No. MC 134707 (Sub-No. 1), filed July 23, 1970. Applicant: GLENN B. MYERS, 7412 Golondrina, San Bernardino, Calif. 92410. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags, plastic tubing, and sheeting and new burlap*, in compressed rolls, from plantsite of Packaging Products & Design Corp., Newark, N.J., to points in Arizona, California, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, under contract with Packaging Products & Design Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134745 (Sub-No. 2), filed July 28, 1970. Applicant: E. N. AND C. C. CURTIS, a partnership, doing business as CURTIS BROTHERS TRUCKING COMPANY, Route 6, Box 221E, Falmouth, Va. 22401. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, wooden stakes and props, saw dust and shavings*, from Fredericksburg, Va., and points in Carolina, King George, and Spotsylvania Counties, Va., to points in Pennsylvania, Maryland, and those in and south of Camden and Burlington Counties, N.J. NOTE: Applicant holds contract carrier authority under MC 133045 (Sub-No. 2), therefore, dual operations may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134746, filed July 6, 1970. Applicant: MOSES WILLIS, 645 East 155th Place, Phoenix, Ill. 60426. Applicant's representative: Richard L. Wexler, 105 West Madison Street, 2002, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel, steel coils, steel scrap, and miscellaneous steel products*, between Detroit, Mich.; Nashville, Tenn.; Marianna, Ark.; Columbus, Nebr.; Union City, Tenn.; Somerset, Ky.; Chicago, Ill.; (locations of National Industries, Inc.—Metals Division facilities) under contract with National Industries, Inc., Metals Division. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134785 (Sub-No. 1), filed July 24, 1970. Applicant: TRANSPORT SERVICE CO., INC., Diamond Avenue, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Huntington, Ind., to points in Ohio, under contract with Mobil Oil Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 134800, filed July 27, 1970. Applicant: BAGGAGE VALET, INC., 9284 Evenhouse Street, Rosemont, Ill. 60018. Applicant's representative: Bernard G. Colby, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and luggage* having had a prior movement or which will have a subsequent movement by air, between O'Hare International Airport, Chicago Midway Airport and/or Meigs Field, Chicago, Ill., and points in Cook, McHenry, Lake, Kane, Du Page, Kendall, Will, and Kankakee Counties, Ill., and Lake and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134808, filed July 27, 1970. Applicant: MUSANTE & CO., INC., 51

Mercer Street, New York, N.Y. 10013. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, handbags, and such merchandise* as is dealt in by retail stores; (1) from airports in New York, N.Y., to Totowa, N.J.; and (2) from points in the New York, N.Y., Harbor Area and Port Elizabeth and Port Newark, N.J., to Totowa, N.J., restricted to shipments having a prior movement by water, in connection with (2) above, and under contract with Felsway Corp., in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134811, filed July 29, 1970. Applicant: JOHN H. SHAFFER, PETER B. KENNEY, CLYDE SKEEN, AND DICK N. RICHARDS, a partnership, doing business as PIONEER VAN LINES, 4608 Ingraham Street, Hyattsville, Md. 20781. Applicant's representative: Paul F. Sullivan, Suite 701, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Prince Georges, Montgomery, Howard, Anne Arundel, St. Marys, Charles, and Baltimore Counties, Md., Baltimore City, Md., and points in Arlington, Fairfax, King George, Prince William, Stafford and Westmoreland Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and Washington, D.C., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134813, filed July 27, 1970. Applicant: WESTERN CARTAGE, INC., Post Office Box 964, Pryor, Okla. 74361. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide* (except in bulk), from Pryor, Okla., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Nebraska, Oklahoma, Tennessee, and Texas under a continuing contract with Midwest Carbide Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

MOTOR CARRIERS OF PASSENGERS

No. MC 2239 (Sub-No. 3), filed July 27, 1970. Applicant: SALT LAKE TRANSPORTATION CO., a corporation, 346 West South Temple, Salt Lake City, Utah. Applicant's representative: Frederick S. Prince, Jr., 206 El Paso Natural

Gas Building, Salt Lake City, Utah 84111. 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 sightseeing or pleasure tours, from (1) Salt Lake City, Utah to West Yellowstone, Mont.; and (2) from West Yellowstone, Mont., to Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 47126 (Sub-No. 5), filed June 22, 1970. Applicant: SUBURBAN TRANSIT, INC., 613 Main Street SW., Warren, Ohio 44481. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio 44113. 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, from points in Mahoning, Trumbull, Portage, Summit, Cuyahoga, Geauga, Lake, Stark, and Ashtabula Counties, Ohio, and those in Mercer County, Pa., to points in the United States including Alaska, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 125494 (Sub-No. 5), filed August 3, 1970. Applicant: D & M TAXI CO., INC., Post Office Box 38, Fort Dix, N.J. 08640. Applicant's representatives: John D. Hawke, Jr., and Kenneth A. Letzler, 1229 19th Street N.W., Washington, D.C. 20036. 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, limited to the transportation of not more than 20 passengers in any one vehicle not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between New York, N.Y., Philadelphia, Pa., and the Philadelphia International Airport near Philadelphia, Pa., on the one hand, and, on the other, Fort Dix and McGuire Air Force Base, N.J. NOTE: Applicant states that it already holds authority from Fort Dix and McGuire to the named points, and seeks authority to provide this service in the opposite direction. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J. or Washington, D.C.

No. MC 134784 (Sub-No. 1), filed July 24, 1970. Applicant: TRANSPORTES HISPANOS, INC., 2246 West Taylor, Chicago, Ill. 60612. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in 12-passenger (including driver) busses, in special operations, between Chicago, Ill., and Laredo, Tex. 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 Laredo, Tex.

No. MC 134822, filed July 31, 1970. Applicant: RANDELL BUS COMPANY, a corporation, 1652 Monmouth Boulevard, Galesburg, Ill. 61401. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at Galesburg, Monmouth, and Macomb, Ill., and extending to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Peoria, Ill.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 153), filed July 22, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers: Route 1, between College Park, and Hapeville, Ga., from College Park, Ga., over Virginia Avenue to its junction with Central Avenue, thence over Central Avenue to Hapeville, Ga., and return over the same route, serving all intermediate points. Route 2, between College Park, Ga., and Macon, Ga., from College Park, Ga., over Interstate Highway 85 to its junction with Interstate Highway 285, thence over Interstate Highway 285 to its junction with Interstate Highway 75, thence over Interstate Highway 75 to Macon, Ga., and return over the same route, serving all intermediate points. Route 3, between the junction of relocated Kentucky Highway 15 and old Kentucky Highway 15 (now numbered Kentucky Highway 476) at Lost Creek, Ky., and the junction of relocated Kentucky Highway 15 and old Kentucky Highway 15 at or near Hazard, Ky., from the junction of relocated Kentucky Highway 15 and old Kentucky Highway 15 (now numbered Kentucky Highway 476) at Lost Creek, Ky., over relocated Kentucky Highway 15 to the junction of old Kentucky Highway 15 at or near Hazard, Ky., and return over the same route, serving all intermediate points.

Route 4, between the junction of U.S. Highway 150 and Kentucky Highway 52 southeast of Danville, Ky., and Lancaster, Ky., from the junction of U.S. Highway 150 and Kentucky Highway 52 southeast of Danville, Ky., over Kentucky Highway 52 to Lancaster, Ky., and return over the same route, serving all intermediate points. Route 5, between the junction of relocated U.S. Highway 360 and old U.S. Highway 360 (now numbered U.S. Highway 15) at or near Wylliesburg, Va., and the junction of relocated U.S. Highway 360 and old U.S. Highway 360 approximately 1 mile southwest of Clover, Va., from the junction of relocated U.S. Highway 360 and old U.S. Highway 360 (now numbered U.S. Highway 15) at or near Wylliesburg, Va., over relocated U.S.

Highway 360 to the junction of old U.S. Highway 360 approximately 1 mile southwest of Clover, Va., and return over the same route serving all intermediate points. In connection with Route No. 5, authority is sought to abandon old U.S. Highway 360 (now designated as U.S. Highway 15 and Virginia Highway 92) from the junction of old and relocated U.S. Highway 360 at or near Wylliesburg, Va., to the junction of old and relocated U.S. Highway 360 approximately 1 mile southwest of Clover, Va. Route 6, between Hancock, Md., and the junction of relocated U.S. Highway 40 and old U.S. Highway 40 (renumbered Maryland Highway 144) east of Hancock, Md., from Hancock over Maryland Highway 144 to the junction of U.S. Highway 522, thence over U.S. Highway 522 to the junction of relocated U.S. Highway 40, thence over relocated U.S. Highway 40 to the junction of old U.S. Highway 40 (renumbered Maryland Highway 144) and return over the same route, serving all intermediate points. In connection with Route No. 6, authority is sought to abandon old U.S. Highway 40 (renumbered Maryland Highway 144) from Hancock, Md., to the junction of old and relocated U.S. Highway 40 east of Hancock, Md.

Route 7, between the junction of relocated U.S. Highway 40 and old U.S. Highway 40 (renumbered Scenic U.S. Highway 40) east of Piney Grove, Md., and the junction of relocated U.S. Highway 40 and old U.S. Highway 40 approximately 8 miles west of Piney Grove, Md., from the junction of relocated U.S. Highway 40 and old U.S. Highway 40 (renumbered Scenic U.S. Highway 40) east of Piney Grove, Md., over relocated U.S. Highway 40 to the junction of old U.S. Highway 40 approximately 8 miles west of Piney Grove, Md., and return over the same route, serving all intermediate points. In connection with Route No. 7, authority is sought to abandon old U.S. Highway 40 (renumbered Scenic U.S. Highway 40) from the junction of old and relocated U.S. Highway 40 east of Piney Grove, Md., to the junction of old and relocated U.S. Highway 40 approximately 8 miles west of Piney Grove, Md. NOTE: Common control may be involved.

No. MC 65491 (Sub-No. 6), filed July 31, 1970. Applicant: GEORGE W. BROWN, INC., 1475 East 222d Street, New York, N.Y. 10469. Applicant's representative: Clayton R. Byrd, Post Office Box 2501, Jacksonville, Fla. 32203. 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 Buffalo and Rochester, N.Y., from Buffalo over New York Highway 5 to Batavia (also from Buffalo over New York Highway 33 to Batavia), thence over New York Highway 33 to Rochester, and return over the same routes serving no intermediate points, and serving Rochester, N.Y., for purposes of joinder only. NOTE: The purpose of this application is to seek authority to combine on a single vehicle the

traffic originating at or destined to Buffalo and Rochester, N.Y.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10873; Filed, Aug. 19, 1970;
8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42023—*Newsprint paper from Saint John, New Brunswick, Canada.* Filed by O. W. Smith, Jr., agent (No. A6187), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Saint John, New Brunswick, Canada, to Greensboro, N.C.

Grounds for relief—Barge competition. Tariff—Supplement 2 to Canadian Freight Association tariff ICC 325.

FSA No. 42024 (Corrected)—*Decyl or octyl alcohol from Haverhill, Ohio.* Filed by O. W. Smith, Jr., agent (No. A6189), for interested rail carriers. Rates on alcohol, decyl or octyl, in tankcar loads, as described in the application, from Haverhill, Ohio, to Aberdeen, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southern Freight Association, agent, tariff ICC S-832 (erroneously shown as S-470 in application).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10947; Filed, Aug. 19, 1970;
8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42028—*Talc from points in Montana.* Filed by Trans-Continental Freight Bureau, agent (No. 463), for interested rail carriers. Rates on talc, in carloads, as described in the application, from specified points in Montana, to points in Minnesota and Wisconsin.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 85 to Trans-Continental Freight Bureau, agent, tariff ICC 1785.

FSA No. 42029—*Acrylonitrile from Woodstock, Tenn.* Filed by O. W. Smith, Jr., agent (No. A6190), for interested rail carriers. Rates on acrylonitrile, in tankcar loads, as described in the application, from Woodstock, Tenn., to Chicago, Kankakee and Ringwood, Ill.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 88 to Southern Freight Association, agent, tariff ICC S-800.

By the Commission.

JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10948; Filed, Aug. 19, 1970;
8:49 a.m.]

[Notice 135]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 17, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13123 (Sub-No. 59 TA), filed August 11, 1970. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: P. M. Shepherd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, serving Cumberland City, Tenn., as an off-route point in connection with applicant's regular operations to and from Nashville, Tenn., and Hopkinsville, Ky., as authorized in Docket No. MC 13123 and sub numbers, for 180 days. NOTE: Applicant states that Docket No. MC 13123 and subs will interline at any authorized point therein. Supporting shipper: Tennessee Valley

Authority, Chattanooga, Tenn. 37401. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 83217 (Sub-No. 47 TA), filed August 11, 1970. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat byproducts, distributed by meat packinghouses* (except hides and commodities in bulk) as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mitchell, S. Dak., to points in Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912; K. O. Petrick, Manager Transportation Services. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 107002 (Sub-No. 395 TA), filed August 11, 1970. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins*, in bulk, in tank vehicles, from Louisville, Miss., to points in Alabama, Arkansas, and Louisiana; and *formaldehyde*, in bulk in tank vehicles, from Crossett, Ark., to Louisville, Miss., on return, for 180 days. Supporting shipper: Georgia-Pacific Corp., Crossett Division, Box 209, Louisville, Miss. 39339. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 110420 (Sub-No. 619 TA), filed August 11, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite of Midland Division, The Dexter Corp., at Waukegan, Ill., to St. Louis, Mo.; Tampa, Fla.; Newburgh and Hammond, Ind.; Milwaukee, Wis.; Sheffield, Ala.; Houston, Tex.; and Denver, Colo., for 180 days. Supporting shipper: Midland Division, The Dexter Corp., East Water Street, Waukegan, Ill. 60085 (William G. Boerner, General Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135

West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119399 (Sub-No. 24 TA), filed August 11, 1970. Applicant: CONTRACT FREIGHTERS, INC., Post Office Box 1375, 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* when moving in the same vehicle with malt beverages (1) from Fort Worth, Tex., to Ardmore, Bartlesville, Durant, Hugo, Miami, Muskogee, and Tulsa, Okla.; and (2) from Belleville, Ill., to points in Arkansas, for 180 days. Supporting shippers: Bryan & Sons, 747 West Seventh Street, Tulsa, Okla. 73101; Stansell Beverage Co., 310 Second Avenue NE., Miami, Okla.; Northeast Distributing Co., 119 North Keeler, Bartlesville, Okla. 74003; Midwest Beverage, Inc., Suite 303, Pythian Building, Tulsa, Okla. 74103; Stag Sales Co., Inc., 320 North Cheyenne, Tulsa, Okla. 74103; Carling Brewing Co., 9400 Quincy Avenue, Cleveland, Ohio 44106. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64116.

No. MC 126276 (Sub-No. 33 TA), filed August 11, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups and plates and plastic lids, cups, knives, forks and spoons*, from the plant and warehouse facilities of Continental Can Co. at Three Rivers, Mich., to Bayonne, N.J.; Pensauken, N.J.; New York, N.Y. and the commercial zone; Syracuse, N.Y.; Philadelphia, Pa.; Columbia, Md.; Alexandria, Va.; Providence, R.I.; Boston, and Worcester, Mass., for 150 days. Supporting shipper: Continental Can Co., Inc., 135 South La Salle Street, Chicago, Ill. 60603. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126822 (Sub-No. 37 TA) (Correction), filed July 27, 1970, published in the FEDERAL REGISTER issue of August 8, 1970 and republished as corrected, this issue. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pieces thereof*, from Hereford, Tex., to Napa and Santa Cruz, Calif.; Chicago and Waukegan, Ill.; Middlesboro, Ky.; Dover-Foxcroft, Maine; Red Wing, Minn.; Salem, Va.; Parsons, W. Va.; and Milwaukee, Wis., for 180 days. Supporting shipper: Colorado By-Products Co., 4400 Brighton

Boulevard, Denver, Colo. 80216. Note: The purpose of this republication is to show, (from Hereford, Tex.) as an origin point which was inadvertently omitted in previous publication. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 134212 (Sub-No. 2 TA), filed August 10, 1970. Applicant: EDWARD C. DIETSCH, doing business as FARWEST FURNITURE TRANSPORT, 6340 12th Street SE., Renton, Wash. 98055. Applicant's representative: Alan F. Wohlester, One Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, between points in Washington, Oregon, California, Arizona, Nevada, Utah, and Idaho, for 180 days. Supporting shippers: Design Group Inc., 4525 Southwest Lee Street, Portland, Ore. 97221; Hiebert Inc., 23605 Telo Avenue, Torrance, Calif. 90505; Monitor Cabinets, 3000 South Alaska, Tacoma, Wash. 98409; Haroldson Industries, Inc., 10809 120th Northeast, Kirkland, Wash. 98033; Revere Furniture Manufacturing, Inc., 5000 West 147th Street, Hawthorne, Calif. 90251; Sierra Furniture Corp., 330 West Avenue 26, Los Angeles, Calif. 90031. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134725 (Sub-No. 1 TA), filed August 11, 1970. Applicant: CARPET INVESTMENT CORP., 2136 West Fillmore, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Interior finish building products and commodities for use in the installation and manufacturing of interior finish building products*, from points in Los Angeles and Orange Counties, Calif., to points in Arizona, for 180 days. Supporting shipper: Sun Control Tile Co., 2136 West Fillmore, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10950; Filed, Aug. 19, 1970;
8:49 a.m.]

[Notice 576]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72265. By order of August 13, 1970, the Motor Carrier Board approved the transfer to W. B. Girvin, Inc., Ephrata, Pa., of the operating rights in certificate No. MC-107514 (Sub-No. 2) issued June 17, 1970, to Harold H. Warfel, Peach Bottom, Pa., authorizing the transportation of agricultural pulverized limestone from points in Lancaster County, Pa., to points in Delaware and Maryland, except incorporated municipalities, and sand from points in Cecil County, Md., to points in Lancaster County, Pa. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-72306. By order of August 13, 1970, the Motor Carrier Board approved the transfer to Perawel Trucking Co., Inc., Trenton, N.J., of the operating rights in certificate No. MC-78182 issued June 26, 1970 to Joseph Pestrak and Mary Pestrak, a partnership, doing business as Perawel Trucking Co., Trenton, N.J., authorizing the transportation of general commodities, with the usual exceptions, over regular routes, between Philadelphia, Pa., and New York, N.Y., and between Philadelphia, Pa., and Trenton, N.J., serving all intermediate points, with certain exceptions, and specified off-route points. Bert Collins, 140 Cedar Street, New York, N.Y. 10006, representative for applicants.

No. MC-FC-72324. By order of August 13, 1970, the Motor Carrier Board approved the transfer to George A. La Bagh, Inc., Middletown, N.Y., of permit No. MC 133761 (Sub No. 1) issued to George A. La Bagh (above address), authorizing the transportation of: Trailers, other than drawn by passenger automobiles, containers, truck chassis, and trailer chassis and parts, from Middletown, N.Y., to specified points in Pennsylvania, Virginia, Maryland, and New York, subject to certain conditions. Arthur J. Piken, attorney, 160 Jamaica Avenue, Jamaica, N.Y. 11432.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10949; Filed, Aug. 19, 1970;
8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GEORGE DICKENS BENNETT

Notice of Granting of Relief

Notice is hereby given that George Dickens Bennett, 232 West Main Street, Apartment No. 12, Watertown, N.Y., has

applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 23, 1961, in the New York Supreme Court in and for the County of Jefferson, Watertown, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George Dickens Bennett because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for George Dickens Bennett to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George Dickens Bennett's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That George Dickens Bennett be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 10th day of August 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.
[F.R. Doc. 70-10942; Filed, Aug. 19, 1970;
8:48 a.m.]

ROBERT JAMES FOSTER

Notice of Granting of Relief

Notice is hereby given that Robert James Foster, 1749 South 69th Street, West Allis, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 21, 1958, December 4, 1960, January 29, 1961, and February 15, 1961, in the Milwaukee County, Wis., Circuit Court, of a crime punishable by imprisonment for a term exceeding 1 year.

Unless relief is granted, it will be unlawful for Robert J. Foster because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such convictions, it would be unlawful for Robert J. Foster to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert J. Foster's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Robert J. Foster be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 5th day of August 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.
[F.R. Doc. 70-10941; Filed, Aug. 19, 1970;
8:48 a.m.]

ROY MITCHELL McLAUGHLIN

Notice of Granting of Relief

Notice is hereby given that Roy Mitchell McLaughlin, Quality Electronics, Highway 45, Marion, Miss., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 27, 1962, in the U.S. District Court for the Eastern District of North Carolina of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. McLaughlin because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collec-

tor. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for Mr. McLaughlin to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. McLaughlin's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Mr. McLaughlin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 10th day of August 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.
[F.R. Doc. 70-10943; Filed, Aug. 19, 1970;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 965A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership; Termination

AUGUST 13, 1970.

The notice of proposed classification and segregation appearing in the FEDERAL REGISTER (35 F.R. 5633) on April 7, 1970, and the notice of classification and segregation appearing in the FEDERAL REGISTER (35 F.R. 10783) on July 2, 1970, are hereby terminated insofar as they affect the following described lands:

MOUNT DIABLO MERIDIAN

FRESNO COUNTY

T 20 S., R. 15 E.,
Sec. 2, all;
Sec. 12, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-10937; Filed, Aug. 19, 1970;
8:48 a.m.]

[C-10844]

COLORADO

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

August 12, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-1418), and to the regulations in 43 CFR parts 2400, 2410, 2430, and 2460 (formerly parts 2410-2411), the public lands described below are hereby classified for transfer out of Federal ownership.

2. Comments following publication of the notice of proposed classification for disposal (35 F.R. 5490) disclosed public values in the following described lands that warrant their retention in public ownership. As provided by 43 CFR 2462.2, these lands are hereby deleted from the classification. The segregative effect of the notice of proposed classification (35 F.R. 5490) is terminated as to these lands at 10 a.m. on September 3, 1970.

SIXTH PRINCIPAL MERIDIAN, COLO.

- T. 4 N., R. 84 W.,
 Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 29, NW $\frac{1}{4}$.
 T. 2 N., R. 85 W.,
 Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 10 N., R. 85 W.,
 Sec. 26, lot 19.
 T. 10 N., R. 86 W.,
 Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 8 N., R. 87 W.,
 Sec. 19, lot 2 and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 8 N., R. 88 W.,
 Sec. 23, lots 1, 2, and 7;
 Sec. 24, lots 1 to 10, inclusive;
 Tracts 59A, B, C, and D in Secs. 23 and 24.

The area described aggregates approximately 1,801.81 acres of public land in Routt County, Colo.

Land described as the "NW $\frac{1}{4}$ " of Lot 3 and "S $\frac{1}{2}$ " of Lot 3, Sec. 8, T. 3 N., R. 86 W., 6th P.M., have been added to this notice in paragraph 3. Land described as the "E $\frac{1}{2}$ SW $\frac{1}{4}$ " of Sec. 29, T. 7 N., R. 86 W., 6th P.M. in F.R. Doc. 70-4005 (35 F.R. 54910) is in error and is hereby changed to read "E $\frac{1}{2}$ NW $\frac{1}{4}$." Land described as the "SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ " of Sec. 12, T. 2 N., R. 86 W., 6th P.M., has been added to this notice in paragraph 4.

3. The following described land is hereby classified for transfer out of Federal ownership by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g):

SIXTH PRINCIPAL MERIDIAN, COLO.

- T. 3 N., R. 85 W.,
 Sec. 10, lot 12;
 Sec. 13, lot 1;
 Sec. 18, lots 9 and 16.
 T. 4 N., R. 85 W.,
 Sec. 17, lot 8;
 Sec. 20, lots 3, 6, and 7.
 T. 8 N., R. 85 W.,
 Sec. 7, lots 7 and 11.
 T. 3 N., R. 86 W.,
 Sec. 3, lots 7 and 15;
 Sec. 7, lot 13;

- Sec. 8, NW $\frac{1}{4}$ lot 3, S $\frac{1}{2}$ lot 3, lots 11, 12, and 14;
 Sec. 10, lots 1 and 8;
 Sec. 11, lots 1, 2, 3, and 4;
 Sec. 12, lots 5 and 6;
 Sec. 13, lots 9, 15, 16, 17, 19, and 21;
 Sec. 14, lots 13 and 14;
 Sec. 14, lots 12, 15, 18, and 19;
 Sec. 16, lot 10;
 Sec. 26, lot 2;
 Sec. 27, lots 1 and 2.
 T. 4 N., R. 86 W.,
 Sec. 30, lot 16 and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 5 N., R. 86 W.,
 Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 7 N., R. 86 W.,
 Sec. 6, lot 8;
 Sec. 7, lot 6;
 Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Tract 68 in secs. 6 and 7.
 T. 8 N., R. 86 W.,
 Sec. 2, lots 5 and 6.
 T. 9 N., R. 86 W.,
 Sec. 33, lot 16;
 Sec. 34, lots 11, 12, 16, and 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 35, lot 1.
 T. 3 N., R. 87 W.,
 Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 4 N., R. 87 W.,
 Sec. 7, lots 2, 3, 4, and 5;
 Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, lot 1, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 5 N., R. 87 W.,
 Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 32, lots 5, 10, and 12;
 Sec. 33, E $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 6 N., R. 87 W.,
 Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 7 N., R. 87 W.,
 Sec. 1, lots 6, 7, 8, 9, 10, 11, 14, and 19;
 Sec. 3, lots 3 and 4;
 Sec. 4, lots 1 and 2, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 11, lots 2, 3, 4, 5, 6, and 7;
 Sec. 12, lot 2;
 Sec. 13, lots 1, 2, 3, and 4;
 Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, lots 1, 4, 6, 8, 9, 10, and 13;
 Sec. 25, lot 15;
 Sec. 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 8 N., R. 87 W.,
 Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, SE $\frac{1}{4}$.
 T. 3 N., R. 88 W.,
 Sec. 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, lots 6 and 7, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lot 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 4 N., R. 88 W.,
 Sec. 12, SW $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 16, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
 Sec. 35, E $\frac{1}{2}$ E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 5 N., R. 88 W.,
 Sec. 5, lot 8;
 Sec. 6, lots 17 and 23;
 Sec. 36, lots 9, 10, 11, and 12.

- T. 7 N., R. 88 W.,
 Sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 5, SE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 6, lots 5 and 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 8 N., R. 88 W.,
 Sec. 4, lots 5 to 12, inclusive;
 Sec. 5, lots 5, 11, 12, 17, and 18;
 Sec. 19, lot 5;
 Sec. 20, lot 3;
 Sec. 34, lots 12, 13, 14, and 15;
 Tract 74 in Sec. 19.
 T. 9 N., R. 88 W.,
 Sec. 31, lots 5, 6, 7, and 8;
 Sec. 32, lots 2, 3, 8, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, lots 2, 3, 4, 7, and 8.
 T. 3 N., R. 89 W.,
 Sec. 6, lots 8, 9, 11, and 12.
 T. 4 N., R. 89 W.,
 Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, lot 1 and SW $\frac{1}{4}$;
 Sec. 12, lot 3 and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 19, S $\frac{1}{2}$ of lot 3;
 Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, lots 3 and 4;
 Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
 T. 5 N., R. 89 W.,
 Sec. 2, lots 15 and 18;
 Sec. 3, lots 12 and 15;
 Sec. 10, lot 7;
 Sec. 11, lots 10, 14, and 17;
 Sec. 15, lots 1, 9, and 14;
 Sec. 16, lot 5;
 Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The total area involved is approximately 10,580.03 acres in Routt County.

3. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR Part 2201.

4. The following described lands are hereby classified for transfer out of Federal ownership by public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

SIXTH PRINCIPAL MERIDIAN, COLO.

- T. 1 N., R. 84 W.,
 Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 3 N., R. 84 W.,
 Sec. 3, lot 13.
 T. 1 N., R. 85 W.,
 Sec. 7, lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 2 N., R. 85 W.,
 Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 7, lots 1, 2, and 3;
 Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 23, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 3 N., R. 85 W.,
 Sec. 17, lot 4;
 Sec. 19, lots 13 and 14;
 Sec. 33, lot 12.
 T. 4 N., R. 85 W.,
 Sec. 11, lot 9;
 Sec. 14, lot 2.
 T. 5 N., R. 85 W.,
 Sec. 1, lots 5, 10, and 13;
 Sec. 6, lots 12 and 13;
 Sec. 7, lots 11 and 12;
 Sec. 8, lot 11;
 Sec. 11, lot 1;
 Sec. 12, lots 3 and 7.
 T. 7 N., R. 85 W.,
 Sec. 17, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 8 N., R. 85 W.,
 Sec. 16, lots 4 and 5.

T. 9 N., R. 85 W.,
 Sec. 16, lots 1 and 2;
 Sec. 29, lot 1.

T. 10 N., R. 85 W.,
 Sec. 28, lots 5, 6, and 7;
 Sec. 33, lots 10 and 11.

T. 2 N., R. 86 W.,
 Sec. 11, lot 2, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 3 N., R. 86 W.,
 Sec. 4, lots 7, 8, 9, 16, and 17;
 Sec. 5, lot 7, N $\frac{1}{2}$ lot 9, SW $\frac{1}{4}$ lot 9, N $\frac{1}{2}$ SE $\frac{1}{4}$ lot 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$ lot 9, NW $\frac{1}{4}$ lot 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ lot 15, NW $\frac{1}{4}$ lot 15;
 Sec. 9, lots 4, 5, and 12.

T. 4 N., R. 86 W.,
 Sec. 12, lot 9;
 Sec. 26, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 5 N., R. 86 W.,
 Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 6 N., R. 86 W.,
 Sec. 7, lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 7 N., R. 86 W.,
 Sec. 2, lot 7;
 Sec. 3, lot 10;
 Sec. 8, lot 1;
 Sec. 10, lot 1;
 Sec. 18, lots 6 and 10.

T. 8 N., R. 86 W.,
 Sec. 1, lot 7;
 Sec. 10, lot 6;
 Sec. 15, lot 5;
 Sec. 19, lots 9, 10, 11, 12, 13, 14, and 15;
 Sec. 26, lot 1;
 Sec. 27, lots 1 and 2;
 Sec. 30, lots 5, 6, and 7;
 Sec. 34, lot 9;
 Sec. 35, lots 3 and 4.

T. 9 N., R. 86 W.,
 Sec. 1, lots 9 and 10.

T. 4 N., R. 87 W.,
 Sec. 34, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 5 N., R. 87 W.,
 Sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 6 N., R. 87 W.,
 Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 8 N., R. 87 W.,
 Sec. 19, lot 4;
 Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 3 N., R. 88 W.,
 Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 5 N., R. 88 W.,
 Sec. 7, lot 9;
 Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 19, lots 7, 8, 13, and 14;
 Sec. 30, lots 7, 8, 13, and 14;
 Sec. 31, lots 15, 16, 22, 23, 24, and 25.

T. 8 N., R. 88 W.,
 Sec. 2, lots 15 and 16;
 Sec. 18, lot 8;
 Tract 43 in Sec. 8.

T. 9 N., R. 88 W.,
 Sec. 35, lots 1, 3, and 7.

T. 3 N., R. 89 W.,
 Sec. 5, lots 7 and 8;
 Sec. 6, lot 10.

T. 4 N., R. 89 W.,
 Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 24, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 5 N., R. 89 W.,
 Sec. 5, lot 6;
 Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, lot 2;
 Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 6 N., R. 89 W.,
 Sec. 23, lot 12;
 Sec. 29, lot 11.

The total area involved is approximately 4,738.16 acres in Routt County.

When this classification becomes final, public lands described herein will be open to properly supported applications by qualified individuals providing such applications are consistent with paragraph 1 of this notice.

5. Publication of this notice in the FEDERAL REGISTER segregates the described lands from all forms of disposal under the public land laws except the forms of disposal for which the lands are classified. The lands shall remain open to the operation of the mining laws (30 U.S.C., ch. 2) and the mineral leasing laws. This classification does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit or governing the disposal of their mineral or vegetative resources, other than under the mining laws.

6. The record showing comments received and other information, and maps showing the lands involved, are on file in the Craig District Office, Bureau of Land Management, 455 Emerson Street, Craig, Colo. 81625, and Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

7. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
 State Director.

[F.R. Doc. 70-10992; Filed, Aug. 19, 1970;
 8:48 a.m.]

[C-10992]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Part 2400, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating all the described public lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. sec. 334), the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); townships under Revised Statutes 2478, 2380-2389, as amended, 2391-2394, sections 1, 3, 4, 19 Stat. 392, as amended, section 16, 26 Stat. 1101, 26 Stat. 502, 32 Stat. 820; 43 U.S.C. 1201, 711-731; and State indemnity selections under sections 2275 and 2276 of the Revised Statutes, as

amended August 27, 1958, and September 14, 1960 (43 U.S.C. 851, 852). Except as provided in paragraph 3, the lands are also segregated from sale under the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27). In addition, they are segregated from disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4) except as described in paragraph 4. Except as provided in paragraphs 1, 3, 4, and 5, the lands described shall remain open to all other forms of appropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein "public lands" means any lands withdrawn or reserved under Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 7454-7457) or at the public hearing at Grand Junction, Colo., which was held June 4, 1970. However, in subsequent meetings of Bureau of Land Management personnel and local land use advisory committees, it has been determined that additional lands aggregating about 1,560 acres in T. 2 N., R. 2 W., Ute Principal Meridian, should be left open to the operation of the Recreation and Public Purposes Act. This additional area is described in paragraph 4.

The record showing the comments received following publication of the notice of proposed classification and other information are on file and can be examined at the Grand Junction District Office of the Bureau of Land Management.

The public lands classified are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo., the Craig District, White River Resource Area Headquarters, Meeker, Colo., and the Colorado Land Office, Bureau of Land Management, Federal Building, 19th and Stout Streets, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 98 W.,
 Sec. 6, lots 13, 17, and 18;

T. 10 S., R. 99 W.,
 Sec. 6, lots 6 and 7;
 Sec. 7, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 18, lot 2.

T. 11 S., R. 99 W.,
 Sec. 1, lots 5, 12 through 16, and S $\frac{1}{2}$;
 Sec. 2, lots 2 through 7 and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 8 S., R. 100 W.,
 Sec. 7, lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 17 through 21;
 Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
 Secs. 28 through 31;

- Sec. 32, lots 1, 2, and 3, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 33, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 34, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 9 S., R. 100 W.,
 Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 5, lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 6;
 Sec. 7, lots 1, 3 through 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8;
 Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 17;
 Sec. 18, lots 2, 3, and 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 19;
 Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 22, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Sec. 23, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 27 and 28;
 Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
 Secs. 30 through 34;
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, W $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 10 S., R. 100 W.,
 Sec. 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 2 through 18.
 T. 5 S., R. 101 W.,
 Sec. 3, lots 5 and 6;
 Sec. 5, lots 6 and 7;
 Sec. 7, lots 7, 8, and 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 8;
 Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
 Sec. 10, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Secs. 16 and 17;
 Sec. 18, lots 5, 8, 9, and 12, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 19, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Secs. 20, 21, 22, 27, 28, and 29;
 Sec. 30, lots 5 through 15, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 31, lots 5 through 14;
 Secs. 32, 33 and 34.
 T. 6 S., R. 101 W.,
 Secs. 17 through 21, 28 through 35.
 T. 7 S., R. 101 W.,
 Sec. 2, lots 5, 6, 7, and 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 3;
 Sec. 4, lots 5 and 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 5, lots 7 and 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Secs. 6, 7, 8, and 9;
 Sec. 10, lots 1 through 7, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 11;
 Sec. 14, lots 1 through 5, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, lots 1 through 11, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, lots 1 through 9, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Secs. 17, 18, 19, and 20;
 Sec. 21, lots 1 and 2, E $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 22, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
 Secs. 28 and 29;
 Sec. 30, lots 5 through 10, and E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Secs. 31 through 35;
 Sec. 36, lot 1 and NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 8 S., R. 101 W.,
 Sec. 1, lots 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
 Secs. 2 through 26;
 Sec. 27, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Secs. 31 through 36.
 T. 9 S., R. 101 W.,
 Secs. 1 through 11;
 Sec. 12, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Secs. 14 through 18;
 Secs. 22 through 27;
 Secs. 34 through 36.
 T. 10 S., R. 101 W.,
 Secs. 1, 2, and 3;
 Sec. 10, lots 1 and 2;
 Sec. 11, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Secs. 12 and 13;
 Sec. 14, lots 1, 2, and 3.
 T. 5 S., R. 102 W.,
 Sec. 1, lots 5, 6, and 7;
 Sec. 2, lots 5, 6, 7, and 8;
 Sec. 3, lot 5;
 Sec. 4, lots 5, 6, 7, and 8;
 Sec. 5, lots 5, 6, 7, and 8;
 Sec. 6, lots 8 through 11;
 Sec. 7, lots 5, 6, and 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 8, lot 1 and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
 Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$;
 Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 18, lots 9, 10, 11, 12, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Secs. 19 and 20;
 Sec. 21, lots 1, 2, W $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, lots 1 through 8, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, lots 1 through 11, NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, lots 1 through 8, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, lots 5 through 12, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, lots 5 through 19, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 32, lots 1 through 10, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, lots 1 through 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 34, lots 1 and 2, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, lots 1, 2, and 3, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 36, lots 1, 2, 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 6 S., R. 102 W.,
 Secs. 1 and 2;
 Sec. 3, lots 5 through 16;
 Sec. 4, lots 5 through 13;
 Sec. 5, lots 5 through 16;
 Secs. 6, 7, and 8;
 Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 10, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Secs. 11, 12, and 13;
 Sec. 14, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 16 through 22;
 Sec. 23, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Secs. 24 through 27;
 Sec. 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Secs. 30 through 33;
 Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 36, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 7 S., R. 102 W.,
 Secs. 1, 2, 3, 4, and 5;
 Sec. 6, lots 8 through 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Secs. 7 and 8;
 Sec. 9, lots 1 through 14, 16 through 19, 21 and 22, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Secs. 10 through 15;
 Sec. 16, lots 1, 2, 5, 6, 8 through 15, 17, 18, 19, 21, 22, and 23, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 17, 18, 19, 20, and 21;
 Sec. 22, lots 1 through 11, 13, 15, 17, 19, 22, 24, and 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 23, lots 1, 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Secs. 24 through 28;
 Sec. 29, lots 11 through 16, 21, 23, 25, 28, and 30, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30;
 Sec. 31, lots 5 through 9, 11, 13 through 18, 21, 25, 28, and 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, lots 1, 4, and 6, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Secs. 33, 34, and 35;
 Sec. 36, lot 1, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$.
 T. 8 S., R. 102 W.,
 Secs. 1 through 5;
 Sec. 6, lots 8, 10 through 18, 22 through 26, 28, 31, 32, 34 through 51;
 Secs. 7 through 11;
 Sec. 12, N $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, lots 1 and 2, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, lots 1 through 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 15 through 20;
 Sec. 21, lots 1, 2, 3, 5, 7, 9, 10, 14, 15, 16, 17, 18, 22, 23, 24, 27, 28, 30, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, lots 1, 3, 5, 8, 9, 11, 13, 22, N $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 23, lots 3, 4, 6, 14, 15, 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Secs. 24 and 25;
 Sec. 26, lots 1, 15, 16, 17, 19, 29, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, lot 5;
 Sec. 28, lots 1 through 4, 6 through 9, 12, 13, 16, 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, lots 1 through 14, 17 through 25, 27, 29, and 30;
 Sec. 30;
 Sec. 31, lots 5 through 35;
 Sec. 32, lots 1 through 4, 7 through 17, 20, 21, 24, 25, 27, 28, 29, and 31;
 Sec. 33, lots 1 through 4, 6, 7, 9, 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, lots 1, 2, 3, 4, 5, 13, 14, 16, 19, and 21, and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 35, lots 1, 4, 12, 13, 15, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36.
 T. 9 S., R. 102 W.,
 Sec. 1, lots 1 through 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 2, lots 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 4, lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and SW $\frac{1}{4}$;
 Sec. 5, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 6, lots 2 through 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Secs. 7 and 8;
 Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 13;
 Sec. 14, lot 1;

- Sec. 15, lot 2;
Secs. 16, 17, and 18.
T. 5 S., R. 103 W.,
Sec. 1;
Sec. 2, lots 1 through 4, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$,
and $SW\frac{1}{4}SW\frac{1}{4}$;
Secs. 3 and 4;
Sec. 5, lots 1, 2, 3, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
 $E\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 6, lots 2 through 7, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 7, lots 1 through 4, $W\frac{1}{2}E\frac{1}{2}$, and $E\frac{1}{2}$
 $W\frac{1}{2}$;
Sec. 8, $NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$
 $SW\frac{1}{4}$, and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 9, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, and $SE\frac{1}{4}$;
Sec. 10, $N\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}SW\frac{1}{4}$, and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 11, $SE\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}$;
Sec. 12, lots 1 through 6;
Sec. 13, $E\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$;
Sec. 14, $W\frac{1}{2}$ and $SE\frac{1}{4}$;
Sec. 15, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, and $SE\frac{1}{4}$;
Sec. 16;
Sec. 17, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}SW\frac{1}{4}$,
and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 18, lots 1, 2, and 3, $NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$,
 $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 19, lot 4, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$, and
 $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 20, $SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$,
 $SE\frac{1}{4}SW\frac{1}{4}$, and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 21, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, and
 $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 22, $N\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 23, $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 24, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$, and
 $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 25, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 26, $E\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}$,
 $SE\frac{1}{4}SW\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 27, $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, and $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 28, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$,
and $SE\frac{1}{4}$;
Sec. 29, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, and $SE\frac{1}{4}$;
Sec. 30, lots 1, 2, and 3, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$,
 $NE\frac{1}{4}SW\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 31, $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 32, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, and $S\frac{1}{2}S\frac{1}{2}$;
Sec. 33;
Sec. 34, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$, and
 $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 35, $NE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, and
 $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 36, $W\frac{1}{2}E\frac{1}{2}$ and $W\frac{1}{2}$.
T. 6 S., R. 103 W.,
Sec. 1, lots 1, 2, and 3, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
and $S\frac{1}{2}$;
Sec. 2, lot 4, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, and
 $SW\frac{1}{4}$;
Secs. 3 and 4;
Sec. 5, lots 1, 2, 3, and 4, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 $NW\frac{1}{4}$, and $S\frac{1}{2}$;
Sec. 6, lots 1, 2, 6, and 7, $SW\frac{1}{4}NE\frac{1}{4}$, and
 $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 7, lots 1 and 4, $E\frac{1}{2}$, and $E\frac{1}{2}W\frac{1}{2}$;
Secs. 8 and 9;
Sec. 10, $N\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}$
 $SW\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 11, $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$,
and $S\frac{1}{2}$;
Secs. 12, 13, and 14;
Sec. 15, $NE\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}$;
Secs. 16, 17, and 18;
Sec. 19, lots 1, 3, and 4, $E\frac{1}{2}$, and $E\frac{1}{2}W\frac{1}{2}$;
Secs. 20 through 36.
T. 7 S., R. 103 W.,
Secs. 1 and 2;
Sec. 3, lots 1, 2, 3, and 4, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 $SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 4, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, $W\frac{1}{2}SW\frac{1}{4}$,
 $NE\frac{1}{4}SW\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}$;
Secs. 5, 6, 7, and 8;
Sec. 9, $W\frac{1}{2}NW\frac{1}{4}$ and $S\frac{1}{2}$;
Sec. 10, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$, and
 $W\frac{1}{2}SW\frac{1}{4}$;
Secs. 11 through 36.
T. 8 S., R. 103 W.,
Secs. 1 through 12;
Sec. 13, lots 1, 3, 4, 5 through 17, 20, 21, 23,
24, 25, 26, 27, 28, 29, 30, 31, 32, and 35;
Secs. 14 through 18;
Sec. 19, lots 5, 9, 10, 11, 13, and 14;
Secs. 20 through 23;
Sec. 24, lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 14,
16, 17, 18, 19, 20, 23, 26, 27, 28, 29, 30, 31,
32, 34, 35, 36, 37, and 38;
Secs. 25 through 29;
Sec. 30, lots 8, 9, 12, 13, 14, and 15;
Sec. 31, lots 9 and 16;
Secs. 32 through 36.
T. 9 S., R. 103 W.,
Sec. 1;
Sec. 2, lots 1, 4, 5, and 9, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}$
 $SE\frac{1}{4}$, and $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 3, lots 1, 2, 3, and 4, $SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}$
 $SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$,
and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 4, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$,
 $S\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 5;
Sec. 6, lots 1, 2, 5, 6, and 7, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 7, $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, and $N\frac{1}{2}NE\frac{1}{4}$
 $NW\frac{1}{4}$;
Sec. 8, $N\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$
 $NW\frac{1}{4}SW\frac{1}{4}$, and $NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$;
Sec. 9, $N\frac{1}{2}NW\frac{1}{4}$;
Sec. 11, $E\frac{1}{2}NE\frac{1}{4}$ and $NW\frac{1}{4}NE\frac{1}{4}$;
Sec. 12, $N\frac{1}{2}$;
Sec. 19, lots 4 and 6, $SE\frac{1}{4}SW\frac{1}{4}$, and $SW\frac{1}{4}$
 $SE\frac{1}{4}$;
Sec. 29, $SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$,
 $SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;
Secs. 30 and 31;
Sec. 32, $NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$,
 $SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$, and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 33, $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, and
 $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$.
T. 10 S., R. 103 W.,
Sec. 3, lots 3, 5, and 6, $SW\frac{1}{4}NW\frac{1}{4}$, and
 $SW\frac{1}{4}$;
Sec. 4.
T. 5 S., R. 104 W.,
Sec. 1, lots 1, 2, 3, and 4, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$,
 $S\frac{1}{2}S\frac{1}{2}$;
Sec. 2, 3, 10, and 11;
Sec. 12, $E\frac{1}{2}E\frac{1}{2}$, $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$,
 $W\frac{1}{2}W\frac{1}{2}$;
Sec. 13, $W\frac{1}{2}$;
Secs. 14, 15, 22, and 23;
Sec. 24, $N\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}$, and $S\frac{1}{2}$;
Sec. 25, $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, and $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 26, $E\frac{1}{2}E\frac{1}{2}$, $NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$,
 $SE\frac{1}{4}SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 27, lot 2;
Secs. 34 and 35;
Sec. 36, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $NW\frac{1}{4}$
 $SW\frac{1}{4}$.
T. 6 S., R. 104 W.,
Sec. 1, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$,
 $SE\frac{1}{4}SW\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 2, $S\frac{1}{2}S\frac{1}{2}$;
Sec. 3, lots 3 and 4, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 4, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$,
and $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 5, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$,
and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 6, lots 7 through 11, and 13 through
20;
Sec. 7, lots 1, 2, 3, and 4, $NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$,
and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 8, $NE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}$, and
 $S\frac{1}{2}$;
Sec. 9, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 10, $E\frac{1}{2}$ and $E\frac{1}{2}W\frac{1}{2}$;
Sec. 11;
Sec. 12, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, and $S\frac{1}{2}$;
Secs. 13, 14, and 15;
Sec. 16, $E\frac{1}{2}E\frac{1}{2}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, and $W\frac{1}{2}$
 $SE\frac{1}{4}$;
Sec. 17;
Sec. 18, lots 1, 2, and 3, $E\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}$
 $NW\frac{1}{4}$;
Sec. 19, lots 2, 3, and 4, $E\frac{1}{2}$, and $E\frac{1}{2}W\frac{1}{2}$;
Sec. 20, $N\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $S\frac{1}{2}$;
Sec. 21, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, and $S\frac{1}{2}$;
Sec. 22;
Sec. 23, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, and
 $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 24, $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and
 $SE\frac{1}{4}SE\frac{1}{4}$;
Secs. 26 through 34;
Sec. 35, $E\frac{1}{2}E\frac{1}{2}$ and $W\frac{1}{2}NW\frac{1}{4}$;
Sec. 36.
T. 7 S., R. 104 W.,
Sec. 1;
Sec. 2, lots 1, 2, and 3, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
 $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 3, lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$,
 $S\frac{1}{2}SW\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$;
Secs. 4, 5, 6, 7, 8, and 9;
Sec. 10, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, and
 $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 11, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 12;
Sec. 13, $N\frac{1}{2}$ and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 14, $E\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$,
and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 15, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}$, and $SE\frac{1}{4}$;
Secs. 16 through 22;
Sec. 23, $W\frac{1}{2}$ and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 24, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $W\frac{1}{2}$
 $SW\frac{1}{4}$;
Secs. 25 through 30;
Sec. 31, $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 32;
Sec. 33, $N\frac{1}{2}$;
Secs. 34, 35, and 36.
T. 8 S., R. 104 W.,
Secs. 1, 2, and 3;
Sec. 5, lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}$, and
 $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 6, lots 1 through 7, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, and $E\frac{1}{2}$
 $SE\frac{1}{4}$;
Sec. 7, lots 1, 2, 3, and 4, $E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$,
and $SE\frac{1}{4}$;
Sec. 8, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, and
 $SE\frac{1}{4}$;
Sec. 9, $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$;
Secs. 10 through 18;
Sec. 19, lots 1, 2, 3, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$
 $SW\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}$;
Secs. 20, 21, 22, and 23;
Sec. 24, $N\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 26, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, and $W\frac{1}{2}$;
Secs. 27, 28, and 29;
Sec. 30, lots 3, 4, $SE\frac{1}{4}SW\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Secs. 31, 32, 33, and 34;
Sec. 35, $NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$.
T. 9 S., R. 104 W.,
Secs. 1 through 11;
Sec. 13, $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$;
Sec. 14, $N\frac{1}{2}$, $SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}$
 $SE\frac{1}{4}$;
Secs. 15 through 20;
Sec. 21, $N\frac{1}{2}$, $NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, and
 $E\frac{1}{2}SE\frac{1}{4}$;
Secs. 22, 23, 24, 25, 26, and 27;
Sec. 28, $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$,
 $NW\frac{1}{4}SE\frac{1}{4}$;
Secs. 29 and 30;
Sec. 31, lots 5, 7, 8, 11, 13, 14, 15, 16, 17, and
18, $NE\frac{1}{4}$, and $E\frac{1}{2}NW\frac{1}{4}$;
Sec. 32;
Sec. 33, lots 1, 2, 3, 4, $SW\frac{1}{4}NE\frac{1}{4}$, and
 $N\frac{1}{2}S\frac{1}{2}$;
Sec. 34, lots 1, 3, 4, $NW\frac{1}{4}SW\frac{1}{4}$, and $N\frac{1}{2}$;
Secs. 35 and 36.
T. 10 S., R. 104 W.,
Secs. 2 and 3;
Sec. 4, lots 5, 6, 7, and 8, $S\frac{1}{2}N\frac{1}{2}$, $NE\frac{1}{4}SW\frac{1}{4}$,
 $S\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 5;
Sec. 6, lots 8, 9, 10, 11, 12, and 13, $S\frac{1}{2}NE\frac{1}{4}$,
 $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$
 $SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Secs. 7 through 11;
Secs. 15 through 19;
Sec. 20, $W\frac{1}{2}E\frac{1}{2}$ and $W\frac{1}{2}$;
Sec. 31, lot 8.
T. 6 S., R. 105 W.,
Secs. 1, 12, and 13;
Sec. 24, lots 1 through 7, 9, and 10;
Sec. 25, lots 1 and 3 through 12;
Sec. 36.
T. 7 S., R. 105 W.,
Secs. 1, 12, 13, 24, 25, and 36.

T. 8 S., R. 105 W.,
Secs. 1, 12, 13, 24, 25, and 36.

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T. 1 N., R. 1 E.,
Sec. 3, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Secs. 4 through 9;
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and
S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$
S $\frac{1}{2}$;
Secs. 15 through 23;
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$;
Sec. 27, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$
SE $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, lot 1, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 1 N., R. 1 W.,
Secs. 1, 2, 3, and 4;
Sec. 5, lots 1, 2, 3, and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and
E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lot 1;
Sec. 9, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Secs. 10, 11, and 12;
Sec. 13, E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 14, E $\frac{1}{2}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, E $\frac{1}{2}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 1 N., R. 3 W.,
Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 5, lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
and S $\frac{1}{2}$;
Sec. 6;
Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 10, lot 4.

T. 2 N., R. 2 W.,
Secs. 1, 2, 3, 4, and 5;
Sec. 6, lots 1, 6, and 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
and SE $\frac{1}{4}$;
Sec. 7, lots 1 and 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$
SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 9, 10, 11, 12, 13, and 14;
Sec. 15, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 23 and 24;
Sec. 25, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 2 N., R. 3 W.,
Secs. 1, 2, and 3;
Sec. 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.97 acres, NW $\frac{1}{4}$ NE $\frac{1}{4}$
41.11 acres, NE $\frac{1}{4}$ NW $\frac{1}{4}$ 41.25 acres, E $\frac{1}{2}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.69 acres, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 30, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.42 acres, SW $\frac{1}{4}$ SW $\frac{1}{4}$
39.44 acres, E $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31;
Sec. 32, W $\frac{1}{2}$.

The public lands described above aggregate approximately 407,052 acres.

3. As provided in paragraph 1, the following lands shall remain open to disposition under the Public Land Sale Act of Sept. 19, 1964 (43 U.S.C. 1421-27).

6TH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 104 W.,
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The public lands described above aggregate 40 acres.

4. As provided in paragraph 1, the following lands shall remain open to disposition under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4).

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 S., R. 100 W.,
Secs. 2, 3, 10, 11, and 12;
Sec. 13, lots 1 to 4, inclusive;
Sec. 14, lots 1 to 4, inclusive;
Sec. 15, lots 1 to 4, inclusive.
T. 10 S., R. 104 W.,
Sec. 18, lot 5.

UTE PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 1 E.,
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$ and E $\frac{1}{2}$
W $\frac{1}{2}$;
Secs. 8 and 9;
Sec. 15, NW $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 16 and 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$ and
E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$ and
E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20, 21, and 22;
Sec. 23, S $\frac{1}{2}$;
Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$;
Sec. 27, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$
SE $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, lot 1, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 1 N., R. 1 W.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and
S $\frac{1}{2}$;
Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and
S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and
S $\frac{1}{2}$;
Secs. 10, 11, and 12;
Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and
SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 2 N., R. 2 W.,
Sec. 8, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 9;
Sec. 16, NE $\frac{1}{4}$;
Sec. 25, N $\frac{1}{2}$ S $\frac{1}{2}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.

The public lands described above aggregate approximately 22,937.33 acres.

5. As provided in paragraph 1, the following lands are further segregated from location and entry under the general mining laws (30 U.S.C. Ch. 2), and the Materials Act of July 31, 1947, as amended.

6TH PRINCIPAL MERIDIAN, COLO.

T. 5 S., R. 102 W.,
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 10 S., R. 104 W.,
Sec. 18, lot 5.

The public lands described above aggregate approximately 84 acres.

6. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and

modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-10905; Filed, Aug. 19, 1970;
8:46 a.m.]

[C-10845]

COLORADO

Notice of Classification

AUGUST 6, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Part 2400, it is proposed to classify public lands described below for disposal through public sale under the Act of September 26, 1968 (43 U.S.C. 1431-1435, Supp. IV 1968). As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1289) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating all the lands described below from all forms of appropriation except from sale under the Act of September 26, 1968 (43 U.S.C. 1431-1435) (Supp. IV 1968).

The notice of proposed classification was published in 35 F.R. 5830 of April 9, 1970. No protests were received following publication in the FEDERAL REGISTER and there has been no change in the classification.

3. The public lands affected by this classification are located in Mesa County and are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Grand Junction, Colo., and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 94 W.,
Sec. 18, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 10 S., R. 94 W.,
Sec. 19, lots 3 and 4.

The total area involved aggregates approximately 280 acres of public land in Mesa County.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2462.3).

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-10906; Filed, Aug. 19, 1970;
8:46 a.m.]

[C-10846]

COLORADO

Notice of Classification

AUGUST 7, 1970.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands within the areas described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands in Mesa County, Colo.

No objections have been received following publication of the proposed classification (35 F.R. 5830) published on Thursday, April 9, 1970.

2. The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLO.

MESA COUNTY

- T. 9 S., R. 93 W.,
 Sec. 1, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 2, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 31, N $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 9 S., R. 94 W.,
 Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 11, E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 10 S., R. 94 W.,
 Sec. 4, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 10 S., R. 96 W.,
 Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 831.59 acres.

3. For a period of 30 days from the date of publication in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2462.3).

E. I. ROWLAND,
 State Director.

[F.R. Doc. 70-10907; Filed, Aug. 19, 1970;
 8:46 a.m.]

[C-10847]

COLORADO

Notice of Classification

AUGUST 7, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for disposal through the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4). As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating all the lands described below from all forms of appropriation except from disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4).

No adverse comments have been received following publication of the notice of proposed classification, 35 F.R. 5830-5831, Thursday, April 9, 1970, and no changes have been made.

3. The public lands affected by this classification are located in Mesa County and are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Grand Junction, Colo., and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLO.

- T. 9 S., R. 95 W.,
 Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 10 S., R. 95 W.,
 Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 10 S., R. 96 W.,
 Sec. 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The total area involved aggregates approximately 200 acres of public land in Mesa County.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2462.3).

E. I. ROWLAND,
 State Director.

[F.R. Doc. 70-10908; Filed, Aug. 19, 1970;
 8:46 a.m.]

[Montana 12764]

MONTANA

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 13, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of the notice of

proposed classification (35 F.R. 6666-6667) on April 25, 1970, or at the public hearing held May 26, 1970. The record showing the comments received and other information is on file and can be examined in the Lewistown District Office, Lewistown, Mont.

3. The public lands affected by this classification are located within the following described areas and are shown on a map designated by Serial Number Montana 12764 in the Lewistown District Office, Bureau of Land Management, Bank Electric Building, Lewistown, Mont. 59457, and in the Land Office, Bureau of Land Management, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

PRINCIPAL MERIDIAN, MONTANA
GOLDEN VALLEY COUNTY

- T. 11 N., R. 20 E.,
 Sec. 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 14, SW $\frac{1}{4}$;
 Sec. 15;
 Secs. 19 to 22, inclusive;
 Sec. 23, W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 27, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 29 and 30;
 Sec. 31, lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The public lands described above aggregate approximately 6,868.51 acres.

GARFIELD COUNTY

- T. 14 N., R. 30 E.,
 Sec. 1;
 Sec. 2, portion lying east of the Musselshell River;
 Sec. 11, portion lying east of the Musselshell River;
 Secs. 12 and 13;
 Sec. 14, portion lying east of the Musselshell River;
 Sec. 24.
- T. 15 N., R. 30 E.,
 Secs. 1, 2, and 3;
 Sec. 4, portion lying east of the Musselshell River;
 Sec. 9, portion lying east of the Musselshell River;
 Secs. 10 to 14, inclusive;
 Secs. 15 and 16, portion lying east of the Musselshell River;
 Sec. 21, portion lying east of the Musselshell River;
 Secs. 22 to 26, inclusive;
 Sec. 27, portion lying east of the Musselshell River;
 Sec. 34, portion lying east of the Musselshell River;
 Secs. 35 and 36.
- T. 16 N., R. 30 E.,
 Sec. 3, portion lying west of Calf Creek;
 Sec. 4, portion lying east of the Musselshell River;
 Secs. 8 and 9, portion lying east of the Musselshell River;
 Sec. 10;
 Sec. 11, portion lying west of Calf Creek;
 Sec. 13, portion lying west of Calf Creek;
 Secs. 14 to 16, inclusive;
 Sec. 17, portion lying east of the Musselshell River;
 Sec. 20, portion lying east of the Musselshell River;
 Secs. 21 to 28, inclusive;
 Sec. 29, portion lying east of the Musselshell River;
 Secs. 32 and 33, portion lying east of the Musselshell River;
 Secs. 34 to 36, inclusive.

- T. 17 N., R. 30 E.,
Secs. 31 and 32, portions lying east of the
Musselshell River and west of Calf
Creek.
- T. 14 N., R. 31 E.,
Secs. 4 to 9, inclusive;
Sec. 10, W 1/2, SE 1/4;
Sec. 18.
- T. 15 N., R. 31 E.,
Sec. 7, lots 7, 8, 9, 10, D, and E, S 1/2 SE 1/4;
Sec. 18, lots 5 to 12, inclusive;
Sec. 30, lots 5 to 8, inclusive.
- T. 16 N., R. 31 E.,
Secs. 18 and 19, portions lying west of Calf
Creek;
Secs. 29 and 30, portions lying west of
Calf Creek;
Sec. 31;
Secs. 32 and 33, portions lying west of Calf
Creek.

The public lands described above
aggregate approximately 19,685 acres.

Total public lands within the areas de-
scribed aggregate approximately 26,553.51
acres.

4. For a period of 30 days from date
of publication in the FEDERAL REGISTER,
this classification shall be subject to the
exercise of administrative review and
modification by the Secretary of the
Interior as provided for in 43 CFR 2461.3.
For a period of 30 days interested parties
may submit comments to the Secretary
of the Interior, LLM, 321, Washington,
D.C. 20240.

EDWIN ZADLICZ,
State Director.

[F.R. Doc. 70-10939; Filed, Aug. 19, 1970;
8:48 a.m.]

[Montana 12062]

MONTANA

Order Providing for Opening of Public Lands

AUGUST 13, 1970.

1. In an exchange of lands made under
the provisions of section 8 of the Act of
June 28, 1934 (48 Stat. 1269), as amended
(43 U.S.C. 315g), the following described
lands have been reconveyed to the United
States:

PRINCIPAL MERIDIAN, MONTANA

T. 9 N., R. 49 E.,
Sec. 19, lots 1, 2, 3, and 4, E 1/2 W 1/2, and E 1/2.
The area described contains 640.04
acres.

2. The land is located in Custer
County. The sharply rolling to broken
topography of the land is not suitable
for cultivation. The lands have been
acquired to further Federal programs.
Public lands in this area have been classi-
fied for multiple use management and
retention in Federal ownership under
serial number M 12081.

3. Subject to valid existing rights, the
provisions of existing withdrawals, and
the requirements of applicable law, the
lands are hereby open to application,
petition, location, and selection, except
for appropriation under the agricultural
land laws (43 U.S.C. Parts 7 and 9; 25
U.S.C. sec. 334), and from sales under
section 2455 of the Revised Statutes (43
U.S.C. 1171). All valid applications re-
ceived at or prior to 10 a.m., Septem-

ber 25, 1970, shall be considered as
simultaneously filed at that time. Those
received thereafter shall be considered
in the order of filing.

4. The mineral rights in the lands are
in private ownership and their status is
not affected by this order.

5. Inquiries concerning the lands
should be addressed to the Chief,

Division of Lands and Minerals Pro-
gram Management and Land Office,
Bureau of Land Management, 316 North
26th Street, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 70-10903; Filed, Aug. 19, 1970;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CLEBURNE COUNTY LIVESTOCK AUCTION SALE ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the live-
stock markets referred to herein, which were posted on the respective dates speci-
fied below as being subject to the provisions of the Packers and Stockyards Act,
1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
ARKANSAS	
Gib Kelly Auction Sale, Heber Springs, Feb. 17, 1959.	Cleburne County Livestock Auction Sale, July 7, 1970.
CALIFORNIA	
Western States Livestock Marketing Center, Inc., Roseville, Nov. 6, 1959.	Roseville Livestock Auction, May 12, 1970.
GEORGIA	
McClure-Burnett Commission Co., Rome, May 20, 1959.	McClure-Burnett Livestock Market, Inc., May 7, 1970.
MISSOURI	
Edina Sale Co., Edina, May 29, 1959	Edina Auction Co., Inc., Sept. 2, 1969.
MONTANA	
Dillon Livestock Market, Dillon, Nov. 30, 1961	Dillon Livestock Market, Inc., July 1, 1970.
OKLAHOMA	
Buffalo Livestock Auction, Buffalo, Aug. 12, 1952	Buffalo Livestock Commission Com- pany, Aug. 14, 1970.
Maxson Sales Company, Inc., Welch, Jan. 11, 1958	Maxson Sales Company, July 11, 1970.
TEXAS	
Kerrville Auction Company, Inc., Kerrville, June 14, 1957.	Kerrville Auction Company, June 1, 1970.

Done at Washington, D.C., this 14th day of August 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports
Branch, Livestock Marketing Division.

[F.R. Doc. 70-10916; Filed, Aug. 19, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CANNED SWEET POTATOES DEVIAT- ING FROM IDENTITY STANDARD

Notice of Modification and Extension of Expiration Date of Temporary Permit for Market Testing

Notice was given in the FEDERAL REG-
ISTER of September 12, 1969 (34 F.R.
14339), that a temporary permit had
been issued to Green Giant Co., Le
Sueur, Minn. 56058, pursuant to § 10.5
(21 CFR 10.5). The permit covered inter-
state marketing tests of canned sweet

potatoes in the "cut" form with added
pectin and specified calcium salts, as
firming agents, ingredients not provided
for by the standard of identity for this
vegetable (21 CFR 51.990).

Notice is hereby given that the subject
temporary permit has been modified to
include the optional form of "whole"
canned sweet potatoes under the same
terms and conditions of the existing per-
mit, and that its expiration date has
been extended to September 5, 1971.

Dated: August 4, 1970.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10898; Filed, Aug. 19, 1970;
8:45 a.m.]

[Docket No. 208; NDA 12-004]

AMFRE-GRANT, INC.**Amril Tablets; Notice of Withdrawal of Approval of New-Drug Application**

In the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14907) (DESI 10240), the Commissioner of Food and Drugs announced his intention to initiate proceedings to withdraw approval of new-drug application No. 12-004 for Amril Tablets containing 200 mg. acetylcarbromal, 150 mg. mephenesin, and 0.05 mg. reserpine per tablet. The holder of the application, Amfre-Grant, Inc., 924 Rogers Avenue, Brooklyn, N.Y. 11226, and any interested person were invited to submit, within 30 days, pertinent data bearing on the proposal.

Amfre-Grant, by letter of May 19, 1970, requested withdrawal of approval of the application, thereby waiving opportunity for a hearing. No other persons responded to the Commissioner's proposal.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information, evaluated together with evidence available when the application was approved, that there is a lack of substantial evidence that Amril Tablets will have the effect purported or represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 12-004, and all amendments and supplements applying thereto, is withdrawn effective on the date of signature of this document. Outstanding stocks of the drug should be recalled.

Promulgation of this order will cause any drug containing the same components and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect, and will make it subject to regulatory action.

Dated: July 22, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10899; Filed, Aug. 19, 1970; 8:45 a.m.]

CHEMAGRO CORP.**Notice of Withdrawal of Petition Regarding Pesticide Chemical**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 120.8), Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, has withdrawn its petition (PP 9F0818), notice of which was published in the FEDERAL REGISTER of May 1, 1969

(34 F.R. 7179), proposing establishment of tolerances (21 CFR Part 120) for residues of the insecticide and fungicide 6-methyl-2,3-quinoxalinedithiol cyclic S,S-dithiocarbonate in or on raw agricultural commodities as follows: Strawberries at 6 parts per million; papayas at 5 parts per million; apricots, nectarines, and peaches at 4 parts per million; cherries at 3 parts per million; alfalfa hay, citrus, and grapes at 2.5 parts per million; apples, cantaloups, honeydew melons, muskmelons, pears, and summer squash at 1.5 parts per million; plums (fresh prunes) at 1 part per million; cucumbers, watermelons, and winter squash at 0.75 part per million; alfalfa (green) at 0.6 part per million; and walnuts at 0.1 part per million.

Dated: August 4, 1970.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10901; Filed, Aug. 19, 1970; 8:46 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.**Notice of Filing of Petition for Food Additives**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 1B2571) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended in paragraph (a) (5) by revising the limitations for the item "Diethanolamine salts of mono- and bis(1H,1H,2H,2H-perfluoroalkyl) phosphates xxx" as follows:

1. To expand the permitted conditions of food-contact use to include conditions of use C and D as described in table 2 of paragraph (c) of that section.

2. To reduce the upper level of use from 0.17 pound (0.09 pound of fluorine) per 1,000 square feet of treated paper or paperboard to 0.14 pound (0.075 pound of fluorine) when such paper or paperboard is used in contact with nonalcoholic foods under the conditions of use C, D, E, F, and G described in table 2 of paragraph (c) of that section.

Dated: August 4, 1970.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10902; Filed, Aug. 19, 1970; 8:46 a.m.]

[Docket No. 215; NDA No. 12-844]

NORTH AMERICAN PHARMACAL**Myospaz Tablets; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application**

In an announcement (DESI 10240) published in the FEDERAL REGISTER of

September 27, 1969 (34 F.R. 14907), North American Pharmacal, Inc., 6851 Chase Road, Dearborn, Mich. 48126, the holder of new-drug application No. 12-844 for Myospaz Tablets containing 200 milligrams styramate, 210 milligrams salicylamide, 150 milligrams phenacetin, and 30 milligrams caffeine per tablet, and any interested persons were invited to submit any pertinent data bearing on the announced intention of the Commissioner of Food and Drugs to initiate proceedings to withdraw approval of this new-drug application. There have been no submissions of pertinent data.

Therefore, notice is hereby given to North American Pharmacal, Inc., and to any interested persons who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug application for Myospaz Tablets, and all amendments and supplements thereto, on the grounds that:

New information before the Commissioner with respect to such drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that Myospaz Tablets will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. Substantial evidence is lacking to show that the preparation is effective for use in skeletal muscle disorders.

In accordance with provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant(s), and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn. Such withdrawal of approval will cause any drug for human use containing the same components and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application(s). Failure of such person to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except

that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after the publication of this notice in the FEDERAL REGISTER a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 24, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10900; Filed, Aug. 19, 1970;
8:45 a.m.]

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Procedure for Qualification Under Three - Institutional - Certification Method

The qualification of an educational institution as an "institution of higher education" is a prerequisite to both individual and institutional participation in a broad range of programs administered by the Office of Education. Accreditation or an alternative thereto such as "three-institutional-certification" is one of the elements requisite to an institution's qualifying as an "institution of higher education."

The U.S. Commissioner of Education hereby adopts the following procedure by

which an unaccredited institution may meet the alternative requirement (where provided for by law for the purpose of qualifying as an "institution of higher education") of being an institution whose credits are accepted on transfer by not fewer than three institutions which are accredited by a nationally recognized accrediting agency or association on the same basis as if transferred from an accredited institution. This alternative is referred to as "three-institutional-certification."

The procedure set forth herein has as its objective the verification of the fact that the credits earned in an unaccredited institution of higher learning actually have been and are regularly accepted on transfer by not less than three educational institutions which are directly accredited by nationally recognized accrediting agencies or associations, on the same basis as if transferred from an institution so accredited.

Procedure for institutional qualification under three-institutional-certification method. (a) To initiate the procedure an applicant unaccredited institution must submit to the U.S. Commissioner of Education: (1) The names and addresses of not fewer than three institutions of higher education accredited by an accrediting agency or association currently listed in the FEDERAL REGISTER as being nationally recognized agencies or associations, each of which while so accredited and not more than 5 years prior to such submission has accepted the transfer of credits (and continues to accept such credits) earned at such unaccredited institution; and (2) The names and dates of transfer of their credits, of at least three students or graduates of the applicant unaccredited institution who have subsequently been enrolled in each of such accredited institutions.

(b) The U.S. Commissioner of Education will request corroboration from each accredited institution identified by the applicant unaccredited institution that the credits earned at such unaccredited applicant institution by the students named in the application have been (and credits so earned continue to be) accepted as if transferred from an accredited institution.

(c) In the event all or part of such information cannot be verified the Commissioner shall so inform the applicant unaccredited institution and such institution shall be requested to submit additional information.

(d) Upon verification of all the requisite information which it has submitted, notice to that effect will be given to the unaccredited applicant institution. The Commissioner may request that such institution submit new information annually in support of its continued qualification, and in every case the submission of new information will be required at least every 3 years.

Inquiries and communications relating to the foregoing policy should be addressed to the Accreditation and Institutional Eligibility Staff, Bureau of Higher Education, U.S. Office of Edu-

cation, Washington, D.C. 20202. Except as otherwise provided by law, these provisions shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: August 10, 1970.

TERREL H. BELL,
Acting U.S. Commissioner
of Education.

[F.R. Doc. 70-10915; Filed, Aug. 19, 1970;
8:47 a.m.]

Office of the Secretary OFFICE FOR CIVIL RIGHTS Reorganization Order

Pursuant to the Statement of Organization, Functions, and Delegations of Authority of the Office for Civil Rights, approved by the Secretary June 29, 1970, I hereby authorize the following transfers related to equal employment opportunity construction contract compliance functions:

SECTION 1. Transfer of functions. The following functions are transferred to the Office for Civil Rights:

(a) *Office of Education.* All of the functions related to planning and implementing a Departmentwide program for promoting and ensuring equal opportunity in employment on all construction projects receiving Federal financial assistance from the Department or any of its operating agencies and on all construction projects for which the Department has been designated the Compliance Agency.

Sec. 2 Funds, personnel, and equipment. The transfer of functions effected by this order shall be accompanied by direct and supporting funds, positions, personnel, records, equipment, supplies, and resources.

Sec. 3 Effective date. This order shall be effective July 1, 1970.

Dated: August 12, 1970.

SOL ELSON,
Acting Deputy Assistant
Secretary for Administration.

[F.R. Doc. 70-10922; Filed, Aug. 19, 1970;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-102]

EAST PASCAGOULA RIVER, MISS.

Notice of Public Hearing on Proposed Bridges

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Eighth Coast Guard District at the auditorium in the Municipal Building, 603 Watts Avenue, Pascagoula, Miss. This hearing will start at 1 p.m. on October 1, 1970. Authority for this action is set forth in

section 502, 60 Stat. 847, as amended, sections 4(f) and 6(g), 80 Stat. 934 and 941, as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f) and 1655(g); and 49 CFR 1.46 (c) (10).

The purpose of the hearing is to consider the application dated July 10, 1969, from the Mississippi State Highway Department for approval of the location and plans to construct dual bridges across East Pascagoula River, mile 7.6, on I-10 Highway. Interested parties were given opportunity to submit written comment on the application to the Commander, Eighth Coast Guard District by Public Notice No. 8-7-70 dated July 23, 1969. By Notice No. 8-9-70 dated August 5, 1969, the limit for reply was extended to September 25, 1969. This application has generated controversy and this hearing is being held to gather additional information from all sources in this regard.

The plans submitted by the applicant show the bridges to have clearances within the navigational spans of 42 feet vertical above mean high tide and 100 feet horizontal, normal to the direction of flow. These plans are available for inspection in the offices of the Commander, Eighth Coast Guard District by any interested person.

All interested persons may present data, views, and comments orally, or in writing at the public hearing concerning the impact of the proposed bridges on land and water transportation, potential commercial development and on the environment, including but not limited to the impact of the bridges as they relate to recreational areas, wildlife and waterfowl refuges, public parks, and historical sites which are of National, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof. The hearing will be an informal one conducted by a representative of the Commandant, who will make an opening statement presenting a brief summary of the proposed structure. Interested persons will then have an opportunity to present their oral statements. Additional procedures for conduct of the hearing will be announced at the hearing. A transcript of the hearing will be made and anyone may buy a copy of the transcript from the reporting service. Interested persons who are unable to attend this hearing may also participate in this consideration by submitting written data, views, arguments, or comments as they may desire on or before October 12, 1970. All submissions should be made in writing to the Commander, Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. It is requested that each submission state the subject to which it is directed, the reason for any recommendations and the name, address, and firm or organization, if any, of the person making the submission. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons at

the office of the Commander, Eighth Coast Guard District.

After the time set for the submission of comments by the interested parties, the Commander, Eighth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: August 13, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-10940; Filed, Aug. 19, 1970;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Availability of Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Toledo Edison Co. has submitted an environmental report, dated August 3, 1970, which discusses environmental considerations relating to the proposed construction of the Davis-Besse Nuclear Power Station. A copy of the report is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the President of the Board of County Commissioners, Ottawa County Courthouse, Port Clinton, Ohio. The Toledo Edison Co. and the Cleveland Electric Illuminating Co. have applied for a construction permit for the proposed Davis-Besse Nuclear Power Station, to be located on the applicants' approximately 900-acre site on the southwest shore of Lake Erie, in Ottawa County, Ohio. A notice of receipt of the application by the Commission was published in the FEDERAL REGISTER on August 22, 1969 (34 F.R. 13560).

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the proposed action and the report. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of the applicants' report, dated August 3, 1970, and the comments

thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 18th day of August 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-11008; Filed, Aug. 19, 1970;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-6; Order 70-8-56]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Denying Motion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1970.

By tariff revisions¹ marked to become effective August 19, 1970, Continental Air Lines, Inc. (Continental), proposes to add fares between Burbank/Los Angeles, San Jose, Portland, and Seattle to reflect new service authority. Continental is establishing regular first-class, coach and economy fares (jet commuter fares within California), and various promotional fares. The proposed first-class and coach fares match present fares of United and Western and the economy fares, which are being established for the first time between California points and Portland/Seattle, are set at 85 percent of the coach level.

Western Air Lines, Inc. (Western), has filed a motion, requesting that the Board reject Continental's proposed coach and economy (or commuter) fares, alleging that Continental's tariff must be rejected for failure to comply with section 403 of the Act and Subpart D of Part 221 of the Board's Economic Regulations.² Western contends that Continental is proposing to introduce economy service and five-abreast coach and economy seating in an entirely new market area, at a time when the Board has under consideration the establishment of appropriate seating configuration standards for service with the 48 seats; that Continental's proposal is inconsistent with recent Board decisions, which allegedly have sought to hold the line against further expansion of five-abreast coach and economy service; and that the only distinction between coach and economy services, a meal, does not justify the fare differential.

Continental and the city of San Jose have answered Western's complaint requesting that it be denied, both alleging

¹ Revisions to Airline Tariff Publishers, Inc., agent, Tariff C.A.B. No. 136.

² Continental filed justification for its proposal on August 5, pointing out that the fares match present fares of competitors.

that one of the bases for selection of Continental in the Pacific Northwest-California Investigation was its proposal to provide service with 3-2 seating and to introduce economy service. Continental further alleges that its filing is an initial tariff and that the motion to reject is nothing more than a subterfuge to circumvent the Board's lack of power to suspend an initial tariff; that Western's claim that Continental has failed to submit economic justification in compliance with the Board's Economic Regulations is without foundation since the filing does not contain any new or changed matter not already approved by the Board and effective elsewhere on its system; and that Western's claim that the proposed 5-abreast seating is inconsistent with recent Board decisions is without merit.

The city of San Jose alleges that the motion is an effort to induce the Board to take unlawful action in violation of section 1002(g) of the Act; that the Board has approved coach and economy service in 3-2 seating by Continental over its system and to preclude Continental here would prejudice the Domestic Passenger Fare Investigation and discriminate against and prejudice San Jose in the markets here involved; and that the Continental tariff is wholly consistent and necessary to implement the Board's decision in the Pacific Northwest-California Investigation.

Upon consideration of all relevant matters, the Board has determined to deny the motion that it reject the proposed fares which for the most part match present fares of other carriers. The economy fares proposed here bear the same relationship to coach fares as applied by Continental in other markets, where this class of service is offered, and Continental presently provides coach and economy service in 5-abreast configurations. We are not persuaded that extension to the limited number of additional markets here involved will provoke undesirable industrywide ramifications during the time required to complete phase 6 of the Domestic Passenger Fare Investigation, now well in process. However, we are herein ordering investigation of Continental's tariff and consolidation into that proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions between Burbank, on the one hand, and Portland, Oreg., San Jose and Seattle, on the other, appearing on 4th Revised Page 231; between Los Angeles/Ontario, on the one hand, and Portland, Oreg., San Jose and Seattle, on the other, appearing on 3d Revised Page 240; between Portland, Oreg., and San Jose appearing on 3d Revised Page 243; and between San Jose and Seattle appearing on 3d Revised Page 244, of tariff C.A.B. No. 136 issued by Airline Tariff Publishers, Inc., Agent, including subsequent revisions thereto or reissues thereof, and rules, regulations, or practices affecting

such fares and provisions, are or will be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. The motion of Western Air Lines, Inc., in Docket 22431 is denied;

3. The investigation ordered in ordering paragraph 1 is consolidated into Docket 21866-6; and

4. A copy of this order shall be served upon the parties in Docket 21866-6, and the City of San Jose, Calif.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10955; Filed, Aug. 19, 1970;
8:49 a.m.]

[Docket No. 22438; Order 70-8-52]

EUREKA AERO INDUSTRIES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 14, 1970.

The Postmaster General filed a notice of intent August 4, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 74 cents per great circle aircraft mile for the transportation of mail by aircraft between Reno, Nev., and San Francisco, via Sacramento, Calif., 5 days weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Cessna Turbo 402A aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Eureka Aero Industries, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected

¹ This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

therewith, shall be 74 cents per great circle aircraft mile between Reno, Nev., and San Francisco, via Sacramento, Calif., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302; 14 CFR Part 298; and 14 CFR 385.16(f):

It is ordered, That:

1. Eureka Aero Industries, Inc., the Postmaster General, Hughes Air Corp., United Air Lines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eureka Aero Industries, Inc., the Postmaster General, Hughes Air Corp., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10952; Filed, Aug. 19, 1970;
8:49 a.m.]

[Docket No. 22434; Order 70-8-51]

GOLDEN EAGLE AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 14, 1970.

The Postmaster General filed a notice of intent August 4, 1970, pursuant to 14 CFR Part 298, petitioning the Board to

establish for the above captioned air taxi operator, a final service mail rate of 48.74 cents per great circle aircraft mile for the transportation of mail by aircraft between Fayetteville, Ark., and Oklahoma City, Okla., via Fort Smith and Little Rock, Ark, 5 days weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft D-18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, and the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Golden Eagle Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 48.74 cents per great circle aircraft mile between Fayetteville, Ark., and Oklahoma City, Okla., via Fort Smith and Little Rock, Ark., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

It is ordered, That:

1. Golden Eagle Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Golden Eagle Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

¹ This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Golden Eagle Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10953; Filed, Aug. 19, 1970;
8:49 a.m.]

[Docket No. 22433; Order 70-8-53]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority
August 14, 1970.

The Postmaster General filed a notice of intent August 4, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 49.88 cents per great circle aircraft mile for the transportation of mail by aircraft between Moline, Ill., Cedar Rapids, Des Moines, Iowa, St. Louis, Columbia, and Kirksville, Mo., 5 days weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 Aircraft equipped to all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration

of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.88 cents per great circle aircraft mile between Moline, Ill., Cedar Rapids, Iowa, Des Moines, Iowa, St. Louis, Mo., Columbia, Mo., and Kirksville, Mo., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

¹ This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10954; Filed, Aug. 19, 1970;
8:49 a.m.]

CIVIL SERVICE COMMISSION

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Correction

In F.R. Doc. 70-7458, appearing at page 9943 in the issue of Wednesday, June 17, 1970, the following changes should be made:

1. On page 9944 the pay rate for the GS-8 Step-1 classification GS-081 Series in the San Francisco area now reading "\$9,853" should read "\$9,833".

2. On page 9946 under the classification GS-668 Podiatrist the amount of the within-grade increase for GS-11 now reading "\$387" should read "\$397".

FEDERAL POWER COMMISSION

[Docket No. CP71-24]

LONE STAR GAS CO.

Notice of Application

AUGUST 12, 1970.

Take notice that on August 6, 1970, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP71-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a long term exchange of natural gas with Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange with Natural at a mutually acceptable point of interconnection between their interstate systems in Wise County, Tex., two-thirds (approximately 480,000 Mcf per month at 14.65 psia) of the total volumes of natural gas to be purchased by them from Lone Star Producing Co. in Hemphill County, Tex. No monetary compensation is involved for volumes exchanged. Applicant states that such exchange will augment its over-all gas supply needed to serve the Fort Worth, Tex., metropolitan market area and provide additional supplies, located off-system, for consumers along its existing system and to meet normal system growth.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1970, 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 regu-

lations 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 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,
Acting Secretary.

[F.R. Doc. 70-10885; Filed, Aug. 19, 1970;
8:45 a.m.]

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

AUGUST 12, 1970.

On February 27, 1969, The Western Colorado Power Co., licensee for Ouray Project No. 733 located in Ouray County, Colo., on the Uncompahgre River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for Project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Co., for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to The Western Colorado Power Co. (Licensee) under section 15 of the Federal Power Act for the period April 13, 1970 to April 12, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No.

733, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-10884; Filed, Aug. 19, 1970;
8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 71]

GOLDEN WEST FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Napa Savings and Loan Association

AUGUST 17, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Golden West Financial Corporation, Oakland, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Napa Savings and Loan Association, Napa, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of the assets and the assumption of the liabilities of Napa Savings and Loan Association by the Golden West Savings and Loan Association, an insured subsidiary of Golden West Financial Corp., in exchange for stock of Golden West Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL]

JACK CARTER,
Secretary.

Federal Home Loan Bank Board.

[F.R. Doc. 70-10956; Filed, Aug. 19, 1970;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-876]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

AUGUST 12, 1970.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM and TV station licenses which have termination dates in 1971.

Sunday, July 12, 1970.
Monday, May 25, 1970.
Tuesday, January 6, 1970.
Wednesday, April 29, 1970.
Thursday, February 19, 1970.
Friday, November 21, 1969.
Saturday, September 27, 1969.

Action by the Commission August 12, 1970.¹

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-10933; Filed, Aug. 19, 1970;
8:48 a.m.]

[Report No. 505]

COMMON CARRIER SERVICES INFORMATION²

Domestic Public Radio Services Applications Accepted for Filing³

AUGUST 17, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

¹ Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee and Wells.

² All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

³ The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

- 829-C2-P-(20)-71—Illinois Bell Telephone Co. (New), C.P. for new 1-way facilities to be located at 20 different sites as follows:
Location No. 1: 135 South La Salle Street, Chicago, Ill.
Location No. 2: International Airport, Chicago-O'Hare, Ill.
Location No. 3: 10 North Scott Street, Elk Grove, Ill.
Location No. 4: Northbrook, Ill.
Location No. 5: 8858 South Marquette Avenue, Chicago, Ill.
Location No. 6: 1620 West 99th Street, Chicago, Ill.
Location No. 7: 20 South Ashland Avenue, La Grange, Ill.
Location No. 8: 3456 West Adams Street, Chicago, Ill.
Location No. 9: 1632 Vincennes Avenue, Chicago Heights, Ill.
Location No. 10: 725 Madison Street, Gary, Ind.
Location No. 11: 6601 Dempster Street, Morton Grove, Ill.
Location No. 12: 15321 Center Avenue, Harvey, Ill.
Location No. 13: 825 East 44th Street, Chicago, Ill.
Location No. 14: 717 East Chicago Avenue, East Chicago, Ind.
Location No. 15: 3040 East 130th Street, Chicago, Ill.
Location No. 16: 1622 Pratt Boulevard, Chicago, Ill.
Location No. 17: Bellwood, Ill.
Location No. 18: 6249 South Kilbourn Avenue, Chicago, Ill.
Location No. 19: 3532 North Sheffield Avenue, Chicago, Ill.
Location No. 20: 3949 North LeClaire Avenue, Chicago, Ill., all are to operate on frequency 158.10 MHz.
- 830-C2-P-(6)71—New Jersey Bell Telephone Co. (KEA761), C.P. to relocate the 2-way facilities operating on 152.54, 152.75, and 152.81 MHz from location No. 1. 744 Broad Street, to location No. 2: 540 Broad Street, Newark, N.J.; replace transmitters and change the antenna system for same.
- 837-C2-P-71—Illinois Bell Telephone Co. (KSA749), C.P. to relocate the 2-way facilities operating on 152.75 MHz to 211 North Oak Street, Centralia, Ill.
- 838-C2-P-71—Worcester Communications Co. (KCA721), C.P. to add a second channel to operate on frequency 454.25 MHz. Station location: Mount Asnebumskit, Paxton, Mass.
- 840-C2-AL-71—Radio Mobile Phones, Inc., Consent to assignment of license from: Radio Mobile Phones, Inc., Assignor, to: RAM Broadcasting of Texas, Inc., Assignee. Station: KKG412, Dallas, Tex.
- 841-C2-P-71—Radio Dispatch Co. (KEC943), C.P. to replace the transmitter operating on 152.06 MHz. Station location: 604 Madison Avenue, Lakewood, N.J.
- 842-C2-P-71—ArkLa-Tex-Mobile Radio Service, Inc. (KLB494), C.P. to relocate facilities operating on frequency 152.12 MHz to a new site described as location No. 2: 726 Cotton Street, Shreveport, La.
- 843-C2-(3)71—Indiana Mobile Telephone Corp. (New), C.P. for a new 2-way station to be located at Riley Towers (North) Crown Tower No. 2, 600 North Alabama Street, Indianapolis, Ind.
- 844-C2-P-71—Mobilfone Communications, Inc. (KLF661), C.P. to replace the transmitter operating on frequency 152.24 MHz and relocate facilities to top of hill, 1 mile west of city limits, Austin, Tex.
- 845-C2-P-71—Southwestern Bell Telephone Co. (KKC262), C.P. for additional facilities to operate on frequency 152.78 MHz, at a new site to be described as location No. 2: 116 Ash Street, Pearsall, Tex.
- 886-C2-P-71—General Telephone Co. of California (KMM593), C.P. to replace the transmitter operating on frequency 152.66 MHz; change the antenna system and relocate facilities to 1.5 miles east of Lake Hughes, Portal Ridge, Calif.
- 887-C2-P-(6)-71—Southwestern Bell Telephone Co. (KKC262), C.P. for additional facilities to operate on frequencies 152.60 and 152.69 MHz base and 157.86 and 157.95 MHz test and change the antenna system operating on 152.51, 152.54, 152.63, and 152.75 MHz. Station location: 105 Auditorium Circle, San Antonio, Tex.
- 888-C2-P-71—General Telephone Co. of Georgia (New), C.P. for a new 1-way station to be located at 3.3 miles southwest of intersection of U.S. No. 41 and No. 76, Dalton, Ga., to operate on frequency 152.84 MHz.
- 889-C2-P-71—General Telephone Co. of Georgia (KIY396), C.P. to replace the transmitter operating on frequency 152.78 MHz; change the antenna system and redescribe station location as 3.3 miles southwest of the intersection of U.S. No. 41 and No. 76, Dalton, Ga.
- 890-C2-P-71—Radio Communications, Inc. (KGC583), C.P. to establish test facilities to operate on frequency 158.58 MHz. Station location: 206 Main Street, Prince Frederick, Md.
- 891-C2-P-71—Radio Communications, Inc. (KGC587), Same as above except to operate on frequency 158.67 MHz.
- 892-C2-P-71—Radio Communications, Inc. (KGC594), Same except to operate on frequency 158.52 MHz.
- Major Amendment*
- 8748-C2-P-70—Radio Telephone Service (KJU819), Amend to change base frequency to 152.15 MHz. All other particulars same as reported in Public Notice dated June 29, 1970, Report No. 498.
- RURAL RADIO SERVICE*
- 831-C1-P/ML-71—The Mountain States Telephone and Telegraph Co. (KXR73), C.P. and modification of license to relocate facilities operating on frequency 157.80 MHz to 10 miles west-southwest of Syracuse, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

- 849-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Ward Peak, at latitude: 39°08'52" N., longitude: 120°14'42" W. Frequencies 6197.2, 6315.9 on azimuth 242°18' and 6315.9, 6197.2 on azimuth 59°24'.
- 850-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Slide Mountain, at latitude: 39°18'49" N., longitude: 119°53'00" W. Frequencies 5945.2, 6053.8 on azimuth 239°38', 6063.8, 5945.2 on azimuth 10°43', and 11,245, 11,485 on azimuth 17°30'.
- 851-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Reno, at latitude: 39°30'43" N., longitude: 119°48'09" W. Frequencies 10,975, 11,035 on azimuth 197°33'.
- 852-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Warm Springs, at latitude: 39°47'44" N., longitude: 119°45'54" W. Frequencies 6197.2, 6315.9 on azimuth 190°48', and 6197.2, 6315.9 on azimuth 67°40'.
- 853-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Toulon Peak, at latitude: 40°07'05" N., longitude: 118°43'34" W. Frequencies 5945.2, 6063.8 on azimuth 248°20', and 5945.2, 6063.8 on azimuth 95°38'.
- 854-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Fencemaker, at latitude: 40°02'57" N., longitude: 117°50'17" W. Frequencies 6197.2, 6315.9 on azimuth 276°12', and 6197.2, 6315.9 on azimuth 48°55'.
- 855-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Stony Point, at latitude: 40°42'47" N., longitude: 116°49'40" W. Frequencies 5945.2, 6063.8 on azimuth 229°34', and 5945.2, 6063.8 on azimuth 78°20'.
- 856-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Elko Mountain, at latitude: 40°53'41" N., longitude: 115°37'42" W. Frequencies 6197.2, 6315.9 on azimuth 259°07', and 6197.2, 6315.9 on azimuth 59°30'.
- 857-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Wells, at latitude: 41°11'52" N., longitude: 114°56'33" W. Frequencies 5945.2, 6063.8 on azimuth 239°57', and 3890, 3970 on azimuth 81°59'.
- 858-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Pilot Range, at latitude: 41°17'35" N., longitude: 114°00'34" W. Frequencies 4070, 4150 on azimuth 262°36', and 3910, 3990 on azimuth 66°47'.
- 859-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station New Promontory, at latitude: 41°45'10" N., longitude: 112°33'00" W. Frequencies 3730, 3810 on azimuth 247°45', and 3890, 3970 on azimuth 143°03'.
- 860-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Ogden, at latitude: 41°12'21" N., longitude: 112°00'24" W. Frequencies 4070, 4150 on azimuth 323°25', and 3910, 3990 on azimuth 191°02'.
- 861-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Nelson Peak, at latitude: 40°38'30.5" N., longitude: 112°09'34" W. Frequencies 11,525, 11,285 on azimuth 50°14', 3730, 3810 on azimuth 10°56', and 11,605, 11,365 on azimuth 129°8'.
- 862-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Salt Lake City, at latitude: 40°43'29" N., longitude: 111°53'32" W. Frequency 11,075, 10,835 on azimuth 230°22'.
- 863-C1-P-71—Western Tele-Communication, Inc. (New), C.P. for a new fixed station Jones Ridge, at latitude: 39°50'53" N., longitude: 111°19'47" W. Frequencies 5989.7, 6187.9 on azimuth 320°22', and 5967.4, 6086 on azimuth 104°48'.
- 864-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Bruhn Point, at latitude: 39°38'40" N., longitude: 110°20'50" W. Frequencies 6219.5, 6338.1 on azimuth 285°20', and 6219.5, 6338.1 on azimuth 102°52'.
- 865-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Roan Cliffs, at latitude: 39°26'10" N., longitude: 109°10'12" W. Frequencies 5967.4, 6086 on azimuth 283°15', and 5960, 6078.6 on azimuth 130°18'.
- 866-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Grand Junction, at latitude: 39°03'31" N., longitude: 108°36'04" W. Frequencies 6212, 6330.7 on azimuth 312°40', and 6212, 6330.7 on azimuth 132°27'.
- 867-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Waterdog Peak, at latitude: 38°23'15" N., longitude: 107°40'26" W. Frequencies 6049, 6167.6 on azimuth 313°08', and 6049, 6167.6 on azimuth 83°46'.

RURAL RADIO SERVICE—continued

- 840-C1-AL-71—Radio Mobile Phones, Inc., consent to assignment of license from Radio Mobile Phones, Inc., Assignor, to: RAM Broadcasting of Texas, Inc., Assignee. Station: KLS66, Temporary-Fixed.
- POINT TO POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)
- 832-C1-P-71—Hawaiian Telephone Co. (KUR98), C.P. to add frequency 10,755 MHz toward Lelewi, Hawaii. Station location: 115 Kaikaua Street, Hilo, Hawaii.
- 833-C1-P-71—Hawaiian Telephone Co. (KUR99), C.P. to add frequency 6367.7 MHz toward Humuula, Hawaii, and 11285 MHz toward Hilo, Hawaii. Station location: Lelewi Point, Hawaii.
- 834-C1-P-71—Hawaiian Telephone Co. (KUS20), C.P. to add 5967.4 MHz toward Huehue, and 6115.7 MHz toward Lelewi, Hawaii. Station location: 1.8 Miles North-Northeast of Humuula, Hawaii.
- 835-C1-P-71—Hawaiian Telephone Co. (KUS21), C.P. to add frequency 6219.5 MHz toward Humuula, Hawaii, and 11,245 and 11,325 MHz toward Kallua, Kona, Hawaii, via passive reflector. Station location: 2.5 miles east of Huehue, Hawaii.
- 836-C1-P-71—Hawaiian Telephone Co. (New), C.P. for a new station to be located at 0.47 mile north-northeast of Kallua, Kona, Hawaii. Frequencies: 10,715 and 10,795 MHz toward Huehue, Hawaii, via passive reflector.
- 875-C1-P-71—Northwestern Bell Telephone Co. (KBI54), C.P. to add frequencies 3750 and 3830 MHz toward Iowa City, Iowa. Station location: 619 Third Avenue, SE, Cedar Rapids, Iowa.
- 876-C1-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 0.1 mile north of Iowa City, Iowa. Frequencies: 3950 and 4030 MHz toward Cedar Rapids, and 3710 and 3790 MHz toward Muscatine, Iowa.
- 877-C1-P-71—Northwestern Bell Telephone Co. (KBC79), C.P. to add frequencies 3990 and 4070 MHz toward Iowa City, Iowa, and add 2161, 3770, and 3850 MHz toward Mediapolis, and delete 3730 and 3810 MHz toward Mediapolis, Iowa, and add 4010, 4090, and 4170 MHz toward Blue Grass, Iowa, and delete 4050 and 4130 MHz toward Blue Grass, Iowa, Station location: 0.2 mile west of northwest corner of Muscatine, Iowa.
- 878-C1-P-71—Northwestern Bell Telephone Co. (KBC78), C.P. to delete frequencies 3770 and 3850 MHz toward Muscatine and add 3730, 3810, and 3890 MHz toward Muscatine, Iowa; delete 4090 and 4170 MHz, and add 4050, 4130, and 3970 MHz toward Davenport, Iowa. Station location: 4 miles east of Blue Grass, Iowa.
- 879-C1-P-71—Northwestern Bell Telephone Co. (KBC77), C.P. to delete frequencies 3730 and 3810, and add 3770, 3950, and 3930 MHz toward Blue Grass, Iowa. Station location: 528 Main Street, Davenport, Iowa.
- 880-C1-P-71—Northwestern Bell Telephone Co. (KBC80), C.P. to delete frequencies 4090 and 4170 MHz and add 2111, 4050, and 4130 MHz toward Muscatine, Iowa, and delete frequencies 3770 and 3850 MHz, and add 2114, 3730, 3810 MHz, toward Burlington, Iowa. Station location: 3 miles northwest of Mediapolis, Iowa.
- 881-C1-P-71—Northwestern Bell Telephone Co. (KBC81), C.P. to delete frequencies 4050 and 4130 MHz, and add 2164, 4090, and 4170 MHz toward Mediapolis, Iowa. Station location: Shield Street, south of Agency Street, Burlington, Iowa.
- 882-C1-P-71—The New York Telephone Co. (KEA67), C.P. to add frequencies 10,915 and 11,155 MHz toward Brooklyn, N.Y. Station location: 355 Forest Avenue, Staten Island, N.Y.
- 883-C1-P-71—The New York Telephone Co. (New), C.P. for a new station to be located at 101 Willoughby Street, Brooklyn, N.Y. Frequencies: 11,605 and 11,365 MHz toward North Staten Island, N.Y.
- Western Tele-Communications, Inc. The following 25 applications propose to provide "Low Cost Customized" Interstate Communications system between fixed stations at Denver, Colorado Springs and Grand Junction, Colo.; Provo, Salt Lake City, and Ogden, Utah; Reno, Nev.; and San Francisco, Calif.
- 847-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Mount Vaca, at latitude: 38°24'55" N., longitude: 122°06'36" W. Frequencies 6197.2, 6315.9 on azimuth 63°30'.
- 848-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Hotchkiss Hill, at latitude: 38°54'48" N., longitude: 120°48'47" W. Frequencies 5945.2, 6063.8 on azimuth 244°19', and 6063.8, 5945.2 on azimuth 61°56'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

- 868-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Monarch Pass at latitude: 38°29'46" N., longitude: 106°19'01" W. Frequencies 6271.4, 6390 on azimuth 264°35', and 6271.4, 6390 on azimuth 79°54'.
- 869-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Almagre at latitude: 38°46'25" N., longitude: 104°59'30" W. Frequencies 6019.3, 6137.9 on azimuth 79°54', 10,735, 10,975 on azimuth 67°53'.
- 870-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Provo at latitude: 40°13'09" N., longitude: 111°41'50" W. Frequencies 10,875, 11,115 on azimuth 309°26'.
- 871-C1-P-71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Colorado Springs at latitude 38°50'11" N., longitude 104°47'37" W. Frequencies 11,425, 11,665 MHz on azimuth 248°01'.

The following Renewal Applications for the term ending Aug. 1, 1975, have been received in accordance with the Commission Order, FCC 69-778, released July 18, 1969.

New York Telephone Co.:

Station call sign and station location

- KEA67, North Staten Island, N.Y.
 KED85, Hempstead, N.Y.
 KEL65, Plainview, N.Y.
 KEL90, Patchogue, N.Y.
 KEM20, West Riverhead, N.Y.
 KEM21, Riverhead, N.Y.
 KGC85, John F. Kennedy Airport Building 147, N.Y.
 KGC86, Silver Tower, Kew Gardens, N.Y.
 KYJ76, Jamaica, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

- 8157-C1-P-70—Sierra Microwave, Inc. (KPL26), Resubmit: C.P. to power split existing transmitters to transmit frequencies 6110, 6210, 6310, and 6410 MHz on azimuths 362°33' and 313°02'. Location: 4.5 miles east of Jerome, Idaho, at latitude 42°43'50" N., longitude 114°25'10" W.

(Informative: Applicant proposes to change the drop location for Jerome, Idaho, for delivering television signals of stations KUTV, KCPX-TV, KUED, and KSL-TV of Salt Lake City, Utah, and to add a new receiving (Drop) location in Gooding, Idaho, for the same four signals at the request of its customer, Idaho Video, Inc.)

- 846-C1-P-71—Video Service Co. (KSQ37), C.P. to add a new point of communications at Westville, Ill. Frequency: 11,000 MHz on azimuth 229°24'. Location: 1 mile southeast of Attica, Ind., at latitude 40°16'57" N., longitude 87°14'17" W.

(Informative: Applicant proposes to provide the television signal of WGN-TV to See-More TV Corp. in Westville, Ill.)

- 872-C1-P-71—Western Tele-Communications, Inc. (KSQ41), C.P. to power split frequency 6100.9 MHz on azimuth 183°04' toward Missoula, Mont. Location: Mosquito Peak, 10.5 miles north of Missoula, Mont., at latitude 47°02'24" N., longitude 113°59'03" W.

(Informative: Applicant proposes to provide the television signal of station KCPX-TV to television station KGVO-TV in Missoula, Mont., for rebroadcast of selected ABC programming.)

- 873-C1-P-71—American Microwave and Communications, Inc. (New), C.P. for a new station on Michigan State University campus at East Lansing, Mich. (latitude 42°43'34" N., longitude 84°29'22" W.). Frequency: 6375.2 MHz on azimuth 83°30'.

- 874-C1-P-71—American Microwave and Communications, Inc. (KYO49), C.P. to add frequency 6100.9 MHz on azimuth 90°30' toward a new point of communication in Bay City, Mich. Location: Mt. Pleasant, Mich. at latitude 43°33'38" N., longitude 84°46'15" W.

(Informative: Applicant proposes to provide an educational television signal originating on the East Lansing campus of Michigan State University to Mt. Pleasant, Mich., for broadcast on the UHF educational station WCMU-TV and also to Bay City for broadcast on the UHF educational station WUCM-TV.)

Correction

- 536-C1-P-71—Racom, Inc. (KYZ86), add:

(Informative: Applicant proposes to provide the television signal of WSBK-TV of Boston to Waterville Cable TV Co. in Waterville, Maine.)

All other terms in exact accordance with Report No. 503 dated August 3, 1970.

Major Amendment

- 7664-C1-MP-70—American Microwave and Communications, Inc. (KY050). Major amendment: Change frequencies from 6338.1 and 6397.4 MHz to 6241.7 and 6360.3 MHz at station located West of Harrison, Mich. All other particulars same as reported on Public Notice dated June 1, 1970.

[F.R. Doc. 70-10934; Filed, Aug. 19, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION**ALASKA CUSTOM BROKERS, INC.****Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW.,

Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which he desires to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Austen D. Hemion, president, Robert E. Landweaver & Co., Inc., 83 Marion Street Viaduct, Seattle, Wash. 98104.

Agreement No. FF 70-8 between Alex M. Bryce, Jr. doing business as W. J. Byrnes & Co., Robert E. Landweaver & Co., Inc., and Geo. S. Bush & Co., Inc., provides for the establishment of a new corporation, Alaska Custom Brokers, Inc.

The new corporation will purchase the assets, goodwill, and list of the shipper clients of Geo. S. Bush & Co., Inc.'s branch office in Anchorage, Alaska, and operate in the State of Alaska as an independent ocean freight forwarder and customhouse broker. An application for an independent ocean freight forwarder license in the name of Alaska Custom Brokers, Inc., has been filed with the Federal Maritime Commission.

The stock of the new corporation is shared equally among the three parties to the agreement and the new firm will be operated as a separate entity.

Dated: August 17, 1970.

By order of the Federal Maritime Commission,

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10923; Filed, Aug. 19, 1970; 8:47 a.m.]

JACKSON COUNTY PORT AUTHORITY AND UNITED CHEMICAL CORP.**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW.,

Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Donald H. Inskip, Port Director, Jackson County Port Authority, Post Office Box 878, Pascagoula, Miss. 39567.

Agreement No. T-2426, between the Jackson County Port Authority (Authority) and the United Chemical Corp. (United) is a 1 year lease agreement with renewal rights not to exceed 3 years. The leased facility will be used solely as a waterfront cargo terminal for handling, processing, storage, and delivery of waterborne freight. Rental will be a fixed amount for each year the agreement is in force. In addition, when tonnage exceeds a specified amount, Authority will receive as additional rental, 35 cents per net ton for each ton handled at the facility. All tonnage other than United's will be subject to the Authority's tariff. United's tonnage will only be subject to Authority's tariff charges for mooring, water and utilities and harbor master fees. Authority will handle and be responsible for all tonnage loaded or unloaded over or through the facility, other than United's tonnage, and will collect and retain all charges under its tariff.

Dated: August 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10924; Filed, Aug. 19, 1970;
8:47 a.m.]

**SOUTH AFRICAN MARINE CORP.,
LTD., AND COMPANHIA COLONIAL
DE NAVEGACAO S.A.R.L.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9886, between South African Marine Corp., Ltd., and Companhia Colonial de Navegacao, S.A.R.L., establishes a through billing arrangement for the movement of general cargo between any port in Mozambique, on the one hand, and U.S. Atlantic and gulf ports, on the other hand, with transshipment at ports in Mozambique in accordance with the terms and conditions set forth in the agreement.

Dated: August 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10925; Filed, Aug. 19, 1970;
8:47 a.m.]

**SOUTH AFRICAN MARINE CORP.,
LTD., AND COMPANHIA NACIONAL
DE NAVEGACAO, S.A.R.L.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San

Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9888, between South African Marine Corp., Ltd., and Companhia Nacional de Navegacao, S.A.R.L., establishes a through billing arrangement for the movement of general cargo between any port in Mozambique, on the one hand, and U.S. Atlantic and gulf ports, on the other hand, with transshipment at ports in Mozambique in accordance with the terms and conditions set forth in the agreement.

Dated: August 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10926; Filed, Aug. 19, 1970;
8:47 a.m.]

**SOUTH AFRICAN MARINE CORP.,
LTD., AND EMPRESA DO LIMPOPO
(A. COUTO) LDA.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the

matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9887, between South African Marine Corp., Ltd., and Empresa do Limpopo (A. Couto) Lda., establishes a through billing arrangement for the movement of general cargo between any port in Mozambique, on the one hand, and U.S. Atlantic and gulf ports, on the other hand, with transshipment at ports in Mozambique in accordance with the terms and conditions set forth in the agreement.

Dated: August 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10927; Filed, Aug. 19, 1970; 8:47 a.m.]

SOUTH AFRICAN MARINE CORP., LTD., AND PARCERIA MARITIMA DO XAI-XAI, S.A.R.L.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and cir-

cumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9885, between South African Marine Corp., Ltd., and Parceria Maritima do Xai-Xai, S.A.R.L., establishes a through billing arrangement for the movement of general cargo between any port in Mozambique, on the one hand, and U.S. Atlantic and gulf ports, on the other hand, with transshipment at ports in Mozambique in accordance with the terms and conditions set forth in the agreement.

Dated: August 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10928; Filed, Aug. 19, 1970; 8:47 a.m.]

[Docket No. 70-31]

DOOR TO DOOR INTERNATIONAL, INC.

Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

By certified letter dated June 22, 1970, Door to Door International, Inc., 54 Devonshire Street, Boston, Mass. 02109, was notified of the Federal Maritime Commission's intent to deny its application for an independent ocean freight forwarder license.

Reasons for the intended denial were that the applicant appears to have filed false and misleading information on its application for a license; used another licensee's facilities and license to perform unauthorized forwarding transactions in apparent violation of section 44 (a), Shipping Act, 1916; and submitted false information to the Commission in an affidavit dated February 17, 1970, in explanation to certain false data contained in its application for a license.

Door to Door International, Inc., has requested a hearing to show that denial of the application is unwarranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841b) that a proceeding is hereby instituted to determine whether, in view of the past activities of its principal, Door to Door International, Inc. is "fit" to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, within the meaning of that statute; and whether its application should be granted or denied.

It is further ordered, That this proceeding determine whether Door to Door International, Inc. has violated section 44(a), Shipping Act, 1916.

It is further ordered, That Door to Door International, Inc. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's office of hearing examiners on a date and place to be announced.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon the respondent.

It is further ordered, That any persons, other than the respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

[SEAL]

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10929; Filed, Aug. 19, 1970; 8:47 a.m.]

JAMES JOSEPH McGRATH, SR. ET AL.
Independent Ocean Freight Forwarder Licenses and Applicants Therefor

Notice is hereby given that the following applicants have been licensed by the Federal Maritime Commission as Independent Ocean Freight Forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (46 U.S.C. 841(b)).

James Joseph McGrath, Sr., 700 Crawford Parkway, Apartment 6, Portsmouth, Va. 23704. License No. 1271, effective March 11, 1970.

Coronet Brokers International, Ltd., 11 Broadway, New York, N.Y. 10004. License No. 1272, effective March 16, 1970.

E & T Forwarding Co., 123 Rodrigo de Triana Street, Hato Rey, Post Office Box 146, San Juan, P.R. 00936. License No. 1273, effective April 14, 1970.

Humberto P. Marante, 154 Northeast Ninth Street, Miami, Fla. 33132. License No. 1274, effective April 15, 1970.

Faith Freight Forwarding Corp., 8675 Southwest 27th Lane, Miami, Fla. 33155. License No. 1275, effective April 17, 1970.

Rogelio Gonzalez, doing business as Gonzalez International Services, 619 Petroleum Building, Post Office Box 828, Houston, Tex. 77002. License No. 1276, effective April 17, 1970.

Commercial Airways Agency, Inc., 3240 Northwest 27th Avenue, Miami, Fla. 33142. License No. 1277, effective May 11, 1970.

Interproject Shipping Services, Inc., 30 Church Street, New York, N.Y. 10007. License No. 1278, effective May 11, 1970.

Mohegan International Corporation (of Florida), 52 Broadway, New York, N.Y. 10004. License No. 1279, effective May 28, 1970.

Korean Express Company, Ltd., 11 Broadway, New York, N.Y. License No. 1280, effective June 30, 1970.

American Lamprecht Transport, Inc., 160-23 Rockaway Boulevard, Jamaica, N.Y. 11430. License No. 1281, effective June 11, 1970.

New Vista Corp., 5967 West Madison Street, Chicago, Ill. 60644. License No. 1283, effective June 12, 1970.

James N. Barnhart, 11101 S. La Cienega Boulevard, Los Angeles, Calif. 90045. License No. 1284, effective June 19, 1970.

Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. License No. 1285, effective July 9, 1970.

Amanda A. Ros, doing business as A. Ros Forwarding Services, 931 S.W. 69th Avenue, Miami, Fla. 33144. License No. 1286, effective July 16, 1970.

Crown Cargo Services, Inc., Building 2144, Miami International Airport, Miami, Fla. 33148. License No. 1287, effective July 22, 1970.

Ejec Associates, Inc., 228 Franklin Street, Ogdensburg, N.Y. 13669. License No. 1288, effective July 22, 1970.

Brie International (Betty R. Irby), 4393 East 17th Avenue, Columbus, Ohio 43219. License No. 1289, effective July 28, 1970.

Monitor International Forwarding Corp., 407 Pine Street, Sausalito, Calif. 94965. License No. 1290, effective August 11, 1970.

Dated: August 17, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10930; Filed, Aug. 19, 1970;
8:47 a.m.]

NAVIERA DE CRUCEROS, S.A.

Order of Revocation of Certificates of Financial Responsibility

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-64 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,060.

Whereas, Naviera de Cruceros, S.A. Alda Mazarredo, 17-19, Bilbao, Spain, has ceased to operate the passenger vessel CABO IZARRA; and

Whereas, Naviera de Cruceros, S.A. has returned Certificate (Performance) No. P-64 and Certificate (Casualty) No. C-1,060 for revocation:

It is ordered, That Certificate (Performance) No. P-64 and Certificate (Casualty) No. C-1,060 are hereby revoked effective August 13, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10931; Filed, Aug. 19, 1970;
8:48 a.m.]

[Docket No. 70-21; 1st Supp. Order and
Special Permission No. 5235]

DILLINGHAM LINE, INC.

Increases in Freight Charges in U.S. Pacific Coast/Hawaii Trade

By the original order in this proceeding served May 4, 1970, the Commission placed under investigation and suspended to and including September 6, 1970, certain revised pages to Tariff FMC-F No. 3 which generally increase rates and charges to Honolulu; and establish different and higher rates and charges on cargo loaded or discharged

at certain Hawaiian ports other than Honolulu. The Commission's order prohibits changes in suspended tariff matter or in matter held in effect by reason of suspension during the period of suspension unless otherwise ordered by the Commission.

By Special Permission Application No. 7 dated July 17, 1970, filed by Dillingham Line, Inc. authority is sought to cancel, on not less than 1 day's notice, certain suspended tariff pages, as enumerated; and to publish new rules for the purpose of establishing an outport service on 1 day's notice.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from the terms of Rule 20(c) of Domestic Tariff Circular No. 3 and the terms of the order in Docket No. 70-21 to cancel by supplement, certain rates and provisions currently under suspension in the said docket, said cancellations to become effective on not less than 1 day's notice, be and it is hereby granted. Publications issued and filed under this authority shall bear the following notation: "Authority to issue and file on not less than 1 day's notice and to depart from the terms of the order in I & S Docket No. 70-21 granted under Federal Maritime Commission Special Permission No. 5235 dated August 7, 1970."

2. Authority to change Rules 160 and 165 of the tariff currently under suspension, in the manner set forth in Special Permission Application No. 7 be, and it is hereby granted on full statutory notice of 30 days. That portion of the application seeking authority to make the changed rules effective on not less than 1 day's notice is hereby denied. Publications issued and filed under this authority shall bear the following notation: "Authority to issue and file on statutory notice and to depart from the terms of the order in I & S Docket No. 70-21 granted under Federal Maritime Commission Special Permission No. 5235 dated August 7, 1970."

3. Except as authorized hereby, this special permission does not modify any outstanding formal orders of the Commission; nor waive any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10932; Filed, Aug. 19, 1970;
8:48 a.m.]

FEDERAL RESERVE SYSTEM

FLORIDA NATIONAL BANKS OF FLORIDA, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Florida National Banks of Florida, Inc.,

Jacksonville, Fla., for approval of action to become a bank holding company through the acquisition of voting shares of 30 banks in the State of Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Florida National Banks of Florida, Inc., Jacksonville, Fla., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of voting shares of 30 banks located in the State of Florida. In the case of each of the banks, applicant proposes to acquire all shares of such bank now owned by the duPont Trust, a registered bank holding company, and such additional shares as may be tendered pursuant to an identical offer to be made to all minority shareholders of such bank. The banks involved, and the minimum percentage of shares proposed to be acquired, are as follows: Florida National Bank at Arlington, Jacksonville (70 percent); Florida National Bank at Bartow, Bartow (71 percent); Florida First National Bank at Belle Glade, Belle Glade (54 percent); Florida First National Bank at Brent, Pensacola (68 percent); The Florida Bank at Bushnell, Bushnell (58 percent); Florida Bank at Chipley, Chipley (63 percent); Florida National Bank at Coral Gables, Coral Gables (62 percent); Florida Bank & Trust Company at Daytona Beach, Daytona Beach (51 percent); Florida Bank at DeLand, DeLand (61 percent); Florida Dealers and Growers Bank, Jacksonville (60 percent); The Florida First National Bank at Fernandina Beach, Fernandina Beach (87 percent); Florida Bank at Fort Pierce, Fort Pierce (60 percent); The Florida National Bank at Gainesville, Gainesville (85 percent); The Florida National Bank at Jacksonville, Jacksonville (51 percent); Florida First National Bank at Key West, Key West (59 percent); Florida National Bank at Lake Shore, Jacksonville (60 percent); The Florida National Bank at Lakeland, Lakeland (66 percent); Florida First National Bank at Madison, Madison (62 percent); The Florida National Bank and Trust Company at Miami, Miami (86 percent); Florida Northside Bank of Jacksonville, Jacksonville (70 percent); Florida First National Bank at Ocala, Ocala (65 percent); Florida First National Bank at Opa-Locka, Opa-Locka (87 percent); The Florida National Bank at Orlando, Orlando (66 percent); The Florida First National Bank at Pensacola, Pensacola (73 percent); The Florida National Bank at Perry, Perry (60 percent); Florida First National Bank at Port St. Joe, Port St. Joe (80 percent); The Florida National Bank at St. Petersburg, St. Petersburg (63 percent); Florida Bank at Starke, Starke (62 percent); Florida First National Bank at Vero Beach, Vero Beach (71 percent); Florida National Bank & Trust Company at West Palm Beach, West Palm Beach (69 percent).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Florida Commissioner of Banking, and requested their views and recommendations. The Comptroller offered no objection to the proposal, and the Commissioner recommended approval of the proposal as it relates to banks under his supervision.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 19, 1970 (35 F.R. 10123), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered. For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,²
August 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10893; Filed, Aug. 19, 1970;
8:45 a.m.]

PAN AMERICAN BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Pan American Bancshares, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of University National Bank of Coral Gables, Coral Gables, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, and Maisel. Absent and not voting: Governors Brimmer and Sherrill.

whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,
August 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10891; Filed, Aug. 19, 1970;
8:45 a.m.]

PAN AMERICAN BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Pan American Bancshares, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Commercial National Bank of Broward County, Broward County, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into con-

sideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,
August 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10892; Filed, Aug. 19, 1970;
8:45 a.m.]

TARIFF COMMISSION

[337-L-41]

MEPROBAMATE

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on August 5, 1970, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Carter-Wallace, Inc., of New York, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of meprobamate which is embraced within claim 4 of U.S. Patent No. 2,724,720 owned by Carter-Wallace, Inc. It is alleged that the effect or tendency of such imports and sales is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The following companies have been named in the complaint as importers of the subject products:

Zenith Laboratories, Inc., 140 Le Grand Avenue, Northvale, N.J. 07647.
Davis-Edwards Pharmacal Corp., 58-15 Northern Boulevard, Woodside, N.Y. 11377.
Rondex Laboratories, Inc., 68 69th Street, Guttenberg, N.J. 07093.
Purepak Corp., 200 Elmora Avenue, Elizabeth, N.J. 07202.
Boyd, Weir & Sewell, Pier 36th Street, Brooklyn, N.Y.
Costa-Overseas Consolidated, Pier 2, Furman Street, Brooklyn, N.Y. 11201.
Wolin's Pharmacal Corp., 75 Marcus Drive, Melville, N.Y. 11746.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission,

Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than October 19, 1970. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: August 17, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-10919; Filed, Aug. 19, 1970;
8:47 a.m.]

[TEA-I-18]

NONRUBBER FOOTWEAR

Notice of Postponement of Hearing

Notice is hereby given by the U.S. Tariff Commission that the hearing ordered to be held on October 13, 1970, in connection with the investigation instituted under section 301(b)(1) of the Trade Expansion Act of 1962 with respect to "footwear of the kinds described in Part 1A of Schedule 7 of the Tariff Schedules of the United States, other than the footwear described in items 700.51, 700.52, 700.53, and 700.60," is postponed until 10 a.m., e.d.s.t., on October 20, 1970. Notice of the investigation appeared in the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11729).

Issued: August 17, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-10946; Filed, Aug. 19, 1970;
8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates

otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base year.

Baconia Plantation, Inc., agriculture; Cary, Miss.; 5-11-71.

Baptist Memorial Hospital, hospital; 1007 Goodyear Avenue, Gadsden, Ala.; 5-9-71.

Bern's Super Foods, foodstore; 20 North Main Street, Midvale, Utah; 5-1-71.

The Bomber, service station; 13515 Southeast McLoughlin, Portland, Oreg.; 5-4-70 to 4-30-71.

Buehler Market, foodstore; 830 18th Avenue SW., Cedar Rapids, Iowa; 5-4-70 to 5-1-71.

Robert Buist, agriculture; 11993 74th Avenue, Allendale, Mich.; 5-4-71.

Capital Nursing Home & Annex, nursing home; 31 and 62 Barre Street, Montpelier, Vt.; 5-21-71.

Charming Shoppes, Inc., apparel store; 8 East Main Street, Norristown, Pa.; 5-3-71.

City Meat Market, foodstore; Humphrey, Nebr.; 5-5-70 to 4-27-71.

Clarys 5 & 10, variety-department store; 228 Crogan Street, Lawrenceville, Ga.; 5-6-71.

Community Hospital, hospital; 101 Elm Avenue SE., Roanoke, Va.; 4-30-71.

Craven County Hospital, hospital; 2000 Neuse Boulevard, New Bern, N.C.; 5-23-71.

Donfeld's, Inc., variety-department store; 35 North Main Street, Dayton, Ohio; 5-13-71.

Dover, Inc., foodstore; Crossville Ala.; 5-9-71.

Forest Retreat Farms, Inc., agriculture; Carlisle, Ky.; 5-7-71.

Frankenmuth IGA, foodstore; 270 South Main Street, Frankenmuth, Mich.; 5-13-71.

Gerardo's Grocery, foodstore; Toluca, Ill.; 5-7-70 to 4-30-71.

Gifford Memorial Hospital, Inc., hospital; 44 South Main Street, Randolph, Vt.; 4-30-71.

W. T. Grant Co., variety-department stores; No. 877, Jacksonville, Fla.; 5-18-71; No. 400, Rumford, Maine, 4-30-71; No. 53, St. Ann, Mo., 5-11-71; No. 629, Ashland, Ohio, 5-9-71.

Heine Drugs, drugstore; 301 North Union, St. Louis, Mo.; 5-5-70 to 4-8-71.

Jerry's Markets, foodstore; 2101 West Franklin, Evansville, Ind.; 5-1-71.

S. H. Kress and Co., variety-department stores, 4-30-71; 129 West Main Street, Enid, Okla.; 109 East Main, Shawnee, Okla.

La Veen's Department Store, Inc., variety-department store; 4030 Lake Michigan Drive NW., Grand Rapids, Mich.; 5-25-71.

Leader Store, variety-department store; 41 West Broad Street, Hazleton, Pa.; 5-18-71.

Lepers Retail Outlet, foodstore; Mount Pleasant, Pa.; 5-18-71.

Le-Mac Nurseries, Inc., agriculture; Hampton, Va.; 5-18-70 to 8-31-70.

Lyndale Planting Co., Inc., agriculture; Cary, Miss.; 5-11-71.

McCroly-McLellan-Green Stores, variety-department store; No. 466, St. Paul, Minn.; 5-2-70 to 4-30-71.

McFarland's Fine Foods, foodstore; 116 South First, Osborne, Kans.; 5-15-70 to 4-13-71.

W. H. McLeod & Son, agriculture; Seabrook, S.C.; 5-20-71.

Morgan & Lindsey, Inc., variety-department store; 201 Polk Street, Mansfield, La.; 5-5-71.

Mount Arbor Nurseries, agriculture; 400 North Center Street, Shenandoah, Iowa; 5-11-70 to 5-9-71.

G. C. Murphy Co., variety-department stores, 4-30-71, except as otherwise indicated: No. 97, Naugatuck, Conn. (5-3-71); No. 93, Torrington, Conn. (5-3-71); No. 435, Albion, Mich.; No. 436, Charlotte, Mich.; No. 444, Coldwater, Mich.; No. 406, Hillsdale, Mich.; No. 437, Marshall, Mich.; No. 424, Owosso, Mich.; No. 120, St. Joseph, Mich.; No. 451, South Haven, Mich.; No. 136, Ocean City, N.J. (5-7-71); No. 139, Washington, N.J. (5-7-71); No. 181, Alliance, Ohio; No. 140, Barnesville, Ohio; No. 85, Bellaire, Ohio; No. 36, Bellefontaine, Ohio; No. 415, Bryon, Ohio; No. 234, Cincinnati, Ohio; No. 110, Circleville, Ohio; No. 291, Cleveland, Ohio (5-8-71); No. 265, Columbus, Ohio; No. 281, Dayton, Ohio (5-8-71); No. 418, Defiance, Ohio; No. 441, Franklin, Ohio; No. 460, Galion, Ohio; Nos. 2 and 468, Gallipolis, Ohio; No. 37, Greenville, Ohio; No. 456, Hillsboro, Ohio; No. 459, Jackson, Ohio; No. 269, Kettering, Ohio (5-7-71); No. 446, Lebanon, Ohio (5-8-71); No. 469, London, Ohio (5-8-71); No. 230, Marion, Ohio (5-8-71); No. 38, Middletown, Ohio (5-8-71); No. 462, Napoleon, Ohio (5-8-71); No. 257, North Ridgeville, Ohio (5-8-71); No. 41, Piquette, Ohio (5-8-71); No. 453, St. Marys, Ohio (5-8-71); No. 52, Salem, Ohio (5-8-71); No. 40, Sidney, Ohio (5-8-71); No. 434, Toledo, Ohio (5-8-71); No. 122, Toronto, Ohio (5-8-71); No. 35, Troy, Ohio (5-8-71); No. 419, Urbana, Ohio (5-8-71); No. 20, Washington C.H., Ohio (5-7-71); No. 192, Wilmington, Ohio (5-7-71); Nos. 187 and 222, Youngstown, Ohio (5-7-71).

Myers Fried Chicken, Inc., restaurant; 2700 Georgia Street, Amarillo, Tex.; 5-7-71.

Ochs Bros., Inc., variety-department store; 414 Central Avenue, Faribault, Minn.; 5-19-70 to 4-30-71.

Ol' South Pancake House, restaurant; No. 2, Fort Worth, Tex.; 5-4-71.

Pacemaker Food Store, food stores, 4-30-71; 2019 Broadway, Rockford, Ill.; 3132 North Rockton Avenue, Rockford, Ill.

Park 'N Shop Supermarket, foodstores, 5-12-70 to 4-30-71; 107 East Jefferson, Culver, Ind.; Lincolnway at Beech Road, Osceola, Ind.; 54977 Mayflower Road, South Bend, Ind.

Patten & Co., Inc., agriculture; 99 North Street, Tewksbury, Mass.; 5-25-71.

Piggly Wiggly, foodstores, 5-24-71; 226 North Waukesha Street, Bonifay, Fla.; Cotton Street, Graceville, Fla.; Northeast West Lafayette Street, Marianna, Fla.; 209 West College Street, Colquitt, Ga.

Post Gardens of Battle Creek, Inc., agriculture; 3055 West Michigan, Battle Creek, Mich.; 5-7-71.

Walter P. Rawl & Sons, agriculture; Route 1, Gilbert, S.C.; 5-18-71.

Rayless Department Store, variety-department stores, 4-30-71, except as otherwise indicated: 835-841 Broad Street, Augusta, Ga.; 315 West Main Street, Durham, N.C.; 202 Hay Street, Fayetteville, N.C.; 102-04 West Main Street, Gastonia, N.C.; Corner Main and Second Avenue, Lexington, N.C.; 406 Elm Street, Lumberton, N.C. (5-30-71); 112 Pendleton Street, Easley, S.C.; 131 West Main Street, Spartanburg, S.C.

Reeble Food Market, foodstores, 5-14-71; Nos. 1 and 2, Emporia, Kans.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, Minn.; 5-19-71.

Ridgewood Variety, Inc., variety-department store; 623 42d Avenue, East Moline, Ill.; 5-14-70 to 4-30-71.

Rosefield Food Center, Inc., foodstore; Route 40, Richeyville, Pa.; 5-15-71.

Royal's, Inc., variety-department store; Immokalee, Fla.; 5-8-71.

Lyle H. Salter, Inc., foodstore; East Arlington, Vt.; 5-22-71.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, Mich.; 5-12-71.

Singmon-Valentine Market, Inc., foodstore; 511 East 135th, Kansas City, Mo.; 5-7-70 to 2-25-71.

Arthur E. Snyder, agriculture; 57537 Mayflower Road, South Bend, Ind.; 5-13-70 to 4-30-71.

Sterling Stores Co., Inc., variety-department store; 2240 Lamar Avenue, Memphis, Tenn.; 4-30-71.

T. G. & Y. Stores Co., variety-department stores; No. 231, Mobile, Ala., 4-30-71; No. 181, Albuquerque, N. Mex., 5-14-71; No. 286, Santa Fe, N. Mex., 5-18-71; No. 120, Amarillo, Tex., 5-1-71.

222 Food Markets, Inc., foodstore; Rural Delivery No. 2 Fleetwood, Fleetwood, Pa.; 5-12-71.

Jacob Wagenmaker, agriculture; 1243 East Norton Road, Muskegon, Mich.; 5-9-71.

Ward-Brodé Music Co., musicstore; 315 North Henry Street, Madison, Wis.; 5-14-71.

Wilhoit Motors, Inc., automobile dealer; Fifth and Market Streets, Charlottesville, Va.; 5-7-71.

Wolke & Kotler, Inc., variety-department store; 4811 Milwaukee Avenue, Chicago, Ill.; 5-16-70 to 4-30-71.

Woods Super Market, foodstore; Buffalo, Mo.; 5-11-70 to 5-2-71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A & E Pharmacy, Inc., drugstore; 921-925 Warrington Road, Pensacola, Fla.; stock clerk; 4 to 6 percent; 5-3-71.

Ashcraft Market, Inc., foodstore; 158 First Street, Harrison, Mich.; stock clerk, carryout; 15 to 27 percent; 5-15-71.

Big Star, foodstore; 4445 South Third Street, Memphis, Tenn.; sacker, bottle clerk, carryout; 15 to 20 percent; 5-18-71.

Colonial Manor, Inc., nursing home; Randolph, Nebr.; nurse's aide, kitchen aide, dining-room helper; 2 to 9 percent; 5-14-71.

Dick's Market, foodstore; 350 East Pages Lane, Centerville, Utah; bagger, checker, stock clerk, general worker; 36 to 54 percent; 5-11-70 to 5-6-71.

The Dillon Co., Inc., foodstores, for the occupations of cashier, checkers, carryout, clerk, maintenance, wrapper; No. 105, Springdale, Ark., 14 to 32 percent, 5-11-71; No. 51, Great Bend, Kans., 17 to 38 percent, 5-1-71.

Eagle Stores Co., Inc., variety-department stores, for the occupation of salesclerk; No. 60, Charlotte, N.C., 13 to 30 percent, 5-7-71; No. 24, Clinton, N.C., 3 to 18 percent, 5-24-71.

Edward's, Inc., variety-department store; Augusta Highway 1-78, Midland Valley Shopping Center, Clearwater, S.C.; salesclerk, stock clerk, checker, lay-a-way clerk; 10 to 15 percent; 5-20-71.

Egremont Plantation, agriculture; Cary, Miss.; hoeing and other farm work not involving mechanical machinery; 0 to 55 percent; 5-7-71.

Eldon's foodstore; 351 North Sam Houston, San Benito, Tex.; stocker; 21 to 41 percent; 4-30-71.

Engle's Grocery & Market, foodstore; 225 West Main, Madison, Kans.; stock clerk, bagger, carryout; 10 to 18 percent; 5-18-71.

Terry Farris Stores, Inc., variety-department store; 2808 Cypress Street, West Monroe, La.; salesclerk, office clerk, stock clerk, janitorial; 12 to 25 percent; 5-19-71.

Fashion Bug, Inc., apparel store; Plymouth Meeting Mall, Plymouth Meeting, Pa.; salesclerk, cashier, stock clerk; 2 to 13 percent; 5-3-71.

Hub Frankel Company, Inc., variety-department store; 232-234 West Main Street, Danville, Ky.; salesclerk, stock clerk, office clerk; 2 to 12 percent; 5-13-71.

Good Samaritan Center, nursing home; St. Ansgar, Iowa; aide, orderly, kitchen aide, housekeeper aide; 6 to 17 percent; 5-19-71.

W. T. Grant Co., variety-department stores; No. 1020, Fresno, Calif., salesclerk, stock clerk, 4 to 18 percent, 4-30-71; No. 1228, Claymont, Del., salesclerk, stock clerk, office clerk, 7 to 15 percent, 5-10-71; No. 226, Rockford, Ill., salesclerk, cashier, stock clerk, office clerk, 6 to 18 percent, 5-17-70 to 4-30-71; No. 142, Ballwin, Mo., salesclerk, office clerk, stock clerk, 5 to 18 percent, 5-11-71; No. 126, Newark, Ohio, salesclerk, stock clerk, office clerk, cashier, 6 to 23 percent, 5-14-71; No. 3370, Washington, Pa., salesclerk, 6 to 20 percent, 5-12-71.

Hob Nob Drive-In, Inc., restaurant; Hummelstown, Pa.; general restaurant worker; 17 to 40 percent; 5-10-71.

International House of Pancakes, restaurant; 4555 South Noland Road, Independence, Mo.; busboy (girl) kitchen help, take-home help; 14 to 24 percent; 5-14-71.

Jerry's Market's foodstores, for the occupations of sacker, carryout, 10 percent, 5-1-71; 2809 Lincoln Avenue, Evansville, Ind.; 1115 Main Street, Evansville, Ind.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, checker-cashier, office clerk, except as otherwise indicated; No. 4111, Birmingham, Ala., 3 to 11 percent, 5-7-71 (salesclerk); No. 4131, Englewood, Colo., 3 to 19 percent, 5-5-70 to 3-21-71; No. 4296, Hollywood, Fla., 9 to 10 percent, 3-24-71 (checker-cashier, salesclerk, stock clerk, customer service, office clerk, maintenance); No. 4356, Largo, Fla., 7 to 24 percent, 4-30-71 (salesclerk); No. 4243, Oakland Park, Fla., 1 to 12 percent, 5-1-71 (sales clerk); No. 4357, Orlando, Fla., 7 to 24 percent, 5-10-71 (salesclerk); No. 4085, Pensacola, Fla., 1 to 12 percent, 5-2-71 (salesclerk); No. 4210, Atlanta, Ga., 3 to 13 percent, 5-30-71 (salesclerk); No. 4293, Decatur, Ill., 5 to 10 percent, 4-30-71; 5000 23d Avenue, Moline, Ill., 5 to 10 percent, 4-30-71; No. 4058, Springfield, Ill., 9 to 16 percent, 5-1-71; 2535 Hubbel Avenue, Des Moines, Iowa, 2 to 10 percent, 5-1-71; No. 4018, Dubuque, Iowa, 8 to 23 percent, 5-2-71; No. 4304, Florissant, Mo., 6 to 21 percent, 5-21-71; No. 4216, St. Louis, Mo., 6 to 10 percent, 4-30-71; No. 4270, St. Louis Mo., 5 to 10 percent, 4-30-71; No. 4110, High Point, N.C., 11 to 22 percent, 5-12-71 (salesclerk, checker); No. 4167, Hamilton, Ohio, 7 to 22 percent, 5-6-71 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service); No. 4069, Casper, Wyo., 9 to 18 percent, 5-16-71.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 4 to 11 percent, 5-14-71, except as otherwise indicated; No. 125, Mobile, Ala. (salesclerk, stock clerk, office clerk, cashier, credit clerk, 5 to 21 percent); No. 416, Tucson, Ariz. (15 percent); No. 46, Bradenton, Fla. (4 to 18 percent), 5-1-71); No. 146, Sarasota, Fla. (4 to 18 percent, 5-1-71); Nos. 54, 62, and 106, Tampa, Fla. (4 to 18 percent, 5-1-71); No. 228, South Bend, Ind. (3 to 9 percent); No. 255, Wichita, Kans. (10 to 17 percent,

5-1-71); No. 267, Pleasure Ridge Park, Ky. (6 to 13 percent, 5-1-71); No. 134, Hyattsville, Md. (10 to 26 percent); No. 302, Hyattsville, Md. (10 to 34 percent); No. 176, Langley Park, Md. (10 to 34 percent); No. 69, Silver Spring, Md. (10 to 34 percent); No. 177, Wheaton, Md. (10 to 27 percent); No. 159, Boston, Mass. (3 to 40 percent, 5-1-71); No. 166, Framingham, Mass. (3 to 40 percent, 5-1-71); No. 158, Medford, Mass. (3 to 40 percent, 5-1-71); No. 164, Peabody, Mass. (3 to 40 percent, 5-1-71); No. 156, Revere, Mass. (3 to 40 percent, 5-1-71); No. 152, Worcester, Mass. (3 to 40 percent); No. 188, Biloxi, Miss. (salesclerk, office clerk, stock clerk, cashier, credit clerk, 5 to 21 percent); No. 74, Meridian, Miss. (salesclerk, stock clerk, office clerk, cashier, credit clerk, 5 to 21 percent); Nos. 208, 209, and 300, Kansas City, Mo. (10 to 17 percent, 5-1-71); No. 27, Metuchen, N.J. (6 to 19 percent, 5-8-71); No. 18, Paramus, N.J. (22 to 37 percent, 5-8-71); No. 311, Willingboro, N.J. (14 to 30 percent, 5-1-71); No. 89, Asheville, N.C. (6 to 20 percent, 5-1-71); No. 39, Charlotte, N.C. (4 to 19 percent, 5-1-71); No. 309, Akron, Ohio (salesclerk, office clerk, stock clerk, janitorial, 3 to 10 percent); Nos. 252 and 304, Cincinnati, Ohio (salesclerk, stock clerk, office clerk); No. 264, Columbus, Ohio (salesclerk, office clerk, stock clerk, 3 to 10 percent); No. 202, Dayton, Ohio (salesclerk, stock clerk, office clerk); No. 278, Parma, Ohio (7 to 12 percent); No. 61, Anderson, S.C. (6 to 26 percent, 5-1-71); No. 473, Abilene, Tex. (salesclerk, office clerk, 10 to 28 percent); No. 466, Amarillo, Tex. (0 to 35 percent); No. 131, Austin, Tex. (12 to 28 percent); No. 50, Beaumont, Tex. (1 to 21 percent, 5-16-71); No. 37, Dallas, Tex.; No. 101, Dallas, Tex. (salesclerk, stock clerk, office clerk, credit clerk, cashier); No. 130, El Paso, Tex. (salesclerk, office clerk, cashier, credit clerk, 10 to 28 percent); No. 471, El Paso, Tex. (salesclerk, office clerk, 10 to 28 percent); No. 476, El Paso, Tex. (salesclerk, office clerk, cashier, credit clerk, 10 to 28 percent, 5-21-71); Nos. 104 and 148, Fort Worth, Tex. (salesclerk, cashier, stock clerk, office clerk, credit clerk); Nos. 56, 98, and 182, Houston, Tex. (5-16-71); No. 58, Lubbock, Tex. (10 to 28 percent); No. 47, Mesquite, Tex. (salesclerk, stock clerk, office clerk, cashier, credit clerk); No. 33, Lynchburg, Va. (9 to 16 percent); No. 140, Newport News, Va. (11 to 19 percent); Nos. 215, 248, and 261, Milwaukee, Wis. (9 to 20 percent); No. 221, Wauwatosa, Wis. (9 to 20 percent).

Litton Business Systems, Inc., retail office supply store; 104 Wonderland, San Antonio, Tex.; salesclerk; 12 to 33 percent; 5-17-71.

Lovett's IGA Foodliner, foodstore; Mount Pleasant Pike, Columbia, Tenn.; stock clerk, bagger; 12 to 15 percent; 5-12-71.

Lysek's Valu King, foodstore; Hadley Road and Sixth Avenue, Greenville, Pa.; stock clerk, carryout; 7 to 8 percent; 4-30-71.

Martori Brothers Distributors, agriculture; Glendale, Ariz.; grape packer; 0 to 73 percent; 5-14-71.

Mason's, variety-department store; U.S. Route 9 at 3 Brooks Road, Freehold, N.J.; salesclerk, office clerk, stock clerk, janitorial, window trimmer, marker; 9 to 10 percent; 5-11-71.

May's Drug Store, drugstores, for the occupations of salesclerk, stock clerk, 5 to 8 percent, 5-12-70 to 5-1-71, except as otherwise indicated; No. 167, Cedar Falls, Iowa (5-1-70 to 4-30-71); Nos. 161, 165, 166, 170, 171, and 175, Cedar Rapids, Iowa; No. 204, Dubuque, Iowa; No. 184, Marion, Iowa; No. 194, Marshalltown, Iowa; No. 197, Ottumwa, Iowa; Nos. 174 and 181, Waterloo, Iowa (5-1-70 to 4-30-71).

McCrary-McLellan-Green Stores, variety-department store; No. 222, Crawfordville, Ind.; salesclerk, stock clerk, office clerk; 7 to 16 percent; 4-30-71.

McDonald's Hamburgers, restaurants, for the occupation of general restaurant worker, 31 to 58 percent, 5-26-71: Ninth and Minnesota, Kansas City, Kan.; 7550 State, Kansas City, Kans.; Santa Fe and Keeler, Olathe, Kans.

Men's Quality Shop, Inc., apparel store; Oglethorpe Mall, Savannah, Ga.; salesclerk, office clerk, maintenance; 6 to 32 percent; 5-7-71.

Morgan & Lindsey, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, 8 to 27 percent, 5-10-71, except as otherwise indicated: No. 3120, Baton Rouge, La. (salesclerk, office clerk, stock clerk, 5-11-71); No. 3027, Bunkie, La. (5-15-71); No. 3106, Biloxi, Miss. (4 to 22 percent); No. 3122, Forest, Miss. (4 to 21 percent).

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, janitorial, 5-7-71, except as otherwise indicated: No. 282, Shreveport, La., 12 to 24 percent (5-11-71); Nos. 71 and 298, Trenton, N.J., 17 to 28 percent; No. 802, Bethel Park, Pa., 13 to 27 percent (5-10-71).

Neisner Bros., Inc., variety-department store; No. 169, Newton, Iowa; salesclerk; 1 to 18 percent; 5-1-71.

Newman's Supert Thrift, food store; Fairfield, Pa.; bagger, carryout; 11 to 20 percent; 5-14-71.

North Mississippi Medical Center, hospital; Tupelo, Miss.; housekeeper, dietary aide, laundry aide, nurse's aide, clerical aide, groundskeeper; 0.7 to 4 percent; 4-30-71.

Pacemaker Food Store, food store; 8010 North Second Street, Rockford, Ill.; stock clerk, carryout, bagger, cashier, janitorial, window trimmer; 20 percent; 5-2-70 to 4-30-71.

Parkview Gardens Care Center, nursing home; 310 Upland Drive, Waterloo, Iowa; nurse's aide, kitchen helper, housekeeping helper, orderly; 6 to 17 percent; 5-10-71.

Piggly Wiggly, foodstores; 10th Street, De Funiak Springs, Fla., bagger, 9 to 10 percent, 5-11-71; North Lake Drive, Prestonsburg, Ky., bagger, carryout, stock clerk, 20 to 32 percent, 5-18-71.

Pleezing Food Store, Inc., foodstore; No. 4, Pensacola, Fla.; bagger, checker, stock clerk, market helper; 8 to 18 percent; 5-13-71.

Poyntz Avenue Pantry, foodstore; 1522 Poyntz, Manhattan, Kans.; carryout, cleanup, checker, stock clerk, bottle clerk; 9 to 20 percent; 5-3-71.

Randall's Food Market, Inc., foodstore; 9448 Long Point Road, Houston, Tex.; stock clerk, carryout; 28 percent; 5-26-71.

Rayless Department Store, variety-department stores, for the occupations of stock

clerk, salesclerk, clerk, marker, janitorial, 11 to 29 percent; 1123/5 Broadway, Columbus, Ga., 5-3-71; 317 Chickamauga Avenue, Rossville, Ga., 5-30-71.

Ream's Food Service, Inc., foodstore; 890 West Center Street, Provo, Utah; stock clerk, bagger, cleanup; 26 to 33 percent; 5-10-71.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, 6 to 21 percent, 5-14-71, except as otherwise indicated: No. 172, Augusta, Ga.; No. 11, La Grange, Ga. (stock clerk, merchandise marker, order writer, salesclerk, window trimmer, checker, 13 to 31 percent, 5-4-71); No. 103, Danville, Ky. (3 to 13 percent, 5-7-71); No. 170, Hendersonville, N.C. (4 to 35 percent); No. 171, Aiken, S.C.; No. 157, Morristown, Tenn. (salesclerk, stock clerk, office clerk, checker, 2 to 8 percent); No. 73, Emporia, Va. (12 to 25 percent, 5-7-71).

Scott Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 8 to 16 percent, 5-18-71, except as otherwise indicated: No. 9102, Effingham, Ill. (11 to 30 percent, 5-14-71); No. 9260, Urbana, Ill. (11 to 30 percent, 5-14-71); No. 9238, Iowa City, Iowa (salesclerk, stock clerk, checkout clerk); No. 9228, Sioux City, Iowa (salesclerk, stock clerk, checkout clerk); No. 9131, Harlan, Ky. (2 to 23 percent, 5-10-71); No. 9325, Bellevue, Nebr. (15 to 29 percent, 5-14-71); No. 9124, Fremont, Nebr. (salesclerk, stock clerk, checkout clerk).

Sterling Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial; 3901 South University Avenue, Little Rock, Ark., 12 to 32 percent, 5-4-71; 5030 Park Avenue, Memphis, Tenn., 12 to 30 percent, 4-30-71.

Spurgeon's, variety-department store; 113-115 Central Avenue NW., Le Mars, Iowa; janitorial; 12 to 16 percent; 5-11-70 to 4-24-71.

Super Drive-Ins, foodstore; No. 7, Clarksville, Tenn.; sacker, bottle clerk; 8 to 20 percent; 4-30-71.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 30 percent, 5-14-71, except as otherwise indicated: No. 763, Jonesboro, Ark. (14 to 30 percent, 5-8-71); No. 596, Chula Vista, Calif. (20 to 30 percent); No. 640, San Jose, Calif. (16 to 30 percent, 5-7-71); No. 1305, Orlando, Fla. (12 to 24 percent, 5-7-71); No. 728, Ormand Beach, Fla. (12 to 24 percent); No. 790, St. Cloud, Fla. (12 to 24 percent, 5-7-71); No. 777, Minden, La. (6 to 17 percent, 5-18-71); No. 701, West Monroe, La. (3 to 15 percent, 4-30-71); No. 140, Independence, Mo. (22 to 39 percent, 5-1-71); No.

450, Sedalia, Mo. (14 to 30 percent, 5-1-71); No. 284, Albuquerque, N. Mex. (13 to 24 percent, 5-6-71); No. 293, Silver City, N. Mex. (13 to 24 percent, 5-28-71); No. 418, Oklahoma City, Okla. (22 to 30 percent, 4-30-71); No. 817, Deer Park, Tex. (4-30-71); Nos. 351 and 371, Houston, Tex.; No. 842, Nacogdoches, Tex. (5-8-71).

Tom's Super Market, Inc., foodstore; Front Street at Kellner Boulevard, Rensselaer, Ind.; stock clerk, carryout; 35 to 40 percent; 5-15-70 to 4-30-71.

Unimart Thrift Center, foodstore; No. 503, Kearney, Nebr.; carryout, stock clerk, waiter (waitress), cleanup, cashier, cook; 21 to 29 percent; 5-18-71.

Warshaw's Giant Foods, foodstores, for the occupation of bagger, 26 to 33 percent, 4-30-71: 3271 East 3300 South, Salt Lake City, Utah; 50 East 3900 South, Salt Lake City, Utah.

Wright's Foodliner, foodstore; Aukerman and Decatur, Eaton, Ohio; checker, carryout, stock clerk; 20 percent; 5-12-71.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 7th day of August 1970.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 70-10913; Filed, Aug. 19, 1970; 8:46 a.m.]

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PART II

DEPARTMENT OF LABOR

Wage and Hour Division

Provisions of the Fair Labor
Standards Act Applicable to
Fishing and Operations on
Aquatic Products



Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 784—PROVISIONS OF THE FAIR LABOR STANDARDS ACT APPLICABLE TO FISHING AND OPERATIONS ON AQUATIC PRODUCTS

Part 784 of Title 29 of the Code of Federal Regulations is hereby revised as set forth below in order to include additional interpretations of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) as amended by the Fair Labor Standards Amendments of 1966 (80 Stat. 830) and such modifications of prior interpretations as are deemed necessary to conform the text of this part to the present provisions of the act as thus amended, and to set forth therein more fully the principles guiding the interpretation and application of the pertinent provisions of the act in the light of their legislative history and the pertinent judicial decisions and administrative interpretations and opinions rendered since this part was last revised.

The administrative procedure provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. Also, I do not believe that such procedures would serve a useful purpose here. Accordingly, this revision shall become effective immediately.

As revised, 29 CFR Part 784 reads as follows:

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784.2	Matters discussed in this part.
784.3	Matters discussed in other interpretations.
784.4	Significance of official interpretations.
784.5	Basic support for interpretations.
784.6	Interpretations made, continued, and superseded in this part.

SOME BASIC DEFINITIONS

784.7	Definition of terms used in the Act.
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784.9	"Person."
784.10	"Enterprise."
784.11	"Establishment."
784.12	"Commerce."
784.13	"Production."
784.14	"Goods."
784.15	"State."
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784.17	Basic coverage in general.
784.18	Commerce activities of employees.
784.19	Commerce activities of enterprise in which employee is employed.
784.20	Exemptions from the Act's provisions.
784.21	Guiding principles for applying coverage and exemption provisions.

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Subpart A—General

INTRODUCTORY

§ 784.0 Purpose.

It is the purpose of this part to provide an official statement of the views of the Department of Labor with respect to the meaning and application of sections 13(a) (5) and 13(b) (4) of the Fair Labor Standards Act, which govern the application of the minimum wage and overtime pay requirements of the Act to employees engaged in fishing and related activities and in operations on aquatic products. It is an objective of this part to make available in one place, the interpretations of law relating to such employment which will guide the Secretary of Labor and the Administrator in carrying out their responsibilities under the Act.

§ 784.1 General scope of the Act.

The Fair Labor Standards Act, as amended, is a Federal statute of general application which establishes minimum wage, overtime pay, equal pay, and child labor requirements that apply as provided in the Act. Employers and employees in enterprises engaged in fishing and related activities, or in operations on aquatic products on shore, need to know how the Act applies to employment in these enterprises so that they may understand their rights and obligations under the law. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard

and with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 784.2 Matters discussed in this part.

This part discusses generally the provisions of the Act which govern its application to employers and employees in enterprises and establishments of the fisheries, seafood processing, and related industries. It discusses in some detail those exemption provisions of the Act in sections 13(a)(5) and 13(b)(4) which refer specifically to employees employed in described activities with respect to seafood and other forms of aquatic life.

§ 784.3 Matters discussed in other interpretations.

Interpretations having general application to others subject to the law, as well as to fishermen and seafood canners, processors, or distributors and their employees, have been issued on a number of subjects of general interest. These will be found in other parts of this chapter. Reference should be made to them for guidance on matters which they discuss in detail, which this part does not undertake to do. They include Part 776 of this chapter, discussing coverage; Part 531 of this chapter, discussing payment of wages; Part 778 of this chapter, discussing computation and payment of overtime compensation; Part 785 of this chapter, discussing the calculation of hours worked; and Part 800 of this chapter, discussing equal pay for equal work. Reference should also be made to Subpart G of Part 1500 of this title, which contains the official interpretations of the child labor provisions of the Act.

§ 784.4 Significance of official interpretations.

The regulations in this part contain the official interpretations of the Department of Labor pertaining to the exemptions provided in sections 13(a)(5) and 13(b)(4) of the Fair Labor Standards Act of 1938, as amended. It is intended that the positions stated will serve as "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" (Skidmore v. Swift, 323 U.S. 134, 138). These interpretations indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act, unless and until they are otherwise directed by authoritative decisions of the courts or conclude upon re-examination of an interpretation that it is incorrect. The interpretations contained herein may be relied upon in accordance with section 10 of the Portal-to-Portal Act (29 U.S.C. 251-262), so long as they remain effective and are not modified, amended, rescinded, or deter-

mined by judicial authority to be incorrect.

§ 784.5 Basic support for interpretations.

The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this part are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorganization Plan 6 of 1950, 64 Stat. 1263; Gen. Ord. 45 A, May 24, 1950; 15 F.R. 3290). As included in the regulations in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. References to pertinent legislative history are made in this part where it appears that they will contribute to a better understanding of the interpretations.

§ 784.6 Interpretations made, continued, and superseded in this part.

On and after publication of this Part 784 in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded, or withdrawn. This part supersedes and replaces the interpretations previously published in the FEDERAL REGISTER and Code of Federal Regulations as Part 784 of this chapter. Prior opinions, rulings, and interpretations and prior enforcement policies which are not inconsistent with the interpretations in this part or with the Fair Labor Standards Act as amended are continued in effect; all other opinions, rulings, interpretations, and enforcement policies on the subjects discussed in the interpretations in this part are rescinded and withdrawn. The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met by employers and employees in the application of the Act. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this bulletin may be addressed to the Administrator of the Wage and Hour

Division, United States Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Division.

SOME BASIC DEFINITIONS

§ 784.7 Definition of terms used in the Act.

The meaning and application of the provisions of law discussed in this part depend in large degree on the definitions of terms used in these provisions. The Act itself defines some of these terms. Others have been defined and construed in decisions of the courts. In the following sections some of these basic definitions are set forth for ready reference in connection with the part's discussion of the various provisions in which they appear. These definitions and their application are further considered in other interpretative bulletins to which reference is made, and in the sections of this part where the particular provisions containing the defined terms are discussed.

§ 784.8 "Employer," "employee," and "employ."

The Act's major provisions impose certain requirements and prohibitions on every "employer" subject to their terms. The employment by an "employer" of an "employee" is, to the extent specified in the Act, made subject to minimum wage and overtime pay requirements and to prohibitions against the employment of oppressive child labor. The Act provides its own definitions of "employer," "employee," and "employ," under which "economic reality" rather than "technical concepts" determines whether there is employment subject to its terms (Goldberg v. Whitaker House Cooperative, 366 U.S. 28; United States v. Silk, 331 U.S. 704; Rutherford Food Corp. v. McComb, 331 U.S. 722). An "employer," as defined in section 3(d) of the Act, "includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization." An "employee," as defined in section 3(e) of the Act, "includes any individual employed by an employer," and "employ," as used in the Act, is defined in section 3(g) to include "to suffer or permit to work." It should be noted, as explained in Part 791 of this chapter, dealing with joint employment, that in appropriate circumstances two or more employers may be jointly responsible for compliance with the statutory requirements applicable to employment of a particular employee. It should also be noted that "employer," "enterprise," and "establishment" are not synonymous terms, as used in the Act. An employer may have an enterprise with more than one establishment, or he may have more than one enterprise, in which he employs employees within the meaning of the Act. Also, there may be different employers who employ employees in a particular establishment or enterprise.

§ 784.9 "Person."

As used in the Act (including the definition of "enterprise" set forth below in § 784.10), "person" is defined as meaning "an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons" (Act, section 3(a)).

§ 784.10 "Enterprise."

The term "enterprise" which may, in some situations, be pertinent in determining coverage of this Act to employees employed by employers engaged in the procurement, processing, or distribution of aquatic products, is defined in section 3(r) of the Act. Section 3(r) states:

Enterprise means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one of more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor * * *.

The scope and application of this definition is discussed in Part 776 of this chapter.

§ 784.11 "Establishment."

As used in the Act, the term "establishment", which is not specially defined therein, refers to a "distinct physical place of business" rather than to "an entire business or enterprise" which may include several separate places of business. This is consistent with the meaning of the term as it is normally used in business and in government, is judicially settled, and has been recognized in the Congress in the course of enactment of amendatory legislation (*Phillips v. Walling*, 324 U.S. 490; *Mitchell v. Bekins Van & Storage Co.*, 352 U.S. 1027; 95 Cong. Rec. 12505, 12579, 14877; H. Rept. No. 1453, 81st Cong., first session, p. 25). This is the meaning of the term as used in sections 3(r) and 3(s) of the Act.

§ 784.12 "Commerce."

"Commerce" as used in the Act includes interstate and foreign commerce. It is defined in section 3(b) of the Act to mean "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof." (For the definition of "State," see § 784.15.) The application of this definition and the kinds of activities which it includes are discussed at length in Part 776 of this chapter dealing with the general coverage of the Act.

§ 784.13 "Production."

To understand the meaning of "production" of goods for commerce as used in the Act it is necessary to refer to the definition in section 3(j) of the term "produced." A detailed discussion of the application of the term as defined is contained in Part 776 of this chapter, dealing with the general coverage of the Act. Section 3(j) provides that "produced" as used in the Act "means pro-

duced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State." (For the definition of "State" see § 784.15.)

§ 784.14 "Goods."

The definition in section 3(i) of the Act states that "goods," as used in the Act, means "goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof." Part 776 of this chapter, dealing with the general coverage of the Act, contains a detailed discussion of the application of this definition and what is included in it.

§ 784.15 "State."

As used in the Act, "State" means "any State of the United States or the District of Columbia or any Territory or possession of the United States" (Act, section 3(c)). The application of this definition in determining questions of coverage under the Act's definition of "commerce" and "produced" (see §§ 784.12, 784.13) is discussed in Part 776 of this chapter, dealing with general coverage.

§ 784.16 "Regular rate."

As explained in Part 778 of this chapter, dealing with overtime compensation, employees subject to the overtime pay provisions of the Act must generally receive for their overtime work in any workweek as provided in the Act not less than one and one-half times their regular rates of pay. Section 7(e) of the Act defines the term "regular rate" "to include all remuneration for employment paid to, or on behalf of, the employee" except certain payments which are expressly described in and excluded by the statutory definition. This definition, which is discussed at length in Part 778 of this chapter, determines the regular rate upon which time and one-half overtime compensation must be computed under section 7(a) of the Act for employees within its general coverage who are not exempt from the overtime provisions under either of the fishery and seafood exemptions provided by sections 13(a)(5) and 13(b)(4) or under some other exemption contained in the Act.

APPLICATION OF COVERAGE AND EXEMPTIONS PROVISIONS OF THE ACT**§ 784.17 Basic coverage in general.**

Except as otherwise provided in specific exemptions, the minimum wage, overtime pay, and child labor standards of the Act are generally applicable to employees who engage in specified activi-

ties concerned with interstate or foreign commerce. The employment of oppressive child labor in or about establishments producing goods for such commerce is also restricted by the Act. The monetary and child labor standards of the Act are also generally applicable to other employees, not specifically exempted, who are employed in specified enterprises engaged in such commerce or in the production of goods for such commerce. The employer must observe the monetary standards with respect to all such employees in his employ except those who may be denied one or both of these benefits by virtue of some specific exemption provision of the Act, such as section 13(a)(5) or 13(b)(4). It should be noted that enterprises having employees subject to these exemptions may also have other employees who may be exempt under section 13(a)(1) of the Act, subject to conditions specified in regulations, as employees employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman. The regulations governing these exemptions are set forth and explained in Part 541 of this chapter.

§ 784.18 Commerce activities of employees.

The Fair Labor Standards Act has applied since 1938 to all employees, not specifically exempted, who are engaged (a) in interstate or foreign commerce or (b) in the production of goods for such commerce, which is defined to include any closely related process or occupation directly essential to such production (29 U.S.C. 206(a), 207(a); and see §§ 784.12 to 784.15 for definitions governing the scope of this coverage). In general, employees of businesses concerned with fisheries and with operations on seafood and other aquatic products are engaged in interstate or foreign commerce, or in the production of goods for such commerce, as defined in the Act, and are subject to the Act's provisions except as otherwise provided in sections 13(a)(5) and 13(b)(4) or other express exemptions. A detailed discussion of the activities in commerce or in the production of goods for commerce which will bring an employee under the Act is contained in Part 776 of this chapter, dealing with general coverage.

§ 784.19 Commerce activities of enterprise in which employee is employed.

Under amendments to the Fair Labor Standards Act employees not covered by reason of their personal engagement in interstate commerce activities, as explained in § 784.18, are nevertheless brought within the coverage of the Act if they are employed in an enterprise which is defined in section 3(s) of the Act as an enterprise engaged in commerce or in the production of goods for commerce. Such employees, if not exempt from minimum wages and overtime pay under section 13(a)(5) or exempt from overtime pay under section 13(b)(4), will have to be paid in accordance with the monetary standards of the Act unless expressly exempt under some other provision. This would generally be true of

employees employed in enterprises and by establishments engaged in the procurement, processing, marketing, or distribution of seafood and other aquatic products, where the enterprise has an annual gross sales volume of not less than \$250,000. Enterprise coverage is more fully discussed in Part 776 of this chapter, dealing with general coverage.

§ 784.20 Exemptions from the Act's provisions.

The Act provides a number of specific exemptions from the general requirements previously described. Some are exemptions from the overtime provisions only. Several are exemptions from both the minimum wage and the overtime requirements of the Act. Finally, there are some exemptions from all three—minimum wage, overtime pay, and child labor requirements. An examination of the terminology in which the exemptions from the general coverage of the Fair Labor Standards Act are stated discloses language patterns which reflect congressional intent. Thus, Congress specified in varying degree the criteria for application of each of the exemptions and in a number of instances differentiated as to whether employees are to be exempt because they are employed by a particular kind of employer, employed in a particular type of establishment, employed in a particular industry, employed in a particular capacity or occupation, or engaged in a specified operation. (See 29 U.S.C. 203(d); 207 (b), (c), (i); 213 (a), (b), (c), (d). And see *Addison v. Holly Hill*, 322 U.S. 607; *Mitchell v. Trade Winds, Inc.*, 289 F. 2d 278; *Mitchell v. Stinson*, 217 F. 2d 210.) In general there are no exemptions from the child labor requirements that apply in enterprises or establishments engaged in fishing or in operations on aquatic products (see Part 1500, Subpart G, of this title). Such enterprises or establishments will, however, be concerned with the exemption from overtime pay in section 13(b)(4) of the Act for employees employed in specified "on-shore" operations (see § 784.101), and the exemption from minimum wages and overtime pay provided by section 13(a)(5) for employees employed in fishing, fish-farming, and other specified "off-shore" operations on aquatic products. These exemptions, which are subject to the general rules stated in § 784.21, are discussed at length in Subpart B of this Part 784.

§ 784.21 Guiding principles for applying coverage and exemption provisions.

It is clear that Congress intended the Fair Labor Standards Act to be broad in its scope. "Breadth of coverage is vital to its mission" (*Powell v. U.S. Cartridge Co.*, 339 U.S. 497). An employer who claims an exemption under the Act has the burden of showing that it applies (*Walling v. General Industries Co.*, 330 U.S. 545; *Mitchell v. Kentucky Finance Co.*, 359 U.S. 290; *Tobin v. Blue Channel Corp.*, 198 F. 2d 245, approved in *Mitchell v. Myrtle Grove Packing Co.*, 350 U.S. 891; *Fleming v. Hawkeye Pearl Button Co.*, 113 F. 2d 52). Conditions specified in

the language of the Act are "explicit prerequisites to exemption" (*Arnold v. Kanowsky*, 361 U.S. 388). In their application, the purpose of the exemption as shown in its legislative history as well as its language should be given effect. However, "the details with which the exemptions in this Act have been made preclude their enlargement by implication" and "no matter how broad the exemption, it is meant to apply only to" the specified activities (*Addison v. Holly Hill*, 322 U.S. 607; *Maneja v. Waiialua*, 349 U.S. 254). Exemptions provided in the Act "are to be narrowly construed against the employer seeking to assert them" and their application limited to those who come "plainly and unmistakably within their terms and spirit." This construction of the exemptions is necessary to carry out the broad objectives for which the Act was passed (*Phillips v. Walling*, 324 U.S. 490; *Mitchell v. Kentucky Finance Co.*, supra; *Arnold v. Kanowsky*, supra; *Calaf v. Gonzalez*, 127 F. 2d 934; *Bowie v. Gonzalez*, 117 F. 2d 11; *Mitchell v. Stinson*, 217 F. 2d 210; *Fleming v. Hawkeye Pearl Button Co.*, 113 F. 2d 52).

Subpart B—Exemption Provisions Relating to Fishing and Aquatic Products

THE STATUTORY PROVISIONS

§ 784.100 The section 13(a)(5) exemption.

Section 13(a)(5) grants an exemption from both the minimum wage and the overtime requirements of the Act and applies to "any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning, or packing of such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee."

§ 784.101 The section 13(b)(4) exemption.

Section 13(b)(4) grants an exemption only from the overtime requirements of the Act and applies to "any employee employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment, or distributing of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof."

LEGISLATIVE HISTORY OF EXEMPTIONS

§ 784.102 General legislative history.

(a) As originally enacted in 1938, the Fair Labor Standards Act provided an exemption from both the minimum wage requirements of section 6 and the overtime pay requirements of section 7 which was made applicable to "any employee employed in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life, including the going to and returning from work and

including employment in the loading, unloading, or packing of such products for shipment or in propagating, processing, marketing, freezing, canning, curing, storing, or distributing the above products or byproducts thereof" (52 Stat. 1060, sec. 13(a)(5)).

(b) In 1949 the minimum wage was extended to employees employed in canning such products by deleting the word "canning" from the above exemption, adding the parenthetical phrase "(other than canning)" after the word "processing" therein, and providing a new exemption in section 13(b)(4), from overtime pay provisions only, applicable to "any employee employed in the canning of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof". All other employees included in the original minimum wage and overtime exemption remained within it (63 Stat. 910).

(c) By the Fair Labor Standards Amendments of 1961, both these exemptions were further revised to read as set forth in §§ 784.100 and 784.101. The effect of this change was to provide a means of equalizing the application of the Act as between canning employees and employees employed in other processing, marketing, and distributing of aquatic products on shore, to whom minimum wage protection, formerly provided only for canning employees, was extended by this action. The 1961 amendments, however, left employees employed in fishing, in fish farming, and in related occupations concerned with procurement of aquatic products from nature, under the existing exemption from minimum wages as well as overtime pay.

§ 784.103 Adoption of the exemption in the original 1938 Act.

Although in the course of consideration of the legislation in Congress before passage in 1938, provisions to exempt employment in fisheries and aquatic products activities took various forms, section 13(a)(5), as drafted by the conference committee and finally approved, followed the language of an amendment adopted during consideration of the bill by the House of Representatives on May 24, 1938, which was proposed by Congressman Bland of Virginia. He had, earlier on the same day, offered an amendment which had as its objective the exemption of the "fishery industry", broadly defined. This amendment had been defeated (83 Cong. Rec. 7408), as had an amendment subsequently offered by Congressman Mott of Oregon (to a pending amendment proposed by Congressman Coffee of Nebraska) which would have provided an exemption for "industries engaged in producing, processing, distributing, or handling * * * fishery or seafood products which are seasonal or perishable" (83 Cong. Rec. 7421-7423). Against this background, when Congressman Bland offered his amendment which ultimately became section 13(a)(5) of the Act he took pains to explain: "This amendment is not the same. In the last amendment I was trying to define the fishery industry. I am now dealing with those persons who are

exempt, and I call the attention of the Committee to the language with respect to the employment of persons in agriculture * * * I am only asking for the seafood and fishery industry that which has been done for agriculture." It was after this explanation that the amendment was adopted (83 Cong. Rec. 7443). When the conference committee included in the final legislation this provision from the House bill, it omitted from the bill another House provision granting an hours exemption for employees "in any place of employment" where the employer was "engaged in the processing of or in canning fresh fish or fresh seafood" and the provision of the Senate bill providing an hours exemption for employees "employed in connection with" the canning or other packing of fish, etc. (see *Mitchell v. Stinson*, 217 F. 2d 210; *McComb v. Consolidated Fisheries*, 75 F. Supp. 798). The indication in this legislative history that the exemption in its final form was intended to depend upon the employment of the particular employee in the specified activities is in accord with the position of the Department of Labor and the weight of judicial authority.

§ 784.104 The 1949 amendments.

In deleting employees employed in canning aquatic products from the section 13(a)(5) exemption and providing them with an exemption in like language from the overtime provisions only in section 13(b)(4), the conferees on the Fair Labor Standards Amendments of 1949 did not indicate any intention to change in any way the category of employees who would be exempt as "employed in the canning of" the aquatic products. As the Supreme Court has pointed out in a number of decisions, "When Congress amended the Act in 1949 it provided that pre-1949 rulings and interpretations by the Administrator should remain in effect unless inconsistent with the statute as amended 63 Stat. 920" (*Mitchell v. Kentucky Finance Co.*, 359 U.S. 290). In connection with this exemption the conference report specifically indicates what operations are included in the canning process (see § 784.142). In a case decided before the 1961 amendments to the Act, this was held to "indicate that Congress intended that only those employees engaged in operations physically essential in the canning of fish, such as cutting the fish, placing it in cans, labelling and packing the cans for shipment are in the exempt category" (*Mitchell v. Stinson*, 217 F. 2d 210).

§ 784.105 The 1961 amendments.

(a) The statement of the Managers on the Part of the House in the conference report on the Fair Labor Standards Amendments of 1961 (H. Rept. No. 327, 87th Cong., first session, p. 16) refers to the fact that the changes made in sections 13(a)(5) and 13(b)(4) originated in the Senate amendment to the House bill and were not in the bill as passed by the House. In describing the Senate provision which was retained in the final legislation, the Managers stated that it "changes the exemption in the act for" the operations transferred to section

13(b)(4) from section 13(a)(5) "from a minimum wage and overtime exemption to an overtime only exemption." They further stated: "The present complete exemption is retained for employees employed in catching, propagating, taking, harvesting, cultivating, or farming fish and certain other marine products, or in the first processing, canning, or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by such an employee." In the report of the Senate committee on the provision included in the Senate bill (S. Rept. No. 145, 87th Cong., first session, p. 33), the committee stated: "The bill would modify the minimum wage and overtime exemption in section 13(a)(5) of the act for employees engaged in fishing and in specified activities on aquatic products." In further explanation, the report states that the bill would amend this section "to remove from this exemption those so-called on-shore activities and leave the exemption applicable to 'off-shore' activities connected with the procurement of the aquatic products, including first processing, canning, or packing at sea performed as an incident to fishing operations, as well as employment in loading and unloading such products for shipment when performed by any employee engaged in these procurement operations." It is further stated in the report that "persons who are employed in the activities removed from the section 13(a)(5) exemption will have minimum wage protection but will continue to be exempt from the Act's overtime requirements under an amended section 13(b)(4). The bill will thus have the effect of placing fish processing and fish canning on the same basis under the Act. There is no logical reason for treating them differently and their inclusion within the Act's protection is desirable and consistent with its objectives."

(b) The language of the Managers on the Part of the House in the conference report and of the Senate committee in its report, as quoted above, is consistent with the position supported by the earlier legislative history and by the courts, that the exemption of an employee under these provisions of the Act depends on what he does. The Senate report speaks of the exemption "for employees engaged in fishing and in specified activities" and of the "activities now enumerated in this section." While this language confirms the legislative intent to continue to provide exemptions for employees employed in specified activities rather than to grant exemption on an industry, employer, or establishment basis (see *Mitchell v. Trade Winds, Inc.*, 289 F. 2d 278), the report also refers with apparent approval to certain prior judicial interpretations indicating that the list of activities set out in the exemption provisions is intended to be "a complete catalog of the activities involved in the fishery industry" and that an employee to be exempt, need not engage directly in the physical acts of catching, processing, canning, etc. of aquatic products

which are included in the operation specifically named in the statute (*McComb v. Consolidated Fisheries Co.*, 174 F. 2d 74). It was stated that an interpretation of section 13(a)(5) and section 13(b)(4) which would include within their purview "any employee who participates in activities which are necessary to the conduct of the operations specifically described in the exemptions" is "consistent with the congressional purpose" of the 1961 amendments. (See Sen. Rep. No. 145, 87 Cong., first session, p. 33; Statement of Representative Roosevelt, 107 Cong. Rec. (daily ed.) p. 6716, as corrected May 4, 1961.) From this legislative history the intent is apparent that the application of these exemptions under the Act as amended in 1961 is to be determined by the practical and functional relationship of the employee's work to the performance of the operations specifically named in section 13(a)(5) and section 13(b)(4).

PRINCIPLES APPLICABLE TO THE TWO EXEMPTIONS

§ 784.106 Relationship of employee's work to the named operations.

It is clear from the language of section 13(a)(5) and section 13(b)(4) of the Act, and from their legislative history as discussed in §§ 784.102-784.105, that the exemptions which they provide are applicable only to those employees who are "employed in" the named operations. Under the Act as amended in 1961 and in accordance with the evident legislative intent (see § 784.105), an employee will be considered to be "employed in" an operation named in section 13(a)(5) or 13(b)(4) where his work is an essential and integrated step in performing such named operation (see *Mitchell v. Myrtle Grove Packing Co.*, 350 U.S. 891, approving *Tobin v. Blue Channel Corp.*, 198 F. 2d 245; *Mitchell v. Stinson*, 217 F. 2d 210), or where the employee is engaged in activities which are functionally so related to a named operation under the particular facts and circumstances that they are necessary to the conduct of such operation and his employment is, as a practical matter, necessarily and directly a part of carrying on the operation for which exemption was intended (*Mitchell v. Trade Winds, Inc.*, 289 F. 2d 278; see also *Waller v. Humphreys*, 133 F. 2d 193 and *McComb v. Consolidated Fisheries Co.*, 174 F. 2d 74). Under these principles, generally an employee performing functions without which the named operations could not go on is, as a practical matter, "employed in" such operations. It is also possible for an employee to come within the exemption provided by section 13(a)(5) or section 13(b)(4) even though he does not directly participate in the physical acts which are performed on the enumerated marine products in carrying on the operations which are named in that section of the Act. However, it is not enough to establish the applicability of such an exemption that an employee is hired by an employer who is engaged in one or more of the named operations or that the employee is employed by an establishment or in an industry in which operations

enumerated in section 13(a) (5) or section 13(b) (4) are performed. The relationship between what he does and the performance of the named operations must be examined to determine whether an application of the above-stated principles to all the facts and circumstances will justify the conclusion that he is "employed in" such operations within the intent of the exemption provision.

§ 784.107 Relationship of employee's work to operations on the specified aquatic products.

It is also necessary to the application of the exemptions that the operations of which the employee's work is a part be performed on the marine products named in the Act. Thus, the operations described in section 13(a) (5) must be performed with respect to "any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life". The operations enumerated in section 13(b) (4) must be performed with respect to "any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof". Work performed on products which do not fall within these descriptions is not within the exemptions (Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Mitchell v. Trade Winds, Inc., 289 F. 2d 278; Walling v. Haden, 153 F. 2d 196).

§ 784.108 Operations not included in named operations on forms of aquatic "life."

Since the subject matter of the exemptions is concerned with "aquatic forms of animal and vegetable life," the courts have held that the manufacture of buttons from clam shells or the dredging of shells to be made into lime and cement are not exempt operations because the shells are not living things (Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Walling v. Haden, 153 F. 2d 196, certiorari denied 328 U.S. 866). Similarly, the production of such items as crushed shell and grit, shell lime, pearl buttons, knife handles, novelties, liquid glue, isinglass, pearl essence, and fortified or refined fish oil is not within these exemptions.

§ 784.109 Manufacture of supplies for named operations is not exempt.

Employment in the manufacture of supplies for the named operations is not employment in the named operations on aquatic forms of life. Thus, the exemption is not applicable to the manufacture of boxes, barrels, or ice by a seafood processor for packing or shipping its seafood products or for use of the ice in its fishing vessels. These operations, when performed by an independent manufacturer, would likewise not be exempt (Dize v. Maddrix, 144 F. 2d 284 (C.A. 4), affirmed 324 U.S. 667, and approved on this point in Farmers' Reservoir Co. v. McComb, 337 U.S. 755).

§ 784.110 Performing operations both on nonaquatic products and named aquatic products.

By their terms, sections 13(a) (5) and 13(b) (4) provide no exemption with re-

spect to operations performed on any products other than the aquatic products named in these subsections (see § 784.107). Accordingly, neither of the exemptions is applicable to the making of any commodities from ingredients only part of which consist of such aquatic products, if a substantial amount of other products is contained in the commodity so produced (compare Walling v. Bridgeman-Russell Co., 6 Labor Cases 61,422, 2 WH Cases 785 (D. Minn.) and Miller v. Litchfield Creamery Co., 11 Labor Cases 63,274, 5 WH Cases 1039 (N.D. Inc.), with Mitchell v. Trade Winds, Inc., 289 F. 2d 278). Thus, the first processing, canning, or processing of codfish cakes, clam chowder, dog food, crab cakes, or livestock food containing aquatic products is often not exempt within the meaning of the relevant exemptions.

§ 784.111 Operations on named products with substantial amounts of other ingredients are not exempt.

To exempt employees employed in first processing, canning, or processing products composed of the named commodities and a substantial amount of ingredients not named in the exemptions would be contrary to the language and purposes of such exemptions which specifically enumerate the commodities on which exempt operations were intended to be performed. Consequently, in such situations all operations performed on the mixed products at and from the time of the addition of the foreign ingredients, including those activities which are an integral part of first processing, canning, or processing are nonexempt activities. However, activities performed in connection with such operations on the named aquatic products prior to the addition of the foreign ingredients are deemed exempt operations under the applicable exemption. Where the commodity produced from named aquatic products contains an insubstantial amount of products not named in the exemption, the operations will be considered as performed on the aquatic products and handling and preparation of the foreign ingredients for use in the exempt operations will also be considered as exempt activities.

§ 784.112 Substantial amounts of non-aquatic products; enforcement policy.

As an enforcement policy in applying the principles stated in §§ 784.110 and 784.111, if more than 20 percent of a commodity consists of products other than aquatic products named in section 13(a) (5) or 13(b) (4), the commodity will be deemed to contain a substantial amount of such nonaquatic products.

§ 784.113 Work related to named operations performed in off- or dead-season.

Generally, during the dead or inactive season when operations named in section 13(a) (5) or 13(b) (4) are not being performed on the specified aquatic forms of life, employees performing work relating to the plant or equipment which is used in such operations during the active seasons are not exempt. Illustrative

of such employees are those who repair, overhaul, or recondition fishing equipment or processing or canning equipment and machinery during the off-season periods when fishing, processing, or canning is not going on. An exemption provided for employees employed "in" specified operations is plainly not intended to apply to employees employed in other activities during periods when the specified operations are not being carried on, where their work is functionally remote from the actual conduct of the operations for which exemption is provided and is unaffected by the natural factors which the Congress relied on as reason for exemption. The courts have recognized these principles. See Maneja v. Waialua, 349 U.S. 254; Mitchell v. Stinson, 217 F. 2d 210; Maisonet v. Central Coloso, 6 Labor Cases (CCH) par. 61,337, 2 WH Cases 753 (D. P.R.); Abram v. San Joaquin Cotton Oil Co., 49 F. Supp. 393 (S.D. Calif.), and Heaburg v. Independent Oil Mill Inc., 46 F. Supp. 751 (W.D. Tenn.). On the other hand there may be situations where employees performing certain pre-season or post-season activities immediately prior or subsequent to carrying on operations named in section 13(a) (5) or section 13(b) (4) are properly to be considered as employed "in" the named operations because their work is so close in point of time and function to the conduct of the named operations that the employment is, as a practical matter, necessarily and directly a part of carrying on the operation for which exemption was intended. Depending on the facts and circumstances, this may be true, for example, of employees who perform such work as placing boats and other equipment in condition for use at the beginning of the fishing season, and taking the necessary protective measures with respect to such equipment which are required in connection with termination of the named operations at the end of the season. Where such work is integrated with and is required for the actual conduct of the named operations on the specified aquatic forms of life, and is necessarily performed immediately before or immediately after such named operations, the employees performing it may be considered as employed in the named operations, so as to come within the exemption. It should be kept in mind that the relationship between the work of an employee and the named operations which is required for exemption is not necessarily identical with the relationship between such work and the production of goods for commerce which is sufficient to establish its general coverage under the Act. Thus, repair, overhaul, and reconditioning work during the inactive season which does not come within the exemption is nevertheless closely related and directly essential to the production of goods for commerce which takes place during the active season and, therefore, is subject to the provisions of the Act (Farmers' Reservoir Co. v. McComb, 337 U.S. 755; Mitchell v. Stinson, 217 F. 2d 210; Bowie v. Gonzalez, 117 F. 2d 11; Weaver v. Pittsburgh Steamship Co., 153 F. 2d 597, cert. den. 328 U.S. 858).

§ 784.114 Application of exemptions on a workweek basis.

The general rule that the unit of time to be used in determining the application of the exemption to an employee is the workweek (see *Overnight Motor Transportation Co. v. Missel*, 316 U.S. 572; *Mitchell v. Stinson*, 217 F. 2d 210; *Mitchell v. Hunt*, 263 F. 2d 913; *Puerto Rico Tobacco Marketing Co-op. Ass'n. v. McComb*, 181 F. 2d 697). Thus, the workweek is the unit of time to be taken as the standard in determining the applicability to an employee of section 13(a)(5) or section 13(b)(4) (*Mitchell v. Stinson*, supra). An employee's workweek is a fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods. It may begin at any hour of any day set by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted. If in any workweek an employee does only exempt work he is exempt from the wage and hours provisions of the Act during that workweek, irrespective of the nature of his work in any other workweek or workweeks. An employee may thus be exempt in one workweek and not the next (see *Mitchell v. Stinson*, supra). But the burden of effecting segregation between exempt and nonexempt work as between particular workweeks is on the employer (see *Tobin v. Blue Channel Corp.*, 198 F. 2d 245).

§ 784.115 Exempt and noncovered work performed during the workweek.

The wage and hours requirements of the Act do not apply to any employees during any workweek in which a portion of his activities falls within section 13(a)(5) if no part of the remainder of his activities is covered by the Act. Similarly, the overtime requirements are inapplicable in any workweek in which a portion of an employee's activities falls within section 13(b)(4) if no part of the remainder of his activities is covered by the Act. Covered activities for purposes of the above statements mean engagement in commerce, or in the production of goods for commerce, or in an occupation closely related or directly essential to such production or employment in an enterprise engaged in commerce or in the production of goods for commerce, as explained in §§ 784.17 through 784.19.

§ 784.116 Exempt and nonexempt work in the same workweek.

Where an employee, during any workweek, performs work that is exempt under section 13(a)(5) or 13(b)(4), and also performs nonexempt work, some part of which is covered by the Act, the exemption will be deemed inapplicable unless the time spent in performing nonexempt work during that week is not substantial in amount. For enforcement purposes, nonexempt work will be considered substantial in amount if more than 20 percent of the time worked by the employee in a given workweek is de-

voted to such work (see *Mitchell v. Stinson*, 217 F. 2d 210). Where exempt and nonexempt work is performed during a workweek by an employee and is not or cannot be segregated so as to permit separate measurement of the time spent in each, the employee will not be exempt (see *Tobin v. Blue Channel Corp.*, 198 F. 2d 245; *Walling v. Public Quick Freezing and Cold Storage Co.*, 62 F. Supp. 924).

§ 784.117 Combinations of exempt work.

The combination of exempt work under sections 13(a)(5) and 13(b)(4), or of one of these sections with exempt work under another section of the Act, is permitted. Where a part of an employee's covered work in a workweek is exempt under section 13(a)(5) and the remainder is exempt under another section which grants an exemption from the minimum wage and overtime provisions of the Act, the wage and hours requirements are not applicable. If the scope of the exemption is not the same, however, the exemption applicable to the employee is that provided by whichever exemption provision is more limited in scope unless, of course, the time spent in performing work which is nonexempt under the broader exemption is not substantial. For example, an employee may devote part of his workweek to work within section 13(b)(4) and the remainder to work exempt from both the minimum wage and overtime requirements under another section of the Act. In such a case he must receive the minimum wage but is not required to receive time and one-half for his overtime work during that week (Cf. *Mitchell v. Myrtle Grove Packing Co.*, 350 U.S. 891; *Tobin v. Blue Channel Corp.*, 198 F. 2d 245). Each activity is tested separately under the applicable exemption as though it were the sole activity of the employee for the whole workweek in question. Unless the employee meets all the requirements of each exemption a combination exemption would not be available.

GENERAL CHARACTER AND SCOPE OF THE SECTION 13(a)(5) EXEMPTION

§ 784.118 The exemption is intended for work affected by natural factors.

As indicated by the legislative history, the purpose of the section 13(a)(5) exemption is to exempt from the minimum wage and overtime provisions of the Act employment in those activities in the fishing industry that are controlled or materially affected by natural factors or elements, such as the vicissitudes of the weather, the changeable conditions of the water, the run of the catch, and the perishability of the products obtained (83 Cong. Rec. 7408, 7443; S. Rep. No. 145, p. 33 on H.R. 3935, 87th Cong., first session; *Fleming v. Hawkeye Pearl Button Co.*, 113 F. 2d 52; *Walling v. Haden*, 153 F. 2d 196, certiorari denied 328 U.S. 866).

§ 784.119 Effect of natural factors on named operations.

The various activities enumerated in section 13(a)(5)—the catching, taking, propagating, harvesting, cultivating, or farming of aquatic forms of animal or vegetable life as well as "the going to and

returning from work" are materially controlled and affected by the natural elements. Similarly, the activities of "first processing, canning, or packing of such marine products at sea as an incident to, or in conjunction with, such fishing operations" are subject to the natural factors mentioned above. The "loading and unloading" of such aquatic products when performed at sea are also subject to the natural forces.

§ 784.120 Application of exemption to "offshore" activities in general.

The expression "offshore activities" is used to describe the category of named operations pertaining to the acquisition from nature of aquatic forms of animal and vegetable life. As originally enacted in 1938, section 13(a)(5) exempted not only employees employed in such "offshore" or "trip" activities but also employees employed in related activities on shore which were similarly affected by the natural factors previously discussed (see § 784.103, and *Fleming v. Hawkeye Pearl Button Co.*, 113 F. 2d 52). However, the intent of the 1961 amendments to the Act was to remove from the exemption the so-called onshore activities and "leave the exemption applicable to 'offshore' activities connected with the procurement of the aquatic products" (S. Rep. 145, 87th Cong., first session, p. 33). Despite its comprehensive reach (see §§ 784.105 and 784.106), the exemption, like the similar exemption in the Act for agriculture, is "meant to apply only" to the activities named in the statute (see *Maneja v. Waialua*, 349 U.S. 254; *Farmers Reservoir Co. v. McComb*, 337 U.S. 755).

§ 784.121 Exempt fisheries operations.

Employees engaged in the named operations, such as "catching" or "taking," are clearly exempt. As indicated in § 784.106, employees engaged in activities that are "directly and necessarily a part of" an enumerated operation are also exempt (*Mitchell v. Trade Winds, Inc.*, 289 F. 2d 278). The "catching, taking, propagating, harvesting, cultivating, or farming" of the various forms of aquatic life includes not only the actual performance of the activities, but also the usual duties inherent in the occupations of those who perform the activities. Thus, the fisherman who is engaged in "catching" and "taking" must see to it that his lines, nets, seines, traps, and other equipment are not fouled and are in working order. He may also have to mend or replace his lines or net or repair or construct his traps. Such activities are an integral part of the operations of "catching" and "taking" of an aquatic product.

§ 784.122 Operations performed as an integrated part of fishing.

Certain other activities performed on a fishing vessel in connection with named operations are, functionally and as a practical matter, directly and necessarily a part of such operations. For example, maintenance work performed by members of the fishing crew during the course of the trip on the fishing boat would

necessarily be a part of the fishing operation, since the boat itself is as much a fishing instrument as the fishing rods or nets. Similarly, work required on the vessel to keep in good operating condition any equipment used for processing, canning, or packing the named aquatic products at sea is so necessary to the conduct of such operations that it must be considered a part of them and exempt.

§ 784.123 Operations performed on fishing equipment.

On the principle stated in § 784.122, the replacement, repair, mending, or construction of the fisherman's equipment performed at the place of the fishing operation would be exempt. Such activities performed in contemplation of the trip are also within the exemption if the work is so closely related both in point of time and function to the acquisition of the aquatic life that it is really a part of the fishing operation or of "going to * * * work." For example, under appropriate facts, the repair of the nets, or of the vessel, or the building of fish trap frames on the shore immediately prior to the opening of the fishing season would be within the exemption. Activities at the termination of a fishing trip which are similarly related in time and function to the actual conduct of fishing operations or "returning from work" may be within the exemption on like principles. Similarly, the fact that the exemption is intended generally for "off-shore" activities does not mean that it may not apply to employment in other activities performed on shore which are so integrated with the conduct of actual fishing operations and functionally so necessary thereto that the employment is, in practical effect, directly and necessarily a part of the fishing operations for which the exemption is intended. In such circumstances the exemption will apply, for example, to an employee employed by a vessel owner to watch the fishing vessel, its equipment, and the catch when it comes to port, check the mooring lines, operate bilge pumps and heating and cooling systems on the vessel, and assist in the loading and unloading of the fishing equipment and the catch. Work of the kinds referred to may be exempt when performed by the fisherman himself or by some other employee of the fishing organization. However, the exemption would not apply to employees of a manufacturer of supplies or to employees of independent shops which repair boats and equipment. (*Dize v. Maddrix*, 144 F. 2d 584, affirmed 324 U.S. 697).

§ 784.124 Going to and returning from work.

The phrase "including the going to and returning from work" relates to the preceding named operations which pertain to the procuring and appropriation of seafood and other forms of aquatic life from nature. The expression obviously includes the time spent by fishermen and others who go to and from the fishing grounds or other locations where the aquatic life is reduced to possession. If going to work requires fishermen to prepare and carry the equipment required

for the fishing operation, this would be included within the exemption. In performing such travel the fishermen may be required to row, guide or sail the boat or otherwise assist in its operation. Similarly, if an employee were digging for clams or other shellfish or gathering seaweed on the sand or rocks it might be necessary to drive a truck or other vehicle to reach his destination. Such activities are exempt within the meaning of this language. However, the phrase does not apply to employees who are not employed in the activities involved in the acquisition of aquatic animal or vegetable life, such as those going to or returning from work at processing or refrigerator plants or wholesale establishments.

§ 784.125 Loading and unloading.

The term "loading and unloading" applies to activities connected with the removal of aquatic products from the fishing vessel and their initial movement to markets or processing plants. The term, however, is not without limitation. The statute by its clear language makes these activities exempt only when performed by any employee employed in the procurement activities enumerated in section 13(a)(5). This limitation is confirmed by the legislative history of the 1961 amendments which effectuated this change in the application of this term (S. Rep. 145, 87th Cong., first session, p. 33). Consequently, members of the fishing crew engaged in loading and unloading the catch of the vessel to another vessel at sea or at the dockside would be engaging in exempt activities within the meaning of section 13(a)(5). On the other hand, dock workers performing the same kind of tasks would not be within the exemption.

§ 784.126 Operation of the fishing vessel.

In extending the minimum wage to seamen on American vessels by limiting the exemption from minimum wages and overtime provided by section 13(a)(12) of the Act to "any employee employed as a seaman on a vessel other than an American vessel", and at the same time extending the minimum wage to "on-shore" but not "offshore" operations concerned with aquatic products, the Congress, in the 1961 amendments to the Act, did not indicate any intent to remove the crews of fishing vessels engaged in operations named in section 13(a)(5) from the exemption provided by that section. The exemption provided by section 13(a)(12), above noted, and the general exemption in section 13(b)(6) from overtime for "any employee employed as a seaman" (whether or not on an American vessel) apply, in general to employees, working aboard vessels, whose services are rendered primarily as an aid to navigation. It appears, however, that it is not the custom or practice in the fishing industry for a fishing vessel to have two crews; namely, a fishing crew whose duty it is primarily to fish and to perform other duties incidental thereto and a navigational crew whose duty it is primarily to operate the boat. Where, as is the

typical situation, there is but one crew which performs all these functions, the section 13(a)(5) exemption would apply to its members. For a further explanation of the seaman's exemption, see Part 783 of this chapter.

§ 784.127 Office and clerical employees under section 13(a)(5).

Office and clerical employees, such as bookkeepers, stenographers, typists, and others who perform general office work of a firm engaged in operating fishing boats are not for that reason within the section 13(a)(5) exemption. Under the principles stated in § 784.106, their general office activities are not a part of any of the named operations even when they are selling, taking, and putting up orders, or recording sales, taking cash or making telephone connections for customer or dealer calls. Employment in the specific activities enumerated in the preceding sentence would ordinarily, however, be exempt under section 13(b)(4) since such activities constitute "marketing" or "distributing" within the meaning of that exemption (see § 784.153). In certain circumstances, office or clerical employees may come within the section 13(a)(5) exemption. If, for example, it is necessary to the conduct of the fishing operations that such employees accompany a fishing expedition to the fishing grounds to perform certain work required there in connection with the catch, their employment under such circumstances may, as a practical matter, be directly and necessarily a part of the operations for which exemption was intended, in which event the exemption would apply to them.

FIRST PROCESSING, CANNING, OR PACKING OF MARINE PRODUCTS UNDER SECTION 13(a)(5)

§ 784.128 Requirements for exemption of first processing, etc., at sea.

A complete exemption from minimum and overtime wages is provided by section 13(a)(5) for employees employed in the operations of first processing, canning, or packing of marine products at sea as an incident to, or in conjunction with "such" fishing operations—that is, the fishing operations of the fishing vessel (S. Rep. 145, 87th Cong., first session, p. 33). To qualify under this part of the exemption, there must be a showing that (a) the work of the employees is such that they are, within the meaning of the Act, employed in one or more of the named operations of first processing, canning, or packing, (b) such operations are performed as an incident to, or in conjunction with, fishing operations of the vessel, (c) such operations are performed at sea, and (d) such operations are performed on the marine products specified in the statute.

§ 784.129 "Marine products".

The marine products which form the basis of the exemption are the "fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life" mentioned in section 13(a)(5). The exemption contemplates aquatic products currently or recently

acquired and in the form obtained from the sea, since the language of the exemption clearly indicates the named operations of first processing, canning, or packing must be performed "at sea" and "as an incident to or in conjunction with", fishing operations. Also, such "marine products" are limited to aquatic forms of "life."

§ 784.130 "At sea."

The "at sea" requirement must be construed in context and in such manner as to accomplish the statutory objective. The section 13(a)(5) exemption is for the "catching, taking, propagating, harvesting," etc., of "aquatic forms of animal and vegetable life." There is no limitation as to where these activities must take place other than, as the legislative history indicates, that they are "off-shore" activities. Since the purpose of the 1961 amendments is to exempt the "first processing, canning, or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations," it would frustrate this objective to give the phrase "at sea" a technical or special meaning. For example, to define "at sea" to include only bodies of water subject to the ebb and flow of the tides or to saline waters would exclude the Great Lakes which obviously would not comport with the legislative intent. On the other hand, one performing the named activities of first processing, canning, or packing within the limits of a port or harbor is not performing them "at sea" within the meaning of the legislative intent although the situs of performance is subject to tidewaters. In any event it would not appear necessary to draw a precise line as to what constitutes "at sea" operations, for, as a practical matter, such first processing, canning, or packing operations are those closely connected with the physical catching of the fish and are performed on the fishing vessel shortly or immediately following the "catching" and "taking" of the fish.

§ 784.131 "As an incident to, or in conjunction with", fishing operations.

The statutory language makes clear that the "first processing, canning, or packing," unlike the other named operations of "catching, taking, propagating, harvesting, cultivating, or farming" are not exempt operations in and of themselves. They are exempt only when performed "as an incident to, or in conjunction with such fishing operations" (see *Farmers Reservoir Co. v. McComb*, 337 U.S. 755). It is apparent from the context that the language "such fishing operations" refers to the principal named operations of "catching, taking, propagating, harvesting, cultivating, or farming" as performed by the fishermen or fishing vessel (compare *Bowie v. Gonzales*, 117 F. 2d 11). Therefore to be "an incident to, or in conjunction with such fishing operations", the first processing, canning, or packing must take place upon the vessel that is engaged in the physical catching, taking, etc., of the fish. This is made abundantly clear by the legislative history. In Senate Report

No. 145, 87th Congress, first session, at page 33, it pointed out:

For the same reasons, there was included in section 13(a)(5) as amended by the bill an exemption for the "first processing, canning, or packing" of marine products "at sea as an incident to, or in conjunction with such fishing operations." The purpose of this additional provision is to make certain that the Act will be uniformly applicable to all employees on the fishing vessel including those employees on the vessel who may be engaged in these activities at sea as an incident to the fishing operations conducted by the vessel.

In accordance with this purpose of the section, the exemption is available to an employee on a fishing vessel who is engaged in first processing fish caught by fishing employees of that same fishing vessel; it would not be available to such an employee if some or all of the fish being processed were obtained from other fishing vessels, regardless of the relationship, financial or otherwise, between such vessels (cf. *Mitchell v. Hunt*, 263 F. 2d 913; *Farmers Reservoir Co. v. McComb*, 337 U.S. 755).

§ 784.132 The exempt operations.

The final requirement is that the employee on the fishing vessel must be employed in "the first processing, canning, or packing" of the marine products. The meaning and scope of these operations when performed at sea as an incident to the fishing operations of the vessel are set forth in §§ 784.133 to 784.135. To be "employed in" such operations the employee must, as previously explained (see §§ 784.106 and 784.121), be engaged in work which is clearly part of the named activity.

§ 784.133 "First processing."

Processing connotes a change from the natural state of the marine product and first processing would constitute the first operation or series of continuous operations that effectuate this change. It appears that the first processing operations ordinarily performed on the fishing vessels at sea consist for the most part of eviscerating, removal of the gills, beheading certain fish that have large heads, and the removal of the scallop from its shell. Icing or freezing operations, which ordinarily immediately follow these operations, would also constitute an integral part of the first processing operations, as would such activities as filleting, cutting, scaling, or salting when performed as part of a continuous series of operations. Employment aboard the fishing vessel in freezing operations thus performed is within the exemption if the first processing of which it is a part otherwise meets the conditions of section 13(a)(5), notwithstanding the transfer by the 1961 amendments of "freezing", as such, from this exemption to the exemption from overtime only provided by section 13(b)(4). Such preliminary operations as cleaning, washing, and grading of the marine products, though not exempt as first processing since they effect no change, would be exempt as part of first processing when done in preparation for the first processing operation described above including

freezing. The same would be true with respect to the removal of the waste products resulting from the above described operations on board the fishing vessel.

§ 784.134 "Canning."

The term "canning" was defined in the legislative history of the 1949 amendments (House (Conference) Report No. 1453, 81st Cong., first session; 95 Cong. Rec. 14878, 14932-33). These amendments made the "canning" of marine products or byproducts exempt from overtime only under a separate exemption (section 13(b)(4)), and subject to the minimum wage requirements of the Act (see § 784.136 et seq.). The same meaning will be accorded to "canning" in section 13(a)(5) as in section 13(b)(4) (see § 784.142 et seq.) subject, of course, to the limitations necessarily imposed by the context in which it is found. In other words, although certain operations as described in § 784.142 et seq. qualify as canning, they are, nevertheless, not exempt under section 13(a)(5) unless they are performed on marine products by employees of the fishing vessel at sea as an incident to, or in conjunction with, the fishing operations of the vessel.

§ 784.135 "Packing."

The packing of the various named marine products at sea as an incident to, or in conjunction with, the fishing operations of the vessel is an exempt operation. The term "packing" refers to the placing of the named product in containers, such as boxes, crates, bags, and barrels. Activities such as washing, grading, sizing, and placing layers of crushed ice in the containers are deemed a part of packing when performed as an integral part of the packing operation. The packing operation may be a simple or complete and complex operation depending upon the nature of the marine product, the length of time out and the facilities aboard the vessel. Where the fishing trip is of short duration, the packing operation may amount to no more than the simple operation, of packing the product in chipped or crushed ice in wooden boxes, as in the case of shrimp, or placing the product in wooden boxes and covering with seaweed as in the case of lobsters. Where the trips are of long duration, as for several weeks or more, the packing operations on fishing vessels with the proper equipment sometimes are integrated with first processing operations so that together these operations amount to readying the product in a marketable form. For example, in the case of shrimp, the combined operations may consist of the following series of operations—washing, grading, sizing, placing in 5-pound boxes already labeled for direct marketing, placing in trays with other boxes, loading into a quick freezer locker, removing after freezing, emptying the box, glazing the contents with a spray of fresh water, replacing the box, putting them in 50-pound master cartons and finally stowing in refrigerated locker.

GENERAL CHARACTER AND SCOPE OF THE SECTION 13(b) (4) EXEMPTION

§ 784.136 "Shore" activities exempted under section 13(b) (4).

Section 13(b) (4) provides an exemption from the overtime but not from the minimum wage provisions of the Act for "any employee employed in the canning, processing, marketing, freezing, curing, storing, packing, for shipment, or distributing" aquatic forms of animal and vegetable life or any byproducts thereof. Originally, all these operations were contained in the exemption provided by section 13(a) (5) but, as a result of amendments, first "canning", in 1949, and then the other operations in 1961, were transferred to section 13(b) (4). (See the discussion in §§ 784.102 to 784.105.) These activities are "shore" activities and in general have to do with the movement of the perishable aquatic products to a non-perishable state or to points of consumption (S. Rept. 145, 87th Cong., first session, p. 33).

§ 784.137 Relationship of exemption to exemption for "offshore" activities.

The reasons advanced for exemption of employment in "shore" operations, now listed in section 13(b) (4), at the time of the adoption of the original exemption in 1938, had to do with the difficulty of regulating hours of work of those whose operations, like those of fishermen, were stated to be governed by the time, size, availability and perishability of the catch, all of which were considered to be affected by natural factors that the employer could not control (see 83 Cong. Rec. 7408, 7422, 7443). The intended limited scope of the exemption in this respect was not changed by transfer of the "shore" activities from section 13(a) (5) to section 13(b) (4). The exemption of employment in these "shore" operations may be considered, therefore, as intended to implement and supplement the exemption for employment in "offshore" operations provided by section 13(a) (5), by exempting from the hours provisions of the Act employees employed in those "shore" activities which are necessarily somewhat affected by the same natural factors. These "shore" activities are affected primarily, however, by fluctuations in the supply of the product or by the necessity for consumption or preservation of such products before spoilage occurs (see *Fleming v. Hawkeye Pearl Button Co.*, 113 F. 2d 52; cf. *McComb v. Consolidated Fisheries*, 174 F. 2d 74).

§ 784.138 Perishable state of the aquatic product as affecting exemption.

(a) Activities performed after conversion of an aquatic product to a non-perishable state cannot form the basis for application of the section 13(b) (4) exemption unless the subsequent operation is so integrated with the performance of exempt operations on the aquatic forms of animal and vegetable life mentioned in the section that functionally and as a practical matter it must be considered a part of the operations for which exemption was intended. The exemption is, consequently, not available

for the handling or shipping of nonperishable products by an employer except where done as a part of named operations commenced on the product when it was in a perishable state. Thus, employees of dealers in or distributors of such nonperishable products as fish oil and fish meal, or canned seafood, are not within the exemption. Similarly, there is no basis for application of the exemption to employees employed in further processing of or manufacturing operations on products previously rendered nonperishable, such as refining fish oil or handling fish meal in connection with the manufacture of feeds. Further specific examples of application of the foregoing principle are given in the subsequent discussion of particular operations named in section 13(b) (4).

(b) In applying the principle stated in paragraph (a) of this section, the Department has not asserted that the exemption is inapplicable to the performance of the operations described in section 13(b) (4) on frozen, smoked, salted, or cured fish. The Department will continue to follow this policy until further clarification from the courts.

§ 784.139 Scope of exempt operations in general.

Exemption under section 13(b) (4), like exemption under section 13(a) (5), depends upon the employment in the actual activities named in the section, and an employee performing a function which is not necessary to the actual conduct of a named activity, as explained in § 784.106, is not within the exemption. It is also essential to exemption that the operations named in section 13(b) (4) be performed on the forms of aquatic life specified in the section and not on other commodities or on mixed commodities a substantial part of which consists of materials or products other than the named aquatic products. Application of these principles has been considered generally in the earlier discussion, and further applications will be noted in the following sections and in the subsequent discussion of particular operations mentioned in the section 13(b) (4) exemption.

§ 784.140 Fabrication and handling of supplies for use in named operations.

(a) As noted in § 784.109, the exemption for employees employed "in" the named operations does not extend to an employee by reason of the fact that he engages in fabricating supplies for the named operations. Employment in connection with the furnishing of supplies for the processing or canning operations named in section 13(b) (4) is not exempt as employment "in" such named operations unless the functional relationship of the work to the actual conduct of the named operations is such that, as a practical matter, the employment is directly and necessarily a part of the operations for which exemption is intended. Employees who meet the daily needs of the canning or processing operations by delivering from stock, handling, and working on supplies such as salt, condiments, cleaning supplies, con-

tainers, etc., which must be provided as needed if the named operations are to continue, are within the exemption because such work is, in practical effect, a part of the operations for which exemption is intended. On the other hand, the receiving, unloading, and storing of such supplies during seasons when the named operations are not being carried on, for subsequent use in the operations expected to be performed during the active season, are ordinarily too remote from the actual conduct of the named operations to come within the exemption (see § 784.113), and are not affected by the natural factors (§ 784.137) which were considered by the Congress to constitute a fundamental reason for providing the exemption. Whether the receiving, unloading, and storing of supplies during periods when the named operations are being carried on are functionally so related to the actual conduct of the operations as to be, in practical effect, a part of the named operations and within the exemption, will depend on all the facts and circumstances of the particular situation and the manner in which the named operations are carried on. Normally where such activities are directed to building up stock for use at a relatively remote time and there is no direct integration with the actual conduct of the named operations, the exemption will not apply.

(b) It may be that employees are engaged in the same workweek in performing exempt and nonexempt work. For example, a shop machinist engaged in making a new part to be used in the repair of a machine currently used in canning operations would be doing exempt work. If he also in the same workweek makes parts to be used in a manufacturing plant operated by his employer, this work, since it does not directly or necessarily contribute to the conduct of the canning operations, would be non-exempt work causing the loss of the exemption if such work occupied a substantial amount (for enforcement purposes, more than 20 percent) of the employee's worktime in that workweek (see § 784.116 for a more detailed discussion).

§ 784.141 Examples of nonexempt employees.

An employer who engaged in operations specified in section 13(b) (4) which he performs on the marine products and byproducts described in that section may operate a business which engages also in operations of a different character or one in which some of the activities carried on are not functionally necessary to the conduct of operations named in section 13(b) (4). In such a business there will ordinarily be, in addition to the employees employed in such named operations, other employees who are nonexempt because their work is concerned entirely or in substantial part with carrying on activities which constitute neither the actual engagement in the named operations nor the performance of functions which are, as a practical matter, directly and necessarily a part of their employer's conduct of such

named operations. Ordinarily, as indicated in § 784.156, such nonexempt employees will not be employed in an establishment which is exclusively devoted by the employer to the named operations during the period of their employment. It is usually when the named operations are not being carried on, or in places wholly or partly devoted to other operations, that employees of such an employer will be performing functions which are not so necessarily related to the conduct of the operations named in section 13(b)(4) as to come within the exemption. Typical illustrations of the occupations in which such nonexempt workers may be found (although employment in such an occupation does not necessarily mean that the worker is nonexempt) are the following: General office work (such as maintaining employment, social security, payroll and other records, handling general correspondence, etc., as distinguished from "marketing" or "distributing" work like that described in § 784.155), custodial, maintenance, watching, and guarding occupation; furnishing food, lodging, transportation, or nursing services to workers; and laboratory occupations such as those concerned with development of new products. Such workers are, of course, not physically engaged in operations named in section 13(b)(4) in the ordinary case, and they are not exempt unless they can be shown to be "employed in" such operations on other grounds. But any of them may come within the exemption in a situation where the employer can show that the functions which they perform, in view of all the facts and circumstances under which the named operations are carried on, are actually so integrated with or essential to the conduct of the named operations as to be, in practical effect, directly and necessarily a part of the operations for which exemption was intended. Thus, for example, if canning operations described in section 13(b)(4) are carried on in a location where the canning employees cannot obtain necessary food unless the canner provides it, his employment of culinary employees to provide such food is functionally so necessary to the conduct of the canning operations that their work is, as a practical matter, a part of such operations, and the exemption will apply to them. On like principle, the exemption may apply to a watchman whose services are required during performance of the named operations in order to guard against spontaneous combustion of the products of such operations and other occurrences which may jeopardize the conduct of the operations.

"CANNING"

§ 784.142 Meaning and scope of "canning" as used in section 13(b)(4).

Section 13(b)(4) exempts any employee employed in the canning of aquatic forms of animal or vegetable life or byproducts thereof from the overtime requirements of the Act. As previously stated, it was made a limited exemption

by the Fair Labor Standards Amendments of 1949. The legislative history of this section in specifically explaining what types of activities are included in the term "canning" and the antecedents from which this section evolved make it clear that the exemption applies to those employees employed in the activities that Congress construed as being embraced in the term and not to all those engaged in the fish canning industry (Mitchell v. Stinson, 217 F. 2d 214). Congress defined the term "canning" (House (Conference) Report No. 1453, 81st Cong., first session 95 Cong. Rec. 14878, 14932-33) as follows:

Under the conference agreement "canning" means hermetically sealing and sterilizing or pasteurizing and has reference to a process involving the performance of such operations. It also means other operations performed in connection therewith such as necessary preparatory operations performed on the products before they are placed in bottles, cans, or other containers to be hermetically sealed, as well as the actual placing of the commodities in such containers. Also included are subsequent operations such as the labeling of the cans or other cases or boxes whether such subsequent operations are performed as part of an uninterrupted or interrupted process. It does not include the placing of such products or byproducts thereof in cans or other containers that are not hermetically sealed as such as operation is "processing" as distinguished from "canning" and comes within the complete exemption contained in section 13(a)(5).

Of course, the processing other than canning, referred to in the last sentence quoted above, is now like canning, in section 13(b)(4) rather than section 13(a)(5).

§ 784.143 "Necessary preparatory operations."

All necessary preparatory work performed on the named aquatic products as an integral part of a single uninterrupted canning process is subject to section 13(b)(4) (see *Tobin v. Blue Channel Corp.*, 198 F. 2d 245, approved in *Mitchell v. Myrtle Grove Packing Co.*, 350 U.S. 891). Such activities conducted as essential and integrated steps in the continuous and uninterrupted process of canning are clearly within the definition of "canning" as contemplated by Congress and cannot be viewed in isolation from the canning process as a whole. Exempt preparatory operations include the necessary weighing, cleaning, picking, peeling, shucking, cutting, heating, cooling, steaming, mixing, cooking, carrying, conveying, and transferring to the containers the exempt aquatic products (see *Mitchell v. Stinson*, 217 F. 2d 214). But the preparatory operations do not include operations specified in section 13(a)(5) pertaining to the acquisition of the exempt products from nature. Therefore, if a canner employs fishermen or others to catch, take, harvest, cultivate or farm aquatic animal and vegetable life, section 13(a)(5) and not section 13(b)(4) would apply to these particular operations.

§ 784.144 Preliminary processing by the canner.

The mere fact that operations preparatory to canning are physically separated from the main canning operations of hermetically sealing and sterilizing or pasteurizing would not be sufficient to remove them from the scope of section 13(b)(4). Where preparatory operations such as the steaming or shucking of oysters are performed in an establishment owned, operated, or controlled by a canner of seafood as part of a process consisting of a continuous series of operations in which such products are hermetically sealed in containers and sterilized or pasteurized, all employees who perform any part of such series of operations on any portion of such aquatic products for canning purposes are within the scope of the term "canning."

§ 784.145 Preliminary processing by another employer as part of "canning."

If the operations of separate processors are integrated in producing canned seafood products all employees of such processors who perform any part of the described continuous series of operations to accomplish this result would be "employed in the canning of" such products. Moreover, preliminary operations performed in a separately owned processing establishment which are directed toward the particular requirements of a cannery pursuant to some definite arrangement between the operators of the two establishments would generally appear to be integrated with the cannery operations within the meaning of the above principles, so that the employees engaged in the preliminary operations in the separate establishment would be employed in "canning" within the meaning of section 13(b)(4) of the Act. Whether or not integration exists in a specific case of this general nature will depend, of course, upon all the relevant facts and circumstances in such case.

§ 784.146 "Subsequent operations."

Canning, within the meaning of the exemption, includes operations performed after hermetic sealing of the cans or other containers, such as labeling of them and placing of them in cases or boxes, which are required to place the canned product in the form in which it will be sold or shipped by the canner. This is so whether or not such operations immediately follow the actual canning operations as a part of an uninterrupted process. Storing and shipping operations performed by the employees of the cannery in connection with its canned products, during weeks in which canning operations are going on, to make room for the canned products coming off the line or to make storage room, come within the exemption. The fact that such activities relate in part to products canned during previous weeks or seasons would not affect the application of the exemption, provided canning operations such as hermetic sealing and sterilizing, or labeling, are currently being carried on.

§ 784.147 Employees "employed in" canning.

All employees whose activities are directly and necessarily a part of the canning of the specified aquatic forms of life are within the exemption provided by section 13(b)(4). Thus, employees engaged in handling the fish or seafood, placing it into the cans, providing steam for cooking it, or operating the machinery that seals the cans or the equipment that sterilizes the canned product are engaged in exempt activities. In addition, can loft workers, those engaged in removing and carrying supplies from the stock room for current use in canning operations, and employees whose duty it is to reform cans, when canning operations are going on, for current use, are engaged in exempt activities. Similarly, the repairing, oiling, or greasing during the active season of canning machinery or equipment currently used in the actual canning operations are exempt activities. The making of repairs in the production room such as to the floor around the canning machinery or equipment would also be deemed exempt activities where the repairs are essential to the continued canning operations or to prevent interruptions in the canning operations. These examples are illustrative but not exhaustive. Employees engaged in other activities which are similarly integrated with and necessary to the actual conduct of the canning operations will also come within the exemption. Employees whose work is not directly and necessarily a part of the canning operations are not exempt. See §§ 784.106, 784.140, and 784.141.

PROCESSING, FREEZING, AND CURING

§ 784.148 General scope of processing, freezing, and curing activities.

Processing, freezing, and curing embrace a variety of operations that change the form of the "aquatic forms of animal and vegetable life". They include such operations as filleting, cutting, scaling, salting, smoking, drying, pickling, curing, freezing, extracting oil, manufacturing meal or fertilizer, drying seaweed preparatory to the manufacture of agar, drying and cleaning sponges (Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52).

§ 784.149 Typical operations that may qualify for exemption.

Such operations as transporting the specified aquatic products to the processing plant; moving the products from place to place in the plant; cutting, trimming, eviscerating, peeling, shelling, and otherwise working on the products; packing the products; and moving the products from the production line to storage or to the shipping platform are typical of the operations in processing plants which are included in the exemption. Removal of waste, such as clam and oyster shells, operation of processing and packing machinery, and providing steam and brine for the processing operations (see Mitchell v. Trade Winds Inc., 289 F. 2d 278, explaining Waller v. Humphreys, 133 F. 2d 193) are also included.

As for the application of the exemption to office, maintenance, warehouse, and other employees, see the discussion in § 784.106 et seq., and §§ 784.140 and 784.141.

§ 784.150 Named operations performed on previously processed aquatic products.

It will be noted that section 13(b)(4) refers to employees employed in "processing" the named aquatic commodities and not just to "first processing" as does the provision in section 13(a)(5) for such processing at sea. Accordingly, if the aquatic products, though subjected to a processing operation, are still in a perishable state, the subsequent performance of any of the enumerated operations on the still perishable products will be within the exemption no matter who the employer performing the exempt operations may be. He may be the same employer who performed the prior processing or other exempt operations, another processor, or a wholesaler, as the case may be. As noted in § 784.138(b), the Department has not questioned the applicability of the foregoing rule where the operation is performed on frozen, salted, smoked, or cured fish.

§ 784.151 Operations performed after product is rendered nonperishable.

As indicated in § 784.138, after the character of the aquatic products as taken from nature has been altered by the performance of the enumerated operations so as to render them nonperishable (e.g., drying and cleaning sponges) section 13(b)(4) provides no exemption for any subsequent operations on the preserved products, unless the subsequent operation is performed as an integrated part of the operations named in the exemption which are performed by an employer on aquatic commodities described in section 13(b)(4) after receiving them in the perishable state. In the case of an employer who is engaged in performing on perishable aquatic forms of life specified in section 13(b)(4) any operations named in that section which result in a nonperishable product, the employment of his employees in the storing, marketing, packing for shipment, or distributing of nonperishable products resulting from such operations performed by him (including products processed during previous weeks or seasons) will be considered to be an integrated part of his operations on the perishable aquatic forms of life during those workweeks when he is actively engaged in such operations. The employees employed by him in such work on the nonperishable products are, accordingly, within the exemption in such workweeks.

§ 784.152 Operations performed on byproducts.

The principles stated in the two preceding sections would also be applicable where the specified operations are performed on perishable byproducts. Any operation performed on perishable fish scraps, an unsegregated portion of which

is to be canned, would come within the canning (not the processing) part of the exemption. Fish-reduction operations performed on the inedible and still perishable portions of fish resulting from processing or canning operations, to produce fish oil or meal, would come within the processing part of the exemption. Subsequent operations on the oil to fortify it would not be exempt, however, since fish oil is nonperishable in the sense that it may be held for a substantial period of time without deterioration.

MARKETING, STORING, PACKING FOR SHIPMENT, AND DISTRIBUTING

§ 784.153 General scope of named operations.

The exemption from the overtime pay requirements provided by section 13(b)(4) of the Act extends to employees "employed in the * * * marketing * * * storing, packing for shipment, or distributing of any kind of" perishable aquatic product named in the section. An employee's work must be functionally so related to the named activity as to be, in practical effect, a part of it, and the named activity must be performed with respect to the perishable aquatic commodities listed in section 13(b)(4), in order for the exemption to apply to him. The named activities include the operations customarily performed in the marketing, storing, packing for shipment, or distributing of perishable marine products. For example, an employee engaged in placing perishable marine products in boxes, cartons, crates, bags, barrels, etc., preparatory to shipment and placing the loaded containers on conveyances for delivery to customers would be employed in the "packing for shipment" of such products. Salesmen taking orders for the perishable aquatic products named in the section would be employed in the "marketing" of them. Employees of a refrigerated warehouse who perform only duties involved in placing such perishable marine products in the refrigerated space, removing them from it, and operating the refrigerating equipment, would be employed in "storing" or "distributing" such products, depending on the facts. On the other hand, employees of a public warehouse handling aquatic products which have been canned or otherwise rendered nonperishable, or handling perishable products which contain a substantial amount of ingredients not named in section 13(b)(4), would not be within the exemption. Office, clerical, maintenance, and custodial employees are not exempt by reason of the fact that they are employed by employers engaged in marketing, storing, packing for shipment, or distributing seafood and other aquatic products. Such employees are exempt only when the facts of their employment establish that they are performing functions so necessary to the actual conduct of such operations by the employer that, as a practical matter, their employment is directly and necessarily a part of the operations intended to be exempted (see, for some examples, § 784.155).

§ 784.154 Relationship to other operations as affecting exemption.

Employment in marketing, storing, distributing, and packing for shipment of the aquatic commodities described in section 13(b)(4) is, as such, exempted from the overtime pay provisions of the Act. This means that the employees actually employed in such operations on the named commodities are within the exemption without regard to the intimacy or remoteness of the relationship between their work and processing operations also performed on the commodities, so long as any prior processing has not rendered the commodity nonperishable (as in the case of a canned product) and therefore removed it from the category of marine products referred to by section 13(b)(4). If the commodity has previously been rendered nonperishable, the marketing, storing, distributing, or packing for shipment of it by an employee can come within the exemption only if the activity is one performed by his employer as an integrated part of a series of the named operations which commenced with operations on the perishable marine products to which section 13(b)(4) refers. Some examples of this situation are given in §§ 784.146 and 784.151.

§ 784.155 Activities performed in wholesale establishments.

The section 13(b)(4) exemption for employment in "marketing * * * storing, or distributing" the named aquatic products or byproducts, as applied to the wholesaling of fish and seafood, affords exemption to such activities as unloading the aquatic product at the establishment, icing or refrigerating the product and storing it, placing the product into boxes, and loading the boxes on trucks or other transportation facilities for shipment to retailers or other receivers. Transportation to and from the establishment is also included (*Johnson v. Johnson &*

Company, Inc., N.D. Ga., 47 F. Supp. 650). Office and clerical employees of a wholesaler who perform general office work such as posting to ledgers, sending bills and statements, preparing tax returns, and making up payrolls, are not exempt unless these activities can be shown to be functionally necessary, in the particular fact situation, to the actual conduct of the operations named in section 13(b)(4). Such activities as selling, taking, and putting up orders, recording sales, and taking cash are, however, included in employment in "marketing" or "distributing" within the exemption. Employees of a wholesaler engaged in the performance of any of the enumerated operations on fresh fish or fish products will be engaged in exempt work. However, any such operations which they perform on aquatic products which have been canned or otherwise rendered nonperishable are nonexempt in accordance with the principles stated in §§ 784.138 and 784.154.

APPLICATION OF SECTION 13(b)(4) IN CERTAIN ESTABLISHMENTS

§ 784.156 Establishments exclusively devoted to named operations.

As noted in § 784.106 and elsewhere in the previous discussion, the section 13(b)(4) exemption depends on employment of the employee in the operations named in that section and does not apply on an establishment basis. However, the fact that an establishment is exclusively devoted to operations specified in section 13(b)(4) is, in the absence of evidence to the contrary, an indication that the employees employed there are employed in the named operations either directly or through the performance of functions so necessary to conducting the operations that the employment should, in practical effect, be considered a part of the activity intended to be exempted. Where this is the case, it is consistent with the

legislative intent to avoid segmentation and treat all employees of the establishment in the same manner (see Sen. Rep. No. 145, 87th Cong. first session, p. 33). Accordingly, where it can be demonstrated that an establishment is, during a particular workweek, devoted exclusively to the performance of the operations named in section 13(b)(4), on the forms of aquatic life there specified, any employee of the establishment who is employed there during such workweek will be considered to be employed in such operations and to come within the exemption if there are no other facts pertinent to his employment that require a particular examination of the functions which he performs in connection with the conduct of the named operations. If, however, there are any facts (for example, the employment of the same employee at the establishment or the engagement by other employees in like duties there during periods when none of the named operations are being carried on) which raise questions as to whether he is actually engaged in the exempt activities, it will be necessary to scrutinize what he is actually doing during the conduct of the operations named in section 13(b)(4) in order to determine the applicability of the exemption to him. This is necessary because an employee who would not otherwise be within the exemption, such as a carpenter doing repair work during the dead season, does not become exempt as "employed in" one of the named activities merely because the establishment begins canning or processing fish.

Signed at Washington, D.C., this 11th day of August 1970.

ROBERT D. MORAN,
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