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Volume 83

UNITED STATES STATUTES AT LARGE

91st Congress, 1st Session
1969

Contains laws and concurrent resolutions enacted by the Congress during 1969, reorganization plan, recommendations of the President, and Presidential proclamations. Also included are: numerical listings of bills enacted into public and private law, a guide to the legislative history of bills enacted into public law, tables of prior laws affected, and a subject index.

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EXECUTIVE ORDER 11571

Modifying Executive Order No. 6868 of October 9, 1934, as Amended, Designating the Authority To Carry Out the Provisions of the District of Columbia Alley Dwelling Act

By virtue of the authority vested in me by the District of Columbia Alley Dwelling Act, as amended (D.C. Code, Sec. 5–103 to 5–116, inclusive), I hereby designate the Commissioner of the District of Columbia as the Authority to carry out the provisions of the said Act. Such Authority shall be deemed a continuation of the Authority heretofore designated under Executive Order No. 6868 of October 9, 1934, as amended. In carrying out his functions as such Authority, the Commissioner shall be known as the "National Capital Housing Authority".

The Assistant to the Commissioner of the District of Columbia or the Commissioner's Assistant for Housing Programs, in such sequence and to such extent as the Commissioner may direct, may act for the Commissioner in carrying out the functions of the Authority. During the absence or disability of the Commissioner or in the event of a vacancy in the office of Commissioner, the Assistant to the Commissioner of the District of Columbia or the Commissioner's Assistant for Housing Programs, in such sequence as the Commissioner may direct, shall act as the Authority.

Executive Order No. 6868 of October 9, 1934, as amended by Executive Orders Nos. 7784–A of January 5, 1938, 8033 of January 11, 1939, 9344 of May 21, 1943, 9916 of December 31, 1947, 10128 of June 2, 1950, and 11401 of March 13, 1968, is modified to the extent provided herein.

Richard Nixon

THE WHITE HOUSE,
December 8, 1970.

[F.R. Doc. 70-16683; Filed, Dec. 8, 1970; 1:42 p.m.]

Rules and Regulations

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 23 of the Code of Federal Regulations is amended as follows:

1. The title and all other references in Chapter I (including any appendices) to the "Bureau of Public Roads" are hereby amended to read "Federal Highway Administration"; all references to "Bureau" in Chapter I (including any appendices) when meant to refer to the Bureau of Public Roads, are hereby amended to read "Administration".

2. In § 1.2, the definition of "Commissioner" is deleted.

3. In § 1.19, delete the words "Department of Commerce" and insert in lieu thereof "Department of Transportation".

4. In § 1.37, the second paragraph, delete the words "the Commissioner or to".

5. In §§ 15.2(a)(1), 15.10, 20.1, 20.2(c)(2) and (3), 20.6, and 20.9 delete the words "Secretary of Commerce" and insert in lieu thereof the words "Secretary of Transportation".

6. In § 15.5(3) delete the words "Public Roads" and insert in lieu thereof "Federal Highway Administration".

7. In § 22.10 delete the words, "Director, Bureau of Public Roads" and insert in lieu thereof "Federal Highway Administrator".

(23 U.S.C. 315; delegation of authority in § 1.48(b) of the regulations of the Office of the Secretary, 35 F.R. 4959)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Issued: December 7, 1970.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 70-16625; Filed, Dec. 9, 1970; 8:45 a.m.]

PART I—ADMINISTRATION OF FEDERAL-AID FOR HIGHWAYS

Utility Relocation and Adjustments; Accommodation of Utilities

On February 14, 1969, the Federal Highway Administration (FHWA) published Policy and Procedure Memorandum (PPM) 30-4, Utility Relocations and Adjustments. On October 1, 1969, the FHWA published PPM 30-4.1, Accommodation of Utilities. These PPM's revise like numbered PPM's of earlier dates.

PPM's 30-4 and 30-4.1 deal with matters of interest to all parties involved in the planning, design, construction, operation, and maintenance of highway and utility facilities wherever the utilities must be adjusted or relocated because of highway construction or reconstruction projects; or wherever the highway and utility facilities may jointly use and occupy the same right-of-way.

The initial development and subsequent review of each PPM were undertaken with full coordination and cooperation of the various parties of interest, including the Federal Highway Administration, the several State highway departments, acting through the American Association of State Highway Officials (AASHO), and the Nation's utility industry, acting through the American Right-of-Way Association (ARWA).

Wide distribution of the PPM's was accomplished within normal channels from the FHWA through the State highway departments to numerous utilities across the country. However, the great number of utility organizations (some 30,000 nationwide) and local governmental organizations that, on occasion, are concerned with highway-utility matters offers sufficient justification for making the PPM's available through additional media. Therefore, a decision has been made to publish PPM's 30-4 and 30-4.1 in the FEDERAL REGISTER where they may reach potentially interested parties who otherwise might not have ready access to them.

The PPM's, as published herein, are identical with the separate issuances of February 14, 1969, and October 1, 1969.

This amendment is issued under authority of 23 U.S.C. 101, et seq., 116, 123, 315 and the delegation of authority in section 1.48(b) of the regulations of the Office of the Secretary (35 F.R. 4959 (1970)).

In view of the foregoing, Part 1 of Title 23 of the Code of Federal Regulations is amended by adding PPM 30-4 and PPM 30-4.1 at the end of Appendix A, "Policy and Procedure Memoranda".

Issued on December 3, 1970.

F. C. TURNER,
Federal Highway Administrator.

POLICY AND PROCEDURE MEMORANDUM 30-4

UTILITY RELOCATIONS AND ADJUSTMENTS

Par.

1. *Purpose and application.* a. To prescribe the policies and procedures relating to the adjustment, relocation and accommodation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Bureau of Public Roads. It also prescribes the extent to which Federal funds may be applied to the costs incurred by or on behalf of utilities in the adjustment or relocation of their facilities required by the construction of such projects.

b. The provisions of this memorandum apply to reimbursement claimed by the State for costs incurred under all State-utility agreements, including utility work performed on projects under the Secondary Road Plan and for payment of costs incurred under all Public Roads-utility agreements, which are entered into after the date of issuance, except as provided under paragraph 3d of PPM 30-4.1, dated November 29, 1968.

c. Where the lines or facilities to be relocated or adjusted by reason of the highway construction are privately owned, located on the owners' land, devoted exclusively to private use and not directly or indirectly serving the public, the provisions of the PPM 80-Series apply. Where applicable, under the foregoing conditions the provisions of this memorandum may be used as a guide to establish a cost-to-cure.

d. Where the utility holds a compensable interest in the land occupied by its facilities, and the relocation involves all or a substantial portion of, or extensive damage to, the utility's physical plant or operating facilities, an analysis shall be made by the State, subject to concurrence by the division engineer, to demonstrate whether the cost of relocation determined under the provisions of this memorandum will exceed the market value of the utility's real property determined by appraisals under PPM 30-3. Any proposed settlement above the amount established by the appraisal process shall require justification as being the most feasible and economical solution available consistent with the public interest, welfare and good.

e. Where State law or regulation provides payment standards more liberal than those established by this memorandum the provisions of this memorandum shall govern Public Roads reimbursement to the State. Conversely, where State law or regulation provides more restrictive payment standards, the State standards shall govern such reimbursement. A determination shall be made by the State subject to the concurrence of the division engineer as to which standards will govern, and the record documented accordingly, for each relocation encountered. In making the determination as to which standard is the most restrictive, the net cost of relocation, excluding any cost sharing arrangement between the State and the utility, shall be computed by obtaining the reimbursable amount under each of the following: (a) The State's standards and (b) the

standards provided for by this memorandum. Any cost sharing arrangement required by law or agreement between the State and the utility shall be applied to the lesser of the two sums so obtained to establish the amount eligible for Federal fund participation.

f. Where the highway construction which requires the utility relocation is under the direct supervision of Public Roads, all references herein to the State are inapplicable. Under such circumstances, it is intended that Public Roads be considered in the relative position of the State.

g. On Secondary Road Plan projects where Federal-aid participation is requested in the costs of utility relocations, it is intended that the State be considered in the relative position of the division engineer for making approvals and issuing authorizations required by this memorandum, subject to the provisions of PPM 20–5 and the approved Secondary Road Plans.

2. *Definitions.* For the purpose of this memorandum, the following definitions shall apply:

a. "Utility" shall mean and include all privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof. The term "utility" shall also mean the utility company, inclusive of any wholly owned or controlled subsidiary.

b. The terms "reimburse" and "participate", or their derivatives, shall mean that Federal funds may be used to reimburse the State on Federal-aid projects, or to make payments to the utility on projects under the direct supervision of Public Roads to the extent provided by applicable law.

c. "Division Engineer" shall mean the division engineer of the Bureau of Public Roads, Federal Highway Administration.

d. "Replacement Rights-of-Way" shall mean the land and interests in land acquired for or by the utility as necessitated by the highway construction.

e. "Preliminary Engineering" shall mean locating, making of surveys, preparation of plans, specifications, and estimates and other related preparatory work in advance of construction operations.

f. "Construction" shall mean the actual building and all related work including utility relocation or adjustments, incidental to the construction or reconstruction of a highway project, except for preliminary engineering or right-of-way work which is programed and authorized as a separate phase of work.

g. "Salvage Value" is the amount received for utility property removed, if sold; or if retained for reuse, the amount at which the material recovered is charged to the utility's accounts.

h. "Work Order System" is a procedure for accumulating and recording into separate accounts of a utility all costs to the utility in connection with any change in its system or plant.

i. "Program Approval" shall mean approval by Public Roads of programs of projects proposed by the State. Projects involve preliminary engineering, rights-of-way acquisition or construction at specific locations.

j. "Authorization" shall mean authorization to the State by the division engineer to proceed with any phase of a project previously or concurrently given program approval. The date of authorization establishes the date of eligibility for Federal funds to participate in the costs incurred on that phase of work.

k. "Relocation" shall mean the adjustment of utility facilities required by the highway project, such as removing and reinstalling the facility, including necessary rights-of-way, on new location, moving or rearranging existing facilities or changing the type of facility, including any necessary safety and protective measures. It shall also mean constructing a replacement facility functionally equal to the existing facility, where necessary for continuous operation of the utility service, the project economy, or sequence of highway construction.

l. "Cost of Removal" is the cost of demolishing, dismantling, removing, or otherwise disposing of utility property and cleaning up required to leave the site in a neat and presentable condition.

m. "Cost of Salvage" is the amount expended to restore salvaged utility property to usable condition after its removal.

n. "Overhead Costs" shall mean those costs not chargeable directly to accounts pertaining to the relocation which are determined on the basis of a rate or percentum factor supported by overhead clearing accounts, or such other means as will provide an equitable allocation of actual and reasonable overhead costs to specific relocation jobs. Such costs may include expenses for general engineering and supervision, general office services, legal services, insurance, relief, pensions, taxes, and construction engineering and supervision by other than the accounting utility.

o. "Betterments" shall mean and include any upgrading to the facility being relocated made solely for the benefit of and at the election of the utility, not attributable to the highway construction.

p. "The cost of any improvements necessitated by or in accommodation of the highway construction" shall mean the cost of providing improvements in the relocated or adjusted facility that are needed to protect or accommodate the highway and its safe operation.

q. "Director" shall mean the Director of the Bureau of Public Roads, Federal Highway Administration.

3. *Eligibility.* a. Federal funds may participate, at the pro rata share applicable, in an amount actually paid by a State, or a political subdivision thereof, for the costs of utility relocations under one or more of the following conditions:

(1) Where the utility has the right of occupancy in its existing location by reason of holding the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain.

(2) Where the utility occupies either publicly or privately owned land or public right-of-way, and the State's payment of the costs of relocation does not violate the law of the State or violate a legal contract between the utility and the State, subject to the provisions in paragraphs 3 b and c below.

(3) Where the utility which occupies publicly owned lands or public right-of-way is owned by an agency or political subdivision of a State, and said agency or political subdivision is not required by law or agreement to relocate its facilities at its own expense, subject to the provisions in paragraphs 3 b and c below.

b. Reimbursement of relocation costs incurred pursuant to paragraphs 3a (2) and (3) above may be approved, provided the State has furnished a statement to the division engineer establishing and/or citing its legal authority or obligation to make such payments, and an affirmative finding has been made by Public Roads that such a statement forms a suitable basis for Federal-aid fund participation in such costs under the provisions of section 123, title 23, U.S.C. This statement should reflect the basis of the State's payment statewide except where conditions otherwise limit its application to political subdivisions, projects, or individual relocations.

c. Federal funds may not participate in payments made by a political subdivision for relocation of utility facilities where State law prohibits a State from making payment for relocation of utility facilities.

d. Where the advance installation of new utility facilities, crossing or otherwise occupying the proposed right-of-way of a future planned highway project, is either underway, or scheduled to be underway, prior to the time such right-of-way is purchased by or under control of the State, arrangements should be made for such facilities to be installed in a manner that will meet the requirements of the future planned highway project. Federal funds are eligible to participate in the additional costs incurred by the utility that are attributable to and in accommodation of the planned highway project, provided such costs are incurred subsequent to authorization of the work by the division engineer. For example, such additional costs may include the cost of providing higher poles or longer spans, encasement of cable or pipes, additional length of facilities and the like, that are needed to protect the planned highway and its safe operation, and which otherwise would not be required by the utility for its own operation. Subject to the other provisions of this memorandum, reimbursement may be approved under the foregoing circumstances when it is demonstrated that the action taken is necessary to protect the public interest, and the adjustment of the facility is necessary by reason of the actual construction of the planned highway project. Emergency situations may be processed in the manner prescribed by paragraph 7n.

4. *Rights-of-way.* a. Replacement right-of-way to be acquired by or on behalf of a utility shall be programed and authorized either as an expense incidental to the cost of relocation, or as part of the right-of-way acquisition phase of either the highway project as a whole, or a separate utility relocation project. Reimbursement may be approved for the cost of replacement right-of-way incurred after the date any of the foregoing phases of work are included in an approved program and replacement right-of-way for utilities is authorized by the division engineer, provided:

(1) The State's payment does not violate the law of the State or violate a legal contract between the utility and State, and

(2) There will be no charge to the project for that portion of the utility's existing right-of-way being transferred to the State for highway purposes, and

(3) The utility has the right of occupancy in its existing location by reason of holding the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain, or the acquisition is made in the interest of project economy or is necessary to meet the requirements of the highway project.

b. Expenses incurred by the utility incident to the acquisition of replacement rights-of-way may be reimbursed. These expenses may include such items as: salaries and expenses of utility employees while engaged in the appraisal of and negotiation for such right-of-way, amounts paid independent appraisers for appraisals made of such right-of-way, recording costs, deed fees and similar costs normally paid incident to land acquisition.

c. The utility shall determine and record its valuation of the replacement rights-of-way that it acquires, prior to negotiation for its acquisition. This means the utility should, by its records be in a position to justify

amounts paid for such right-of-way. The valuation may consist of appraisals by utility employees or by independent appraisers. Sound valuation and acquisition practices should be followed by the utility, including the use of adequate and formal appraisals of record where the cost of any replacement right-of-way tract is more than $500. However, in instances involving uncomplicated takings where the value estimate is less than $2,500, an abbreviated appraisal report adequately related to comparable sales, prepared by a qualified appraiser, is acceptable. Examples of uncomplicated takings would be whole takings of single family residences; whole takings of an unimproved lot or other vacant land; strip or other partial taking not involving damages, cost-to-cure items, or benefits.

d. Acquisition of rights-of-way by the State for a utility shall be in accordance with PPM 80-Series.

e. Where the utility has the right-of-occupancy in its existing location by reason of holding the fee, an easement or other real property interest, and it is not necessary by reason of the highway construction to adjust or replace the facilities located thereon, the taking and damage of the utility's real property, including the disposal or removal of such facilities, is a matter for consideration as a right-of-way transaction in accordance with PPM 80-Series.

f. Where a utility company has a compensable property interest in land to be acquired for a scenic strip, overlook, rest area or recreation area, the State is to take steps necessary to protect and preserve the area or strip being acquired. This will require a determination by the State whether retention of the utility at its existing location, will now or later adversely affect the appearance of the area being acquired, and whether it will be necessary to subordinate or acquire the utility's interests therein, or to rearrange, screen or relocate the utility's facilities thereon, or both. Where the adjustment or relocation of utility facilities is necessary, the provisions of this memorandum apply. In such cases, the State shall determine, subject to concurrence by the division engineer, whether the added cost of acquisition attributable to the utility's property interest or facilities which may be located thereon outweigh the aesthetic values to be received.

5. *Preliminary engineering and engineering services.* a. Preliminary engineering work and other related preparatory work undertaken by or under the direction of a utility shall be programed and authorized either as an expense incidental to the cost of relocation, or as part of the preliminary engineering phase of either the highway project as a whole, or a separate utility relocation project. Reimbursement may be approved for such costs incurred after the date any of the foregoing phases of work are included in an approved program, and preliminary engineering for utilities is authorized by the division engineer.

b. Where a utility is not adequately staffed to prosecute the relocation, Federal funds may participate in the amounts paid to engineers, architects and others for required engineering and allied services, provided such amounts are not based on a percentage of the cost of relocation. Where reimbursement is requested by the State for the cost of such services, the utility and its consultant shall agree in writing as to the services to be provided and the fees and arrangements therefor. Federal-aid funds may participate in the cost of such services performed under existing written continuing contracts where it is demonstrated that such work is regularly performed for the utility in its own work under such contracts at reasonable costs. It is expected the State and utility will, insofar as practicable, adopt and follow the procedures set out in PPM 40-6 and its supplements. The proposed use of such services, fees and arrangements therefor, are subject to prior approval by the division engineer, except as provided below:

(1) Where the proposed utility work is relatively simple, and the fees for the proposed engineering services are less than $5,000, and the division engineer has previously approved a satisfactory statement of procedures the State uses statewide for such matters.

(a) The statement of procedures shall establish a ceiling on the fees to be covered, not to exceed $5,000, and outline the State's practices for reviewing and approving the need for such services, the reasonableness of the fee, the adequacy of the contract document or arrangements, and the qualifications of the individual or firm. The division engineer may approve the State's statement of procedures where he is satisfied that the State's prpcedures follow sound business practices and are satisfactory to provide adequate control for this type of work. Reimbursement may be approved where the costs incurred are in accordance with the approved statement of the State's procedures.

(2) Where the engineering services are performed under existing written continuing contracts for fees of $5,000 and less, and it is demonstrated this service is regularly performed for the utility in its own work under such contracts at reasonable costs.

c. All agreements for the engineering services outlined in 5b above, in which Federal-aid funds are to participate, shall include a certificate, as a supplement to said agreement, as shown by Attachment No. 1 to this memorandum. The certificate shall be executed by the individual so engaged, or by a principal officer of the firm retained.

6. *Construction.* a. Construction costs incurred by a utility subsequent to the date on which the division engineer authorized the State to proceed with the relocation may be reimbursed. Federal funds will not participate in any utility relocation (1) not necessitated by the construction of the highway project or (2) for changes made solely for the benefit or convenience of a utility, its contractor, or a highway contractor.

b. Unless the utility work is made a part of the State's highway construction contract or performed under a separate contract let by the State, as agreed to by the utility and the State with the approval of the division engineer, all utility relocations and all work incidental to such relocation shall be performed by the utility with its own forces, or by a contractor paid under a contract let by the utility, or both. When the contractual method is utilized, pursuant to applicable State law or regulation, Federal funds may participate in the cost of the relocation, where it is demonstrated that the letting of a contract by the State was in the best interest of the State, or that the letting of contract by the utility was necessary because the utility was not adequately staffed or equipped to perform the work with its own forces at the time of relocation.

c. Where reimbursement is to be requested, any contract to perform work in connection with the utility relocation should be under an award to the lowest qualified bidder who submitted a proposal in conformity with the requirements and specifications for the work to be performed, as set forth in an appropriate solicitation for bids, except as set forth in paragraphs 6 d and e. Appropriate solicitation shall be accomplished through open advertising in publications, or by circularizing to a list of prequalified contractors or known qualified contractors. A list of such contractors shall be submitted to the State for informational purposes in advance of the solicitation for bids.

d. Federal funds may participate in the costs of relocation work performed under existing written continuing contracts where it is demonstrated that such work is regularly performed for the utility under such contracts at reasonable costs. This may include existing continuing contracts with another utility. Where such other utility has an ownership interest in the facility to be relocated, Federal funds will not be eligible to participate in intercompany profits.

e. Where the utility proposes to contract outside the requirements under paragraphs 6 c and d for work of relatively minor cost or nature, for example, tree trimming and the like, Federal funds may participate in the costs so incurred, provided it is demonstrated that such requirements are impractical and the utility's action did not result in an expenditure in excess of that justified by the prevailing conditions.

f. All labor, materials, equipment, and other services furnished by the utility shall be billed by the utility direct to the State. The special provisions of contracts let by the utility or the State shall be explicit in this respect. The costs of force account work performed for the utility by the State and of contract work performed for the utility under a contract let by the State, shall be reported separately from the costs of other force account and contract items on the highway project.

g. Field verification by the State, to justify and support payment for the work done, is necessary to the proper handling of utility relocations and adjustments. A minimum treatment is the procedure outlined under "Utility Adjustments" in the AASHO publication, An Informational Guide on Project Procedures, or any other equally acceptable written procedure mutually agreed upon by a State and the division engineer to accomplish the purpose. The cost of preparing as-built plans, to the extent necessary for the State to verify costs, and/or for highway maintenance purposes, is reimbursable.

7. *Agreements and authorizations.* a. Except as provided in paragraph 7p, where reimbursement is requested by the State, the utility and the State shall agree in writing on their separate responsibilities in financing and accomplishing the relocation work, either through the use of master agreements for relocation work to be encountered on an areawide or statewide basis, or through the use of individual agreements on a case by case or project basis, or both. The form of the written agreement is not prescribed. Said agreement shall incorporate this memorandum and any supplements and revisions thereto by reference, and by inclusion therein or by supplement thereto shall, for each relocation encountered, set forth:

(1) The basis of the State's authority, obligation, or liability to pay for the relocation (reference paragraph 3 of this memorandum),

(2) The scope, description and location of the work to be undertaken,

(3) The method to be used by the utility for developing relocation costs (reference paragraph 7g of this memorandum),

(4) The method to be used for performing the relocation work, either by the utility's forces or by contract, and

(5) That the facilities to be relocated to a position within the highway right-of-way will be accommodated in accordance with the provisions of PPM 30-4.1.

b. Where reimbursement is requested by the State, said agreement shall be supported by plans, specifications where required, and estimates of the work agreed upon, which shall be sufficiently informative and complete to provide the State and division engineer with a clear showing of work required in accordance with paragraphs 7 h and i of this memorandum.

c. The division engineer shall indicate his approval of the written agreement by endorsement thereon. Any conditions or qualifications attached to his approval shall be set out by letter from the division engineer to the State. Such approval and any conditions or qualifications attached thereto are for the purpose of informing the State the extent that Federal funds are eligible to participate in the costs incurred under the approved agreement, subject to the provisions of this memorandum.

d. Where applicable, the written agreement shall set out by separate clause the terms and amounts of any contribution made or to be made by the utility to the State in connection with payments by the State to the utility under the provisions of paragraph 3. Federal funds are not eligible to participate in any costs for which the utility repays a State or political subdivision for the State's pro rata share, or portions thereof, of the cost of relocation.

e. Where the relocation involves work to be paid by the State and work to be done at the expense of the utility, and reimbursement is requested by the State, the written agreement shall state the share to be borne by each party; that is, by the State and by the utility. Reimbursement shall follow the basis of cost allocation set out in the agreement, except where adjustment is required by changes between the work planned and accomplished.

f. In the event there are changes in the scope of work, extra work, or major changes in the planned work covered by the approved agreement, plans and estimates, reimbursement therefor shall be limited to costs covered by a modification of the agreement, or a written change or extra work order, approved by the State and the division engineer. Emergency situations may be processed in the manner prescribed by paragraph 7n.

g. Agreements shall set forth the method of developing the relocation costs which shall be one of the following alternatives:

(1) Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.

(2) Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the utility and approved by the State and the division engineer. Where such a procedure is proposed by a utility, approval by the division engineer will be limited to an accounting procedure which the utility uses in its regular operations.

(a) The use of unit costs, such as broad gauge units of property, where the utility maintains and regularly uses such unit costs in its own operations will be considered as meeting the requirements under paragraphs 7g (1) and (2) above, provided a determination is made by the State, subject to the concurrence of the division engineer, that such unit costs and supporting records are representative of the actual direct and related indirect costs, accumulated under the accounting procedure prescribed by the regulatory body having jurisdiction over the utility or the accounting procedure approved by the State and division engineer.

(3) An agreed lump sum where the estimated cost to the State of the proposed adjustment does not exceed $5,000, and where the State and the division engineer are satisfied that the utility's cost estimate and method of estimating, including the use of unit costs, such as broad gauge units of property, where used by the utility in its own work, are adequate to support the lump sum method. The lump sum agreement shall be supported by a plan prepared in accordance with paragraph 7i, specifications where required, and a detailed cost estimate prepared in a manner that will permit comparison with the agreement and supporting plans, which will give the State and division engineer a clear understanding of the work proposed. The agreement shall be subject to the prior approval of the State and the division engineer. Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors, with a statement of what is included in each, and the basis for determining the percentage used. Where determining whether the cost of relocation falls within the ceiling for lump sum utility agreements, it is not necessary to reflect the estimated costs of utility work not attributable to the highway construction or not eligible for Federal fund participation.

(4) Where work is to be performed by forces of a utility, the nature of whose regular business is such that its accounting system is not designed or required to classify, record, and otherwise reflect the results of operation on a continuing basis in terms of physical work items, the estimate of cost shall include reference to the support to be (a) presented with the claim for reimbursement, and (b) maintained by the utility for subsequent review. The claim for reimbursement shall be accompanied by a duly certified post-construction compilation of cost, showing such details as man-hours by class and rate; equipment by type, size, and rate; materials and supplies by items and price. Upon review of claims as herein contemplated and as otherwise required, the State and Public Roads shall make such determinations as are appropriate in the circumstances, including any necessity for audit at the site of the utility.

h. The estimate in support of the agreement shall set forth the items of work to be performed, broken down as to estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, rights-of-way, preliminary engineering, and construction engineering, including an itemization of appropriate credits for salvage, betterments, and expired service life, all in sufficient detail to provide the State and division engineer a reasonable basis for analysis. The factors that will be included in the utility's construction overhead account shall be set forth. Materials are to be itemized where they represent relatively major components or cost in the relocation. Unit costs, such as broad gage units of property, may be used for estimating purposes where the utility uses such units in its own operations.

i. The supporting plans or drawings for the utility relocation shall be sufficiently informative to provide a clear picture of the work to be done and shall show:

(1) The location, length, size and/or capacity, type, class, and pertinent operating conditions and design features, of existing, proposed, and temporary facilities, including proposed changes thereto, and disposition thereof, all by appropriate nomenclature, symbols, legend, notes, color-coding or the like;

(2) The project number, plan scale, and date, the horizontal and, where appropriate, the vertical location of the utility facilities in relation to the highway alinement, geometric features, stationing, grades, structures, and other facilities, proposed and existing right-of-way lines, and where applicable, the access control lines;

(3) Where applicable, the limits of right-of-way to be acquired from, by or on behalf of the utility; and

(4) By appropriate notes or symbols, that portion of the work to be accomplished, if any, at the sole expense of the utility.

j. On projects where the State plans to request reimbursement for utility relocation costs, it is necessary to show under the character of work on Form PR-1 that "utility relocations" are included. The utility work may be programed either as part of the right-of-way acquisition phase, or the construction phase of the highway project, or as a separate utility relocation project. Where feasible, arrangements should be made to program all phases of the utility work under a single project.

k. Where reimbursement is requested, except as otherwise provided by paragraphs 7i and m, authorization by the division engineer to the State to proceed with the physical adjustment or relocation of a utility's facilities may be given.

(1) On or after the date the utility relocation is included in an approved program, as part of the right-of-way acquisition phase (program Stage 1 or 2) or construction phase (program Stage 2 only) of a highway project, or as a separate utility adjustment project (program Stage 2 only), and

(2) At such time as the division engineer is furnished and reviews plans and estimates reporting adequately the utility work proposed, the location of the highway project and the utility relocation, and

(3) When the division engineer is furnished and reviews the proposed, or executed agreement between the State and the utility, and

(4) When the division engineer is furnished a schedule for accomplishing the utility work based on the best information available at the time authorization is requested.

l. Where the basis of the State's payment for the cost of relocation is to be made pursuant to the conditions under paragraph 3a(1), the division engineer shall not issue authorization to proceed with a utility relocation, until the State has submitted to the division engineer a statement signed by the State highway official having the final authority over utility adjustments, certifying the following:

(1) That the utility has a real property interest in the land occupied by its facilities, the damaging or taking of which is compensable in eminent domain, and

(2) That it has on file, evidence of the utility's title to a compensable real property interest. Where the utility's property interest is not a matter of public or private record, an opinion by the State's legal counsel of the utility's property interest will be accepted in lieu thereof.

In exceptional circumstances, and for good cause shown by the State, the division engineer may, at his discretion, waive the requirement of submittal of the above certification as a condition precedent to authorization to proceed. Such certification, however, shall in all instances be a condition precedent to Federal reimbursement.

m. Where mutually agreed to by the State and division engineer, arrangements may be made for advance authorization of utility relocation work. Either at the time of program approval or later, the division engineer may issue a letter of authorization to the State, on a selected construction location, to proceed with any or all necessary utility relocation work within a project, including preliminary engineering, related preparatory work and replacement right-of-way acquisition, but with the understanding that the actual physical adjustment or relocation of any utility facilities will not be undertaken until, and unless, the division engineer is furnished and approves for each relocation, the proposed or executed agreement between

the State and the utility, including the supporting plans and estimates therefor. The cost of replacement right-of-way so acquired and actually incorporated in the finally approved utility relocation will be eligible for Federal participation.

n. Where unforeseen circumstances during construction of the highway project necessitate adjustment or relocation of utility facilities, arrangements therefor, can and should, be made promptly by the State, and may be confirmed by telephone with the division engineer. Where necessary to prevent undue delay or interference with the highway construction, the division engineer may establish a date of eligibility for such work and authorize the State to proceed subject to his subsequent review and approval of a satisfactory State-utility agreement therefor. Any oral arrangements so made shall be confirmed in writing, to the State, by the division engineer.

o. Federal funds may not reimburse the State for costs of utility relocations:

(1) Until and unless the division engineer approves the executed agreement between the State and the utility (except as provided in paragraph 7p), and

(2) Until and unless a project agreement which includes the work is executed, and

(3) Which are not required by the finally approved project location and highway construction plans.

p. Where all efforts of the State and the utility fail to bring about written agreement of their separate responsibilities under the provisions of this memorandum, the State shall submit its proposal and a full report of the circumstances to the division engineer.

(1) The division engineer shall make appropriate investigation and submit his report and recommendations through the regional engineer to the Director. Conditional authorization for the work to proceed may be given to the State, with the understanding that Federal funds will not be paid for work done by the utility, until the Director has given his approval to the State's proposal.

(2) The Director will consider for approval any special procedure under State law, or appropriate administrative or judicial order, or under blanket master agreements with the utilities, that will fully accomplish all of the foregoing objectives, and accelerate the advancement of the construction and completion of projects.

8. *Recording of costs.* a. All utility relocations will be recorded by means of work orders or job orders, except as otherwise approved under paragraphs 7g (2), (3), and (4).

b. Where the relocation costs are to be developed pursuant to the methods outlined in paragraphs 7g (1) or (2), the individual and total costs properly reported and recorded in the utility's accounts, in accordance with the approved method for developing such costs, shall constitute the maximum amount on which Federal fund participation may be based for the work performed under the approved utility agreement. Separate work orders may be issued for additions and retirements, or the retirements may be included with the construction work order, provided, however, that all items relating to retirements shall be kept distinctly separate from those relating to construction.

c. Each utility shall keep its work order system in such manner as to show the nature of each addition to, or retirement from a facility, the total cost thereof, and the source or sources of cost.

d. The provisions of paragraphs 10, 11, 12, and 13 are intended for use as general guidelines in the development of reimbursable costs. It is further intended that cost development under prescribed or approved systems of accounts shall be the general controlling factor.

9. *Reimbursement basis.* a. Where payment by the State for the costs of relocation is made pursuant to the provisions of paragraph 3 of this memorandum, and such payment is for the entire amount paid by, or on behalf of, the utility properly attributable to the relocation, after deducting therefrom any increase in the value of the new facility, and any salvage value derived from the old facility, reimbursement of such costs may be approved, subject to the following understandings:

(1) "The entire amount paid by or on behalf of the utility properly attributable to the relocation" shall mean the cost of adjusting or rearranging the existing facility, or providing a replacement facility functionally equal to the facility, or portion thereof, being replaced, including the cost of any additions, improvements, removals, or replacement right-of-way necessitated by, or in accommodation of, the highway project.

(2) The deduction for "any increase in value of the new facility" shall include a credit to the project for the cost of:

(a) Any betterments in the facility being replaced or adjusted, and

(b) Where appropriate, any increase in value attributable to the substitution of a replacement facility for an existing facility, as determined in accordance with the provisions of paragraph 9b.

(3) The deduction for "any salvage value derived from the old facility" shall include a credit to the highway project for the value of the materials removed, as determined in accordance with the provisions of paragraphs 11 b and c of this memorandum.

b. In any instance where the relocation involves the substitution of a replacement facility for an existing facility, a determination shall be made whether a credit is due to the project for the value of the expired service life of the facility being replaced, except as provided in paragraph 9b(1). Such credit shall take into account the effect of such factors as wear and tear, action of the elements, and functional or economic obsolescence of the existing facility, not restored by maintenance during the years prior to the relocation.

(1) A credit to the project for the value of the expired service life of the facility being replaced will not be required where such facility involves only:

(a) Utility line crossings of the highway, or

(b) Segments of a utility line, other than utility line crossings of the highway, less than 1 mile in length, provided the replacement facility for such a segment is not of greater functional capacity or capability than the one it replaces, and includes no betterments.

(2) The following shall constitute prima facie evidence that a credit is due to the project for the value of the expired service life of the facility being replaced:

(a) Where the replacement facility is functionally equal to the existing facility which it replaces, and such existing facility involves a segment of a utility line 1 mile or more in length.

(b) Where the replacement facility is other than a segment of the utility's service, distribution or transmission lines, such as a building, pumping station, filtration plant, power plant or substation, production, or transfer or storage facilities, and any other similar operating units of a utility's physical plant or operating facilities.

(c) Where the replacement facility involves betterments, or is of greater functional capacity or capability than the one it replaces, except for utility line crossings of the highway as provided in paragraph 9b (1)(a).

(3) Where an affirmative finding is made that a credit for the value of expired service life is due to the project, the credit to be given shall be in an amount bearing the same proportion to the original cost of the facility being replaced as its existing age bears to its estimated total life expectancy.

(4) "The estimated total life expectancy" is the sum of the period of actual use and the period of expectant remaining service life. The period of expectant remaining life may be taken from the utility's records, established through the use of age-life curves, or determined by the interested parties through field inspections, giving due consideration to the quality and frequency of maintenance.

(5) Where original costs are not ascertainable from the utility's accounts and records, they may be estimated by trending back present day costs.

(6) The burden of proof of any exceptions to the foregoing requirements lies with the utility company and will require written explanation to demonstrate that the replacement facility will not remain in useful service for a longer period than the existing facility would have remained in service, had the replacement not been made, and the reasons therefor.

(7) Exceptions claimed on the basis of predicted functional obsolescence of the replacement facility must be substantiated by formal and planned utility work programs, schedules, or equally suitable documentation, and the utility must satisfactorily demonstrate and justify the reasons why the planned replacement and expansion cannot be accomplished at the time of the highway-utility relocation. Exceptions claimed on the basis of predicted economic obsolescence of the replacement facility must also be substantiated by suitable documentation. Where such exceptions are substantiated and demonstrated to the satisfaction of the State and division engineer, an analysis shall be made to determine any increase in value to the utility resulting from the predicted early retirement and salvage of the replacement facility.

(8) The credit to be obtained for expired service life shall be determined jointly by the utility company and the State, subject to concurrence by the division engineer, and shall be set forth in the detailed estimate supporting the agreement between the utility and the State.

c. Additional costs incurred by a utility resulting from complying with governmental or industry codes, or current design practices regularly followed by the utility in its own work may be reimbursed provided either of the following conditions are satisfied, as determined by the State with the concurrence of the division engineer:

(1) There is a direct benefit to the highway project, for example, improved appearance, increased highway safety, or added protection.

(2) Compliance with such codes or practices is required under Federal, State, or local governing laws and ordinances.

d. Except as provided for under paragraph 9c of this memorandum, where the utility elects to install, or it is current practice in the utility's own operations to install, facilities of a type different than the facilities being replaced, for example, the substitution of ACSR for copper conductors, underground cables for aerial lines and the like, reimbursement shall be limited to the cost of providing the most economical replacement facility, or restoration of service, functionally equal to the one being replaced.

e. Where an addition to an existing facility is required by the highway construction, such as an increase in the length of a relocated utility line, the actual costs of the addition

are reimbursable to the extent the materials in the addition are not of a type or a class superior to the materials in the facility to which the addition is extended, except that the cost of any improvement in type or class which is required in connection with the construction of the project is reimbursable.

f. Where necessitated by the highway project, Federal funds are eligible to participate in the costs incurred for rehabilitating, moving, or replacing buildings of a utility company, including the equipment and operating facilities therein, which are used for the production, transmission, or distribution of the utility's products. Except where it is demonstrated that the existing building and/or facilities are required to remain in place and in service until a (new) replacement building and/or facilities are constructed and in service at a new location, an analysis shall be made by the State to determine the cost and feasibility of each of the following:

(1) To rehabilitate the building at its existing location,

(2) To move it as a unit intact to its new location,

(3) To dismantle it and reassemble or reconstruct it at its new location, or

(4) To replace it with a new building at the new location.

Reimbursement may be approved for the costs incurred under the most feasible and economical solution available, less appropriate credits for salvage and betterments, as determined by the State, subject to concurrence by the division engineer. Where a (new) replacement building and/or (new) equipment or facilities therein are constructed, credit will also be given to the project in accordance with paragraph 9b.

g. In no event will the total of all credits required under the provisions of this memorandum exceed the total costs of adjustment, exclusive of the cost of improvements necessitated by the highway construction.

10. *Labor costs.* a. Salaries and wages billed at actual rates or at average rates accounting for productive labor hours, retroactive pay adjustments, and expenses paid by a utility to individuals during the periods of time they are engaged in the utility relocations are reimbursable when supported by adequate records, except for engineering or inspection charges which are being reimbursed under the utility's construction overhead account. Costs to the utility of vacation, holiday pay, company-sponsored benefits, and similar costs incident to labor employment, will be reimbursed when supported by adequate records. These may include individuals who are engaged in the direct and immediate supervision of the work at the site of the project and in the actual preparation of the plans and estimates of the relocation.

b. Overhead Construction Costs:

(1) So that each relocation shall bear its equitable proportion of such costs, all overhead construction costs not chargeable directly to work order or construction accounts such as, general engineering and supervision, general office salaries and expenses, construction engineering and supervision by other than the accounting utility, legal expense, insurance, relief and pensions and taxes shall be charged to the relocation on the basis of the amount of such overhead costs reasonably applicable thereto. The instructions contained herein shall not be interpreted as permitting the addition to utility accounts of arbitrary percentages or amounts to cover assumed overhead costs, but as accepting assignment to the relocation of actual and reasonable overhead costs.

(2) The cost of advertising and sales promotion, interest on borrowed funds or charges for the utility's own funds when so used, resource planning and research programs, stock and stockholder's expenses and similar costs are not considered as necessary and incident to the performance of the relocation and are not eligible for Federal participation.

(3) Premiums paid to an insurance company for Workmen's Compensation, Public Liability and Property Damage Insurance will be reimbursed where, and to the extent, it is determined that, the amounts of the premiums are the products of the proper rates applied to the amounts of paid salaries and wages, exclusive of vacation pay or allowances, and are acceptable to the State and division engineer.

(4) Where it has been the policy of the utility to self-insure against public liability and property damage claims, reimbursement will be at the rate developed by the utility, or in the absence thereof, at a rate not in excess of 1 percent of salaries and wages charged to the job.

(5) The records supporting the entries for overhead costs shall be so kept as to show the total amount, rate, and allocation basis of each additive, and be subject to audit by representatives of the State and Federal Government.

11. *Materials and supplies.* a. Costs: Materials and supplies shall be billed at inventory prices when furnished from the utility's stocks, and at actual cost to the utility when the materials and supplies are not available from the utility stocks and must be purchased for the relocation. The costs of handling at stores or at material yards, the costs of purchasing, the costs of inspection and testing, and any charge for general overhead expense are provided for under paragraph 11i. When not so allocated in the utility's overhead accounts, they may be included in the computation of the prices of materials or supplies. The computation of costs of materials and supplies shall include the deduction of all offered discounts, rebates, allowances, and intercompany profits. In those instances where the book value does not represent the true value of used materials, they shall be charged to the project at the same rate used by the utility in its own work, but in no event shall they be charged at more than the value determined in accordance with the foregoing provisions of this paragraph.

b. Materials Recovered From Permanent Facility:

(1) Materials recovered in suitable condition for reuse by the utility, in connection with construction or retirement of property, shall be credited to the cost of the project at current stock prices; or if a utility charges recovered material to the material and supply account at original cost or a per centum of current price new, and the utility follows a consistent practice in this regard, the work order shall receive credit accordingly. The foregoing shall not preclude any additional credits when such credits are required by State law or regulations.

(2) The State and the division engineer shall have the right to inspect recovered materials prior to disposal by sale or scrap. This requirement will be satisfied by the utility giving written notice, or oral notice with later written confirmation, to the State of the time and place the materials will be available for inspection. This notice is the responsibility of the utility, and it may be held accountable for full value of materials disposed of without notice.

(3) If recovered materials are not suitable for reuse by the utility, they shall be disposed of as outlined in paragraph 11c(2).

(4) Where the (new) replacement facility includes materials of a type different than the materials being replaced, for example, aluminum for copper and the like, the credit for the materials recovered from the existing facility shall not exceed whichever is the greater of the following amounts: (1) The original cost of the existing material, or (2) the current cost of the replacement materials.

c. Materials Recovered From Temporary Use:

(1) Materials recovered from temporary use in connection with a highway project, which are in suitable condition for reuse by the utility, shall be credited to the cost of the project at stock prices charged to the job, less ten (10%) percent for loss in service life. The State and division engineer shall have the right to inspect all recovered materials not reusable by the utility. Notice shall be given as provided by paragraph 11b(2).

(2) Items of materials recovered from temporary use which are unsuitable for reuse by the utility, and which have been determined to have a sale value, shall either be sold, following an appropriate solicitation for bids, to the highest bidder, or if the utility regularly practices a system of disposal by sale which has been determined to be the most advantageous to the utility, credit shall be at the going prices for such used or scrap material as are supported by the records of the utility. The proceeds of the sale shall be credited to the cost of the project. The sale shall be conducted by the utility or at its request, by the State. In no event shall the State or the company be considered as an acceptable bidder for such material.

d. The cost of salvage shall not exceed the value of the recovered material, which value shall be determined as provided in paragraphs 11 b and c.

e. The cost of moving recovered materials from the job site to stores or storage point nearest the job will be reimbursed, subject to the provisions of paragraph 11f.

f. Reimbursement of removal costs, as reduced by the salvage value of materials removed, may be approved subject to the following conditions:

(1) Where the existing facilities are being replaced by reason of the highway construction, provided:

(a) Such removal is necessary to accommodate the highway project, or

(b) The existing facilities cannot be abandoned in place, or

(c) Where it is demonstrated that the estimated salvage value of the materials to be removed will equal, or exceed, the total cost of removal, taking into account all related charges for reconditioning, handling, and transporting the materials to be removed.

(2) Except as otherwise provided under paragraph 4e, where the existing facilities are not being replaced by reason of the highway construction, provided:

(a) Removal is necessary to accommodate the highway project,

(b) The State has authority to pay the removal costs,

(c) The utility is not obligated by law, ordinance, regulation, franchise, written agreement or legal contract to remove its facilities at its own expense, and

(d) A credit is given to the project for the salvage value of the materials removed, not to exceed the cost of removal and related charges.

g. Where removal of the existing facilities is necessary by reason of the highway construction, but the materials to be removed are not suitable for reuse by the utility, or their recovery is not economical, the State shall determine, subject to concurrence by the division engineer, which is the most desirable and economical method of removal to employ, for example, by the utility or its contractor, by the highway contractor, or by a separate clearing contract let by the State.

h. Where, pending their subsequent removal or abandonment, utility lines must

be deactivated and rendered harmless as a necessary safety and protective measure to the public or highway project, for example, by capping, plugging, or otherwise altering such lines, Federal funds may participate in payments so made by the State, exclusive of removal costs, provided:

(1) The work is necessitated by the highway project, and

(2) The State has authority to pay such costs, and

(3) The utility is not obligated by law, ordinance, regulation, franchise, written agreement or legal contract to do the work at its own expense, or

(4) The work is a necessary and incidental expense to the costs of relocation and/or removal which are eligible for Federal fund participation under the provisions of paragraphs 3 and 11f of this memorandum.

i. The costs of supervision, labor, and expenses incurred in the operation and maintenance of the storerooms and material yards, including storage, handling and distribution of materials and supplies, the costs of purchasing, and the costs of testing and inspection, are reimbursable. Costs determined by a rate, or other equitable method of distribution which is representative of the costs to the utility, may be reimbursed.

12. *Equipment.* a. Accumulation of Costs: Accounts for transportation and heavy equipment are used for the purpose of accumulating expense and distributing them to the accounts properly chargeable with the services. Among the items of expense clearing through these accounts are the following: Depreciation; fuel and lubricants for vehicles (including sales and excise taxes thereon); freight and express on fuel and repair parts, heat, light, and power for garage and garage office; insurance (including public liability and property damage insurance) on garage equipment, transportation equipment and heavy work equipment; license fees for vehicles and drivers; maintenance of transportation and garage equipment, operation of garages; and rent of garage buildings and grounds.

b. Reimbursement of Equipment Costs: The equipment expenses may include the cost of supervision, labor, and expenses incurred in the operation and maintenance of the transportation equipment and heavy equipment of the utility, including direct taxes and depreciation.

c. Reimbursement will be limited to charges which account for costs to the utility of expenses for equipment used (paragraphs 12 a and b). Arbitrary or otherwise unsupported equipment use charges will not be reimbursed.

(1) Small Tools: Reimbursement for the use of small tools on a project will be made on the basis of tool expenses accumulated in and distributed through the utilities clearing accounts, or other equitable and supportable allocation basis; otherwise, it will be limited to actual loss or damage during the period of use. In the latter case, the loss or damage shall be billed in detail and supported to the satisfaction of the State and division engineer.

(2) Rental: Where the utility does not have equipment available of the kind or type required, reimbursement will be limited to the amount of rental paid to the lowest qualified bidder following an appropriate solicitation for quotations from owners of the required kind or type of equipment. Existing continuing contracts for rental of transportation and heavy equipment, which the utility determines to be of the most advantage to its operations, may be considered as complying with these requirements. In the event of an emergency, such as a breakdown of the utility equipment or where additional equipment not originally contemplated is needed, and/or compliance with the foregoing requirements would seriously impair the prosecution of the utility work or highway construction, Federal funds may participate in the cost of equipment rental provided the utility can demonstrate to the satisfaction of the State and the division engineer the above circumstances existed, and the rental charges so incurred were reasonable and did not result in an expenditure in excess of that justified by the prevailing conditions.

d. Where the relocation work is to be performed by forces of a utility through the use of its own equipment, the accounting procedures and reimbursement standards established under paragraphs 12 a, b, and c of this memorandum shall apply except where the accounting system of the utility does not provide for capitalization of items or equipment acquired and recovery of original cost through depreciation, and use rates cannot be readily determined from the records of the utility. Upon determination by the State and the concurrence therein of the division engineer that the utility's accounting system is inadequate in such respects, and that it is not economically feasible to develop such costs under the reimbursement standards set forth in the foregoing mentioned subsections, then eligibility for reimbursement of costs incurred will be dependent upon:

(1) Approval by the State and concurrence therein by the division engineer of a detailed cost estimate submitted by the utility which shall include:

(a) Description, rates, hours, compensation and number of units of equipment proposed for use on the relocation.

(b) An adequate explanation of the basis for developing the rates which the utility proposes as compensation.

(2) Incorporation in the State-utility agreement, or by supplemental letter agreement, of the classes and types of equipment and the proposed compensation for each.

e. The division engineer may require such verification or further justification as will provide him assurance as to the reasonableness for the compensation to the utility for the use of its equipment.

13. *Transportation of employees.* a. The cost of essential transportation performed in automobiles or trucks owned by the utility shall be considered to have been reimbursed in the payment of the operating costs of the conveyance equipment or of the rates representative of the equipment operating expenses as provided herein under "Equipment."

b. Reimbursement for the required use of automobiles which are privately owned by employees of the utility will be limited to the established rates at which the utility reimburses its employees for use in connection with its own construction and maintenance projects and operations.

c. Reimbursement may be made for the cost of required commercial transportation by employees of the utility.

14. *Utility bills.* a. Periodic progress billings of incurred costs may be made by a utility, if acceptable to the State, and reimbursement may be approved for claims of this type received from a State.

b. One final and complete billing of all costs incurred shall be made by the utility at the earliest practicable date after completion of the work. The statement of final billing will follow as closely as possible the order of the items in the estimate portion of the agreement between the State and the utility. Except where the estimate and final billing are made pursuant to the requirements of paragraph 7g(2)(a), the statement of final billing shall be itemized to show the totals for labor, overhead construction costs, travel expense, transportation, equipment, material and supplies, handling costs, and other services. In any case, the billing shall be shown in such a manner as will permit comparison with the approved plans and estimates. Materials are to be itemized, where they represent major components or cost in the relocation, following the pattern set out in the approved estimate as closely as is possible. It is desirable that salvage credits from recovered and replaced permanent and recovered temporary materials be reported in the bill in relative position with the charge for the replacement or the original charge for temporary use. The final billing shall show:

(1) The description and site of the project;

(2) The Federal-aid project number;

(3) The dates on which the State-utility agreement was executed and the first work was performed or, if preliminary engineering or right-of-way items are involved, the date on which the earliest item of billed expense was incurred;

(4) The date on which the last work was performed or the last item of billed expense was incurred; and

(5) The location where the records and accounts billed can be audited.

c. The utility shall make adequate reference in the billing to its records, accounts and other relevant documents.

d. All records and accounts are subject to audit by representatives of the State and Federal Government. During the progress of construction and for a period not less than 3 years from the date final payment has been received by the utility company, the records and the accounts pertaining to the construction of the project, and accounting therefor, will be available for inspection by the representatives of the State and Federal Government.

e. Reimbursement for a final utility billing shall not be approved until and unless the State furnishes evidence that it has paid the utility from its own funds, or funds of a political subdivision, pursuant to State law and subject to paragraphs 3c and 7d of this memorandum and, except for lump sums, following an audit of the costs included in the final billing.

15. *Accommodation and installation.* a. Utility facilities which are retained, installed, adjusted or relocated within the right-of-way of a Federal-aid project are to be accommodated in accordance with the provisions of PPM 30-4.1.

b. In instances where utility facilities are to use and occupy the right-of-way of a proposed Federal-aid project, on or before the State is authorized to proceed with the physical construction of the highway project, the State is to demonstrate to the satisfaction of the division engineer that:

(1) A satisfactory agreement has been reached between the State and all utility owners or the owners of private lines involved, in accordance with PPM 30-4.1, or arrangements therefor are underway leading to such agreement prior to the final acceptance of the highway construction project by Public Roads, and

(2) The interest acquired by, or vested with, the State in that portion of the highway right-of-way to be vacated, used, or occupied by the utility facilities or private lines is of a nature and extent adequate for the construction, operation and maintenance of the highway project, and

(3) Suitable arrangements have been made between such owners and State for accomplishing, scheduling and completing the relocation or adjustment work, for the disposition of facilities to be removed from or abandoned within the highway right-of-way, and for the proper coordination of such activities with the planned highway construction. Such arrangement should be made at the earliest feasible date in advance of the planned highway construction, and

(4) The bid proposals for the highway contract include appropriate notification identifying the utility work which is to be

undertaken concurrently with the highway construction, in accordance with paragraph 7b of PPM 21–12, and

(5) The plans for the highway project have been prepared in accordance with the provisions of paragraph 4i of PPM 40–3.1.

16. *Alternate procedure.* a. This paragraph establishes an alternate procedure for processing State-utility relocation agreements, or individual adjustments under a State-utility master agreement, where the total estimated cost to the State of the utility work properly attributable to the highway construction does not exceed $25,000. This may include agreements entered into under paragraphs 3d and 7n. It also applies to State-utility lump sum agreements entered into under paragraph 7g(3) but does not alter the $5,000 ceiling therefor. Except as provided by paragraphs 16 e and k, the State will act in the relative position of the division engineer for reviewing and approving the arrangements, fees, estimates, plans, agreements and other related matters associated with utility relocations required by this memorandum as prerequisites for authorizing the utility to proceed. The alternate procedure may be approved for use in any State desiring to adopt it, when the provisions of paragraphs 16 b, c, and d are satisfied.

b. The State is to file a formal application with Public Roads for approval of the alternate procedure for processing Federal-aid State-utility relocation agreements, where the total estimated cost to the State under each relocation agreement, or individual adjustments under a master agreement, does not exceed $25,000, or a lesser ceiling amount established at the election of the State. The application must be accompanied by the following:

(1) The State's written policies and procedures for administering and processing Federal-aid utility adjustments, which must make adequate provisions with respect to the following:

(a) Compliance with the requirements of this memorandum and the provisions of PPM 30–4.1.

(b) Advance utility liaison, planning and coordination measures for providing adequate lead time and early utility relocation to minimize interference with the planned highway construction.

(c) Appropriate administrative, legal and engineering reviews and coordination procedures as necessary to determine the legal basis of the State's payment; the extent of eligibility of the work under State and Federal laws and regulations; the more restrictive payment standards under paragraph 1e; the necessity of the proposed utility work and its compatibility with proposed highway improvements; and provide for uniform treatment of the various utility matters and actions, consistent with sound management practices.

(d) Documentation in the State files of actions taken in compliance with State policies and the provisions of this memorandum.

(2) A statement signed by the chief administrative officer of the State highway department certifying that:

(a) Federal-aid utility relocations will be processed in accordance with the applicable provisions of PPM 30–4 and the State's utility policies and procedures submitted under paragraph 16b(1),

(b) The State's administration of utility relocation matters will be directed toward obtaining the most feasible and economical utility relocation solutions available, giving due consideration to safety, appearance, and other highway objectives, and

(c) Reimbursement will be requested in only those costs properly attributable to the proposed highway construction and eligible for participation under the provisions of this memorandum, as determined after appropriate audit by or for the State.

c. Upon receipt of the formal application by the State for approval of the alternate procedure, the division engineer will review the State's submission, utility organization and staffing and evaluate the State's practices and procedures thereunder. Where available, he may use his current evaluation of the State's utility practices and procedures for this purpose. A report of the division engineer's findings and recommendations on the adequacy of the State's policies, procedures, practices, and organization is to be submitted to the Regional Administrator along with the State's formal application.

d. When the Regional Administrator is satisfied that the State's alternate procedure and policies and practices thereunder form a suitable basis for approving reimbursement with Federal-aid highway funds, he will approve the alternate procedure and authorize the division engineer to process Federal-aid State-utility relocation agreements and related matters under the alternate procedure. A copy of the reports, approved alternate procedures and related actions taken pursuant to paragraphs 16 c, d, h, i, and j shall be furnished to the Office of Right-of-Way and Location.

e. When the alternate procedure has been approved for use in a State, the division engineer may authorize the State to proceed with utility relocations in accordance with the certification previously furnished under paragraph 16b(2), provided:

(1) The utility work has been included in an approved program.

(2) The State has requested in writing the specific authorizations and approvals desired, including a general description, location and estimated cost of the facilities to be adjusted or relocated under each agreement involved.

(3) The total estimated cost to the State of the utility work under each relocation agreement, or individual adjustment under a master agreement, attributable to the highway construction, does not exceed the ceiling amount established under the provisions of paragraph 16b.

f. The requests and authorizations prescribed under paragraph 16e should be made at the earliest feasible date in advance of the planned highway construction and, preferably, where sufficient information is available, on a project-wide basis. The purpose is to provide adequate lead time for planning, scheduling and accomplishing the utility relocation work with minimum interference to the planned highway construction and to reduce the number of such requests and authorizations on each project to the minimum needed for this purpose. Authorization may be given to the State at the time of program approval or later, provided the conditions under pargraph 16e have been satisfied. Such authorizations may be combined with the authorizations issued under paragraph 7m, with the understanding that later referral of th State-utility agreements, supporting plans and cost estimates to the division engineer for review and approval will not be required for relocations authorized pursuant to paragraph 16e.

g. Modification of the State-utility relocation agreement, or change or extra work orders prescribed by paragraph 7f need not be submitted to the division engineer for approval under the alternate procedure, unless the revised total estimated cost to the State under each agreement exceeds either of the following:

(1) 25 percent of the agreement amount initially authorized under paragraph 16e, or

(2) 10 percent of the ceiling amount established under paragraph 16b.

h. At least once a year a representative sample of agreements processed under the alternate procedure shall be selected and reviewed by the division engineer and reported to the Regional Administrator.

i. Any changes, additions or deletions the State proposes to the alternate procedure approved by the Regional Administrative pursuant to this paragraph are to be submitted by the State to the division engineer for his review, recommendations and referral to the Regional Administrator for approval prior to implementing the proposed modifications. Such requests by the State, must be accompanied by a statement signed by the chief administrative officer of the State highway department, verifying the certification made under paragraph 16b(2) and its application to the proposed modifications. The division engineer may continue to approve utility work under the previously approved alternate procedure, pending approval of the proposed modifications.

j. The Regional Administrator may suspend approval of the certified procedure and direct the division engineer to resume approval of all utility relocations, where Public Roads utility reviews disclose instances of noncompliance with the terms of the State's certification. Federal-aid funds will not be eligible to participate in utility relocation costs incurred by the State that do not qualify under the terms of the certification made pursuant to paragraphs 16 b(2) and i.

k. Should significant or unusual engineering problems be encountered or questions arise on the extent of Federal participation under utility agreements processed under the alternate procedure, the State should request the review and advice of the division engineer before proceeding with the utility work. Proposed State-utility agreements involving a basis of reimbursement under paragraph 3b, not previously established to the satisfaction of Public Roads, and relocations falling within the scope of paragraph 7p must be submitted to Public Roads for approval prior to proceeding with the utility relocations. Proposed use and occupancy agreements, described under paragraph 7f of PPM 30–4.1, must be submitted to Public Roads for prior concurrence regardless of the cost of the utility relocation or installation and regardless of who bears the cost.

CERTIFICATION OF CONSULTANT

I hereby certify that I am the _____ (Title) _____ and duly authorized representative of the firm of _____, whose address is _____, and

That, except as expressly stated and described herein, neither I nor the firm of _____ has, in connection with its contract with _____ (Name of utility) entered into pursuant to provisions of an agreement between the aforementioned utility and the State of _____, as a part of Federal-aid project _____,

(a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm, company, or person, other than a bona fide employee working solely for me or the aforementioned firm, to solicit or secure the contract, or

(b) Agreed, as an express or implied condition for obtaining the award of the contract, to employ or retain the services of any firm, company, or person in connection with the carrying out of the contract, or

(c) Paid, or agreed to pay, to any firm, company, organization, or person, other than

a bona fide employee working solely for me or the aforementioned firm, any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract.

(Statement and explanation of exceptions, if any):

I acknowledge that this certificate is to be furnished to the State highway department and the Federal Highway Administration, U.S. Department of Transportation in connection with the aforementioned project involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

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(Date) (Signature)

POLICY AND PROCEDURE MEMORANDUM 30-4.1

ACCOMMODATION OF UTILITIES

Par.

1 Purpose.
2 Policy.
3 Application.
4 Definitions.
5 General provisions.
6 Requirements.
7 Reviews and approvals.
8 State accommodation policies and procedures.
9 Use and occupancy agreements.

1. *Purpose.* To prescribe policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. It implements the applicable provisions of §§ 1.23 and 1.27 of title 23, Code of Federal Regulations, and section 116 of title 23, United States Code, with respect to the maintenance obligations of the State thereunder as affected by the use of the rights-of-way of Federal-aid highway projects for accommodating utility facilities.

2. *Policy.* a. It is in the public interest for utility facilities to be accommodated on the rights-of-way of a Federal or Federal-aid highway project when such use and occupancy of the highway rights-of-way does not interfere with the free and safe flow of traffic or otherwise impair the highway or its visual quality and does not conflict with the provisions of Federal, State, or local laws or regulations or the provisions of this memorandum.

b. These provisions concern the location and manner in which utility installations are to be made within the rights-of-way of Federal and Federal-aid highway projects and the measures, reflecting sound engineering principles and economic factors, to be taken by highway authorities to preserve and protect the integrity and visual qualities of the highway and the safety of highway traffic. This memorandum shall not be construed to alter the authority of utilities to install their facilities on public highways pursuant to law or franchise and reasonable regulation by highway authorities with respect to location and manner of installation.

3. *Application.* a. Effective on date of issuance.

b. It applies to new utility installations, made after the effective date, within the rights-of-way of active and completed Federal and Federal-aid highway projects, except that application to the projects described under paragraphs 6 a and d will be limited to projects that are authorized after the effective date.

c. It also applies to existing utility installations which are to be retained, relocated, or adjusted within the rights-of-way of active highway projects, as described in paragraph 3b, and to existing lines which are to be adjusted or relocated under paragraph 6c. It shall not be applied to a minor segment of an existing utility installation in such a manner as to result in misalinement of the installation or adjustment of the entire installation except in those cases where a hazardous condition exists as defined in paragraph 6c. Where existing installations are to remain in place within the rights-of-way without adjustment, the State and utility are to enter into an agreement under paragraphs 6h or 9, as may govern, or existing agreements in effect at the time of the highway construction may be accepted, or amended, as may be appropriate.

d. Until approval is given to the utility accommodation policies and procedures of the State or its political subdivision by the Regional Administrator under paragraph 7c of this memorandum, utility installations within the rights-of-way of Federal and Federal-aid highway projects shall be in accordance with the provisions of paragraph 15 of PPM 30-4 dated October 15, 1966, and paragraph 6 of this memorandum.

e. The provisions of paragraph 6g of this memorandum apply only to the lands described therein which are acquired or improved with Federal highway or Federal-aid highway funds.

4. *Definitions.* For the purpose of this memorandum, the following definitions shall apply:

a. "Utility facilities and/or utilities" means and includes all privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similiar commodities, including fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof. The term "utility" means the utility company, i.e. any person or private or public entity owning and/or operating utility facilities as defined in this paragraph, including any wholly owned or controlled subsidiary.

b. "Private lines" means privately owned facilities which convey or transmit the commodities outlined in paragraph 4a, but are devoted exclusively to private use.

c. "Federal highway projects" are those projects involving the use of funds administered by the Federal Highway Administration where the location, design or construction of the project is under the direct supervision of the Bureau of Public Roads.

d. "Federal-aid highway projects" are those projects administered by a State which involve the use of Federal-aid highway funds for the construction or improvement of a Federal-aid highway or related highway facilities or for the acquisition of rights-of-way for such projects, including highway beautification projects under section 319, title 23, United States Code.

e. "Active Federal or Federal-aid highway projects" are those projects for which any phase of development has been programed for Federal or Federal-aid highway funds and the State or other highway authority has control of the highway rights-of-way. A project will be considered active until the date of its final acceptance by the Bureau of Public Roads and thereafter will be considered completed.

f. "Rights-of-way" means real property or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of a highway in which Federal-aid or Federal highway funds are or may be involved in any stage of development. Lands acquired under section 319(b), title 23, United States Code (scenic strips—1965 Highway Beautification Act) shall be considered to be highway rights-of-way.

g. "Highway" means any public way for vehicular travel, including the entire area within the rights-of-way and related facilities, constructed or improved in whole or in part with Federal-aid or Federal highway funds.

h. "Freeway" means a divided arterial highway with full control of access.

i. "Director" means the Director of the Bureau of Public Roads, Federal Highway Administration.

j. "Regional Administrator" means the Regional Administrator of the Federal Highway Administration.

k. "Division Engineer" means the division engineer of the Bureau of Public Roads, Federal Highway Administration.

l. "State" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway administration.

m. "Use and Occupancy Agreement" means the document by which the State, or other highway authority, approves the use and occupancy of highway rights-of-way by utility facilities or private lines.

n. "Utility Service Connection" means a service connection from a utilities distribution or feeder line or main to the premises served.

o. "Secondary Road Plan"—is a statement, prepared by a State highway department and approved by the Director, in which the State outlines the standards and procedures it will use to plan, design and construct projects on the Federal-aid Secondary Highway System which are to be financed in part with Federal-aid Secondary Highway Funds in accordance with section 117, title 23, United States Code, and PPM 20-5.

p. "Clear Roadside Policy" means that policy employed by a highway authority to increase safety, improve traffic operation and enhance the visual quality of highways by designing, constructing and maintaining highway roadsides as wide, flat and rounded as practical and as free as practical from physical obstructions above the ground such as trees, drainage structures, massive sign supports, highway lighting standards, utility poles and other ground-mounted obstructions. The policy is also directed at the removal of roadside obstacles which are likely to be associated with accident or injury to the highway user. Where such obstacles are essential, they must be constructed to yield under specified levels of impact or placed at a location which affords adequate protection to an out-of-control vehicle. In all cases full consideration shall be given to sound engineering principles and economic factors.

q. "Visual quality" means those desirable characteristics of the appearance of the highway and its environment, such as harmony between or blending of natural and manmade objects in the environment, continuity of visual forms without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.

r. "New utility installations" means initial installations on the highway rights-of-way and the replacement of existing facilities with those of a different type, capacity, or design or replacement at a new location on the rights-of-way. Any replacement of an existing facility or portion thereof with another of the same type, capacity, and design at the same location is considered to be maintenance.

5. *General provisions.* a. It is the responsibility of each State to maintain, or cause to be maintained, Federal-aid highway projects as necessary to preserve the integrity, visual quality, operational safety, and function of the highway facility.

b. Since the manner in which utilities cross or otherwise occupy the rights-of-way of a Federal or Federal-aid highway project

can materially affect the highway, its visual quality, safe operation, and maintenance, it is necessary that such use and occupancy, where authorized, be regulated by highway authorities. In order for a State to fulfill its responsibilities in this area, it must exercise, or cause to be exercised, reasonable regulation over such use and occupancy through the establishment and enforcement of utility accommodation policies and procedures.

c. Due to the increasing competition between public transportation and other service facilities for available space, such as for highway, rapid transit, railroad and utility purposes, it is important that rights-of-way be used in the most efficient manner consistent with the overall public interest.

6. *Requirements.* a. On Federal highway projects authorized after the effective date of this memorandum, the Regional Administrator will apply, or cause to be applied, utility accommodation policies similar to those required on Federal-aid highway projects, as appropriate and necessary to accomplish the objectives of this memorandum. Where appropriate, agreements should be entered into between the Regional Administrator and the State or local highway authorities or other government agencies, or existing agreements should be amended, as may be necessary for the Regional Administrator to establish, or cause to be established, adequate control and regulation of use by utilities and private lines of the rights-of-way of Federal highway projects.

b. Secondary Road Plans shall be amended as necessary to comply with the provisions of this memorandum. Project actions by the division engineer or submissions by the State to the division engineer which are not now required should not be established for Secondary Road Plan projects as a result of this memorandum.

c. Where the State, or other highway authority, determines that existing utility facilities are likely to be associated with injury or accident to the highway user, as indicated by accident history or safety studies, the responsible highway authority is to initiate appropriate corrective measures to provide a safe traffic environment. Any requests received from the State involving Federal fund participation in the cost of adjusting or relocating utility facilities pursuant to this paragraph shall be subject to the provisions of PPM 30-4.

d. The following procedures apply where the State is without legal authority to regulate the use by utilities or private lines of the rights-of-way of Federal-aid highway projects. Common examples are Federal-aid highway projects on a State highway system in cities and Federal-aid secondary highway projects on a county highway system.

(1) All such projects authorized after the effective date of this memorandum shall include a special provision in the project agreement for regulating such use of the highway rights-of-way. The provision shall require that the State will, by formal agreement with appropriate officials of a county or municipal government, regulate, or cause to be regulated, such use by highway authorities on a continuing basis and in accordance with a satisfactory utility accommodation policy for the type of highway involved.

(2) For the purpose of this paragraph, a satisfactory utility accommodation policy is one that prescribes a degree of protection to the highway at least equal to the protection provided by the State's utility accommodation policy approved under paragraphs 7c and d.

(3) Such projects may be conditionally authorized in accordance with the provisions of paragraph 3d, pending approval of a satisfactory utility accommodation policy by the Regional Administrator under paragraph 7c.

e. Utilities that are to cross or otherwise occupy the rights-of-way of Federal-aid freeways, including Interstate highways, shall meet the requirements of the AASHO "Policy on the Accommodation of Utilities on Freeway Rights-of-Way" adopted February 15, 1969, and accepted by Public Roads under PPM 40-2, dated May 12, 1969.

f. In expanding areas along Federal-aid freeways it is expected that utilities will normally install distribution or feeder line crossings of freeways, spaced as needed to serve consumers in a general area along either or both sides of a freeway, so as to minimize the need for crossings of a freeway by utility service connections. In areas where utility services are not available within reasonable distance along the side of the freeway where the utility service is needed, crossings of Federal-aid freeways by utility service connections may be permitted.

g. The type and size of utility facilities and the manner and extent to which they are permitted within areas of scenic enhancement and natural beauty can materially alter the visual quality and view of highway roadsides and adjacent areas. Such areas include scenic strips, overlooks, rest areas, recreation areas, the rights-of-way of highways adjacent thereto, and the rights-of-way of highways which pass through public parks and historic sites, as described under section 138, title 23, U.S.C.

(1) New utility installations are not to be permitted within the foregoing described lands, when acquired or improved with Federal highway or Federal-aid highway funds, except as follows:

(a) New underground installations may be permitted where they do not require extensive removal or alteration of trees visible to the highway user or impair the visual quality of the lands being traversed.

(b) New aerial installations are to be avoided at such locations unless there is no feasible and prudent alternative to the use of such lands by the aerial facility and it is demonstrated to the satisfaction of the division engineer that:

1. Other locations:

a. Are not available or are unusually difficult and unreasonably costly, or

b. Are less desirable from the standpoint of visual quality,

2. Undergrounding is not technically feasible or is unreasonably costly, and

3. The proposed installation will be made at a location and will employ suitable designs and materials which give the greatest weight to the visual qualities of the area being traversed. Suitable designs will include, but are not limited to, self-supporting, armless, single-pole construction with vertical configuration of conductors and cable.

(2) The provisions of this paragraph also apply to utility installations that are needed for a highway purpose, such as for highway lighting, or to serve a weigh station, rest or recreational area.

(3) There may be cases of unusual hardship or other extenuating circumstances encountered involving some degree of variance with the provisions of this paragraph. Such cases shall be subject to prior review and concurrence by the Director. Where the State proposes to approve a request from a utility involving a hardship case, the State shall submit its proposal and a full report of the circumstances to the division engineer. Where a hardship case involves a proposed installation within the rights-of-way of a highway passing through a public park, area, or site, as described under section 138, title 23, U.S.C., the State's report shall include the views of appropriate planning or resource authorities having jurisdiction over the land through which the highway passes. The division engineer shall review and submit the State's proposal along with his report and recommendations through the Regional Administrator to the Director.

h. Where the utility has a compensable interest in the land occupied by its facilities and such land is to be jointly owned and used for highway and utility purposes, the responsible highway authority and utility shall agree in writing as to the obligations and responsibilities of each party. Such agreements shall incorporate the conditions of occupancy for each party, including the rights vested in the highway authority and the rights and privileges retained by the utility. In any event, the interest to be acquired by or vested in the highway authority in any portion of the rights-of-way of a Federal or Federal-aid highway project to be vacated, used or occupied by utilities or private lines shall be of a nature and extent adequate for the construction, safe operation and maintenance of the highway project.

7. *Reviews and Approvals.* a. Each State shall submit a report to the division engineer on the authority of utilities to use and occupy the rights-of-way of State highways, the State's authority to regulate such use and the policies and procedures the State employs or proposes to employ for accommodating utilities within the rights-of-way of Federal-aid highways under its jurisdiction. Where applicable, the State shall include similar information on the use and occupancy of such highways by private lines where permitted under State law. The State shall identify those sections, if any, of the Federal-aid highway systems within its borders where the State is without legal authority to regulate use by utilities.

b. The division engineer shall review the information presented to him by the State under paragraph 7a and prepare a report outlining his recommendations to the Regional Administrator. Similar reports shall be prepared and referred to the Regional Administrator as the policies to be employed pursuant to paragraph 6d are received from the State.

c. Upon determination by the Regional Administrator that a State's policies and procedures under paragraph 7a and the policies to be employed pursuant to paragraph 6d meet the requirements of this memorandum, he shall approve their use on Federal-aid highway projects in that State or political subdivision.

d. Any changes, additions or deletions the State or political subdivision proposes to the policies and procedures approved by the Regional Administrator pursuant to this memorandum shall be subject to the provisions of paragraphs 7 a, b, and c.

e. The State's practices under the policies and procedures or agreements approved under paragraph 7c shall be periodically reviewed by the division engineer and reported to the Regional Administrator.

f. When a utility files a notice or makes an individual application or request to a State to use or occupy the rights-of-way of a Federal-aid highway project, the State is not required to submit the matter to the Bureau of Public Roads for prior concurrence, except under the following circumstances:

(1) Installations on Federal-aid highway where the State proposes to permit the use and occupancy by utilities not in accordance with the policies and procedures approved by the Regional Administrator under paragraph 7c.

(2) Installations involving unusual hardship cases pursuant to paragraph 6g.

(3) Installations on Federal-aid freeways involving extreme case exceptions, as described in the AASHO "Policy on the Accommodation of Utilities on Freeway

Rights-of-Way," adopted February 15, 1969, and accepted by Public Roads under PPM 40-2, dated May 12, 1969.

(4) Installations on or across Interstate highways.

g. A copy of the reports, approved policies and procedures and related actions taken pursuant to paragraphs 6c, 7b, 7c, 7d, 7e, and 7f (1), (2), and (3) of this memorandum shall be furnished to the Office of Right-of-Way and Location.

8. *State accommodation policies and procedures.* a. This paragraph outlines provisions considered necessary to establish policies and procedures for accommodating utility facilities on the rights-of-way of Federal-aid highway projects. These policies and procedures shall meet the requirements of paragraph 6e through 6h and shall include adequate provision with respect to the following:

(1) Utilities must be accommodated and maintained in a manner which will not impair the highway or interfere with the safe and free flow of traffic.

(2) Consideration shall be given to the effect of utility installations in regard to safety, visual quality, and the cost or difficulty of highway and utility construction and maintenance.

(3) The use and occupancy of highway rights-of-way by utilities must comply with the State's standards regulating such use. These standards must include but are not limited to the following:

(a) The horizontal and vertical location requirements and clearances for the various types of utilities must be clearly stated. These must be adequate to insure compliance with clear roadside policies for the particular highway involved. The roadside clearances for above ground utility facilities shall be consistent with those clearances applicable to other roadside obstacles on the type of highway involved, reflecting good engineering and economic considerations.

(b) The applicable provisions of government or industry codes required by law or regulation must be set forth or appropriately referenced, including highway design standards or other measures which the State deems necessary to provide adequate protection to the highway, its safe operation, visual quality and maintenance.

(c) Specifications for and methods of installation; requirements for preservation and restoration of highway facilities, appurtenances, and natural features on the rights-of-way; and limitations on the utility's activities within the rights-of-way should be prescribed as necessary to protect highway interests.

(d) Measures necessary for protection of traffic and its safe operation during and after installation of facilities, including control-of-access restrictions, provisions for rerouting or detouring of traffic, traffic control measures to be employed, limitations on vehicle parking and materials storage, protection of open excavations and the like must be provided.

(4) Compliance with applicable State laws and approved State accommodation policies must be assured. The responsible highway authority's file must contain evidence in writing as to the terms under which utility facilities are to cross or otherwise occupy highway rights-of-way in accordance with paragraph 9. All utility installations made on highway rights-of-way after the effective date of this memorandum shall be subject to approval by the State or by other highway authorities under paragraph 6d, as is required by State law and applicable regulations. However, such approval will not be required where so provided in the use and occupancy agreement for such matters as facility maintenance, installation of service connections on highways other than freeways or emergency operations.

(5) Every effort should be made to avoid conflict between utility installations and existing or planned uses of highway rights-of-way for highway purposes. Proposed utility installations and future highway projects shall be coordinated to avoid, to the fullest extent possible, any conflict in location, construction, or method of installation.

9. *Use and Occupancy Agreements.* a. The use and occupancy agreements setting forth the terms under which the utility is to cross or otherwise occupy the highway rights-of-way must include or by reference incorporate:

(1) The State standards for accommodating utilities. Since all of the standards will not be applicable to an individual utility installation, the use and occupancy agreement must, as a minimum, describe the requirements for location, construction, protection of traffic, maintenance, access restrictions and any special conditions applicable to each installation.

(2) A general description of the size, type, nature and extent of the utility facilities being located within the highway rights-of-way.

(3) Adequate drawings or sketches showing the existing and/or proposed location of the utility facilities within the highway rights-of-way with respect to the existing and/or planned highway improvement, the traveled way, the rights-of-way lines and, where applicable, the control of access lines and approved access points.

(4) The extent of liability and responsibilities associated with future adjustment of the utilities to accommodate highway improvements.

(5) The action to be taken in case of noncompliance with the State's requirements.

(6) Other provisions as deemed necessary to comply with laws and regulations.

b. The form of the use and occupancy agreement is not prescribed. At the State's option, the use and occupancy provisions may be incorporated as a part of the reimbursement agreement required by paragraph 7 of PPM 30-4.

c. Area or Statewise master agreements covering the general terms of a utility's use and occupancy of the highway rights-of-way may be used provided individual requests for such use and occupancy are processed in accordance with paragraph 8a(4) of this memorandum.

[F.R. Doc. 70-16597; Filed, Dec. 9, 1970; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Extension of Seasonal Industry Determination to All Wild Rice Processing Establishments

On October 7, 1970, and on October 22, 1970, there were published in the FEDERAL REGISTER a proposal and a clarification thereof, respectively, to amend § 526.10(b)(35) to extend the present seasonal industry determination for the wild rice processing industry which is at present limited to the State of Minnesota to include all wild rice processing establishments in the United States. Interested persons were afforded 15 days to submit written data, views, and arguments concerning the proposed change. No objections having been received, the proposal is hereby adopted without change, and is set forth below.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

As amended, § 526.10(b)(35) reads as follows:

§ 526.10 Industries of a seasonal nature.

* * * * *

(b) * * *

(35) *Wild rice, processing.* The curing, drying, parching, hulling, and cleaning of wild rice; and the following operations when performed by employees of wild rice processors on or near the premises of wild rice processing plants during the wild rice processing season: The packaging and bagging of wild rice; the storing of wild rice and the removal of the wild rice from storage and placing it in transportation facilities; and any operations or services necessary or incident to the foregoing.

* * * * *

(Sec. 7(c), 52 Stat. 1063 as amended by sec. 204(c), 80 Stat. 835, 29 U.S.C. 207(c))

Signed at Washington, D.C., this 3d day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 70-16591; Filed, Dec. 9, 1970; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 351—REDUCTION IN FORCE

PART 752—ADVERSE ACTIONS BY AGENCIES

Miscellaneous Amendments

Section 351.201 is amended to comply with section 709 of title 32, United States Code, by providing that Part 351 does not apply to National Guard technicians.

Subpart B—General Provisions

§ 351.201 Use of regulations.

(a) Each agency shall follow this part when it releases a competing employee from his competitive level by separation, demotion, furlough for more than 30 days, or reassignment requiring displacement, when the release is required because of lack of work, shortage of funds, reorganization, reclassification due to change in duties, or the exercise of reemployment rights or restoration rights.

* * * * *

(f) This part does not apply to the release from his competitive level of a National Guard technician under section 709 of title 32, United States Code.

(5 U.S.C. 1302 and 3502)

Section 752.103 is amended to eliminate from coverage under Part 752 an adverse action which an agency is authorized to take without regard to section 7501 of title 5, United States Code.

Subpart A—General Provisions

§ 752.103 General exclusions.

(a) *Employees.* The employees covered by this part are shown in Subparts B and C of this part. In no case, however, does this part apply to:

* * * * *

(b) *Adverse actions.* The adverse actions covered by this part are shown in Subparts B and C of this part. In no case, however, does any of this part apply to:

* * * * *

(4) An action taken under section 7532 of title 5, United State Code, or any other statute which authorizes an agency to take an adverse action covered by Subpart B or C of this part without regard to section 7501 of that title or any other statute; or

* * * * *

(5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–58 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–16607; Filed Dec. 9, 1970; 8:48 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Maximum Stipends

The stipend table in § 534.202(a) is amended to provide a continuing basis for computing stipends, thus making it unnecessary to prepare a new stipend table each time a statutory pay change occurs.

§ 534.202 Maximum stipends.

(a) * * *

Code symbol	Academic level of approved training program	Maximums by grade and step [1]
L–A	Below high school graduation	GS-1-1 (minus 3 steps).
L–1	1st year college undergraduate	GS-2-1 (minus 3 steps).
L–2	2d year college undergraduate	GS-3-1 (minus 3 steps).
L–3	3d year college undergraduate	GS-3-3 (minus 3 steps).
L–4	4th year college undergraduate	GS-4-2 (minus 3 steps).
L–5	1st year postgraduate predoctoral	GS-5-1 (minus 3 steps).
L–6	2d year postgraduate predoctoral	GS-7-1 (minus 3 steps).
L–6	3d year medical school	GS-7-1 (minus 3 steps).
L–7	3d year postgraduate predoctoral	GS-9-1 (minus 3 steps).
L–7	4th year medical school	GS-9-1 (minus 3 steps).
L–8	4th year postgraduate predoctoral	GS-10-1 (minus 3 steps).
L–8	Medical or dental internship	GS-10-1 (minus 3 steps).
L–9	5th year postgraduate without doctorate	GS-11-1 (minus 3 steps).
L–9	1st year postdoctoral (Ph.D.)	GS-11-1 (minus 3 steps).
L–9	1st year medical or dental residency	GS-11-1 (minus 3 steps).
L–10	2d year postdoctoral (Ph.D.)	GS-12-1 (minus 3 steps).
L–10	2d year medical or dental residency	GS-12-1 (minus 3 steps).
L–11	3d year medical or dental residency	GS-12-4 (minus 3 steps).
L–12	4th year medical or dental residency	GS-13-1 (minus 3 steps).
L–13	5th year medical residency	GS-14-1 (minus 3 steps).

[1] The maximum money amount in each case is derived by subtracting from the statutory salary for the appropriate grade a sum equivalent to three step increments of that grade. This amount includes overtime pay, maintenance allowances, and other payments in money or kind.

* * * * * * * *

(5 U.S.C. 5351, 5352, 5353, 5541, unless otherwise noted)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–16608; Filed, Dec. 9, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70–307]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, paragraph (e) is amended and paragraphs (f) and (g) are reissued to read as follows:

§ 76.2 Notice relating to existence of hog cholera; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Arizona, Connecticut, Indiana, Massachusetts, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, and Texas, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Arizona.* That portion of Maricopa County bounded by a line beginning at the junction of Yuma Road and Perryville Road; thence, following Perryville Road in a southerly direction to its junction with Baseline Road and the Gila and Salt River Base Line; thence, following the Gila and Salt River Base Line in an easterly direction to the southeastern corner of Section 31, of Township 1 North, Range 1 West; thence, following the eastern boundaries of Sections 31, 30, and 19, of Township 1 North, Range 1 West in a northerly direction to Reams Road; thence, following Reams Road in a northerly direction to Yuma Road; thence, following Yuma Road in a westerly direction to its junction with Perryville Road.

(2) *Connecticut.* That portion of Windham County comprised of Putnam, Pomfret, and Brooklyn Township.

(3) *Indiana.* That portion of Wayne County comprised of New Garden Township.

(4) *Massachusetts.* That portion of Bristol County comprised of Norton Town, Raynhan Town, and Taunton Town.

(5) *Missouri.* That portion of Bates County bounded by a line beginning at the junction of the Johnstown-Butler Airport Road, State Highway TT, and U.S. Highway 71; thence, following State Highway TT in a westerly direction to the dividing line between Range 32W and Range 31W; thence, following the dividing line between Range 32W and Range 31W in a northerly direction to State Highway F; thence, following State Highway F in a westerly direction to State Highway FF; thence, following State Highway FF in a northerly direction to State Highway 18; thence, following State Highway 18 in an easterly direction to U.S. Highway 71; thence, following U.S. Highway 71 in a southerly direction to State Highway 18; thence, following State Highway 18 in an easterly direction to the dividing line between Range 31W and Range 30W; thence, following the dividing line between Range 31W and Range 30W in a southerly direction to the Long Mound Road; thence, following the Long Mound Road in an easterly direction to the East Mound Creek; thence, following the west bank of the East Mound Creek in a generally southerly direction to the Johnstown-Butler Airport Road; thence, following the Johnstown-Butler Airport

Road in a westerly direction to its junction with State Highway TT and U.S. Highway 71.

(6) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145, north of the New York State Thruway, and west of State Highway 30.

(7) *North Carolina.* (i) That portion of Greene County bounded by a line beginning at the junction of U.S. Highway 258 and Contentnea Creek; thence, following the north bank of Contentnea Creek in a southeasterly direction to Panther Swamp Creek; thence, following Panther Swamp Creek in a northerly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Road 1328; thence, following Secondary Road 1328 in a northwesterly direction to Secondary Road 1325; thence, following Secondary Road 1325 in a northwesterly direction to Secondary Road 1244; thence, following Secondary Road 1244 in a southwesterly direction to Secondary Road 1222; thence, following Secondary Road 1222 in a southerly then southwesterly direction to State Highway 58; thence, following State Highway 58 in a southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northwesterly direction to its junction with Contentnea Creek.

(ii) The adjacent portions of Hertford and Northampton Counties bounded by a line beginning at the junction of Secondary Roads 1160 and 1141 in Hertford County; thence, following Secondary Road 1141 in a generally southeasterly direction to State Highway 561; thence, following State Highway 561 in a southwesterly direction to Secondary Road 1123; thence, following Secondary Road 1123 in a southwesterly direction to Secondary Road 1112; thence, following Secondary Road 1112 in a southwesterly direction to State Highway 350; thence, following State Highway 350 in a southwesterly direction to the Hertford-Bertie County line; thence, following the Hertford-Bertie County line in a westerly direction to the Hertford-Northampton County line; thence, following the Hertford-Northampton County line in a northeasterly direction to Secondary Road 1101 in Northampton County; thence, following Secondary Road 1101 in a northwesterly direction to State Highway 305; thence, following State Highway 305 in a southwesterly direction to Secondary Road 1522; thence, following Secondary Road 1522 in a northwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to Secondary Road 1530; thence, following Secondary Road 1530 in a generally northeasterly direction to Secondary Road 1160; thence, following Secondary Road 1160 in a northeasterly direction to its junction with Secondary Road 1141.

(8) *Ohio.* (i) That portion of Clinton County bounded by a line beginning at the junction of State Highway 72 and State Highway 729; thence, following State Highway 729 in a southwesterly direction to State Highway 73; thence, following State Highway 73 in a southeasterly direction to State Highway 28; thence, following State Highway 28 in a westerly direction to Martinsville Road; thence, following Martinsville Road in a northwesterly direction to U.S. Highway 68; thence, following U.S. Highway 68 in a northeasterly direction to State Highway 22; thence, following State Highway 22 in a northeasterly direction to State Highway 72; thence, following State Highway 72 in a southeasterly direction to its junction with State Highway 729.

(ii) That portion of Darke County bounded by a line beginning at the junction of State Highway 185 and U.S. Highway 127; thence, following State Highway 185 in a westerly direction to Rhynard Fink Road; thence, following the Rhynard Fink Road in a northerly direction to the Mercer-Darke County line; thence, following the Mercer-Darke County line in an easterly direction to U.S. Highway 127; thence, following U.S. Highway 127 in a southerly direction to its junction with State Highway 185.

(iii) That portion of Mercer County bounded by a line beginning at the junction of State Highway 49 and St. Anthony Road; thence, following St. Anthony Road in an easterly direction to Road T-47; thence, following Road T-47 in a southerly direction to St. Joseph Road; thence, following St. Joseph Road in a westerly direction to State Highway 49; thence, following State Highway 49 in a northerly direction to its junction with St. Anthony Road.

(iv) That portion of Pickaway County bounded by a line beginning at the junction of Palestine-Williamsport Road and State Highway 56; thence, following State Highway 56 in a southeasterly direction to the junction of the Monroe-Muhlenberg and Monroe-Jackson Township lines; thence, following the Monroe-Jackson Township line in a southerly and then westerly direction to the Deer Creek; thence, following the north bank of the Deer Creek in a generally westerly direction to Crownover Mill Road; thence, following Crownover Mill Road in a northeasterly direction to Southward Busick Road; thence, following Southward Busick Road in a northeasterly direction to Palestine-Williamsport Road; thence, following Palestine-Williamsport Road in a northwesterly direction to its junction with State Highway 56.

(9) *South Carolina.* (i) That portion of Horry County bounded by a line beginning at the junction of State Highway 9, Buck Creek, and the Waccamaw River; thence, following the north bank of the Waccamaw River in a generally southwesterly direction to State Highway 31; thence, following State Highway 31 in a northerly direction to State Highway 905; thence, following State Highway 905 in an easterly direction to State Highway 348; thence, following State Highway 348 in a northerly direction to State Highway 349; thence, following State Highway 349 in an easterly direction to State Highway 347; thence, following State Highway 347 in an easterly direction to Pleasant Grove Church Road; thence, following Pleasant Grove Church Road in a northeasterly direction to Buck Creek; thence, following the west bank of Buck Creek in a generally southeasterly direction to its junction with State Highway 9 and the Waccamaw River.

(ii) That portion of Williamsburg County bounded by a line beginning at the junction of the Seaboard Coast Line Railroad and State Highway 512; thence, following the Seaboard Coast Line Railroad in a northeasterly direction to State Highway 261; thence, following State Highway 261 in an easterly direction to Secondary Highway 242; thence, following secondary Highway 242 in a southeasterly direction to State Highway 513; thence following State Highway 513 in a southwesterly direction to State Highway 512; thence, following State Highway 512 in a northwesterly direction to its junction with the Seaboard Coast Line Railroad.

(10) *Tennessee.* That portion of Chester County bounded by a line beginning at the junction of U.S. Highway 45 and State Highway 100; thence, following State Highway 100 in a southwesterly direction to the Wilson School Road; thence, following the Wilson School Road in a northwesterly direction to the Montezuma-Antioch Church Road; thence, following the Montezuma - Antioch Church Road in a southeasterly direction to the Montezuma-Estes Church Road; thence, following the Montezuma-Estes Church Road in a southeasterly direction to U.S. Highway 45; thence, following U.S. Highway 45 in a northwesterly direction to its junction with State Highway 100.

(11) *Texas.* (i) The adjacent portions of Bosque and McLennan Counties bounded by a line beginning at the junction of State Highway 6 and Farm to Market Road 219; thence, following Farm to Market Road 219 in a northeasterly direction to Farm to Market Road 708; thence, following Farm to Market Road 708 in a generally southeasterly direction to Farm to Market Road 56; thence, following Farm to Market Road 56 in a northeasterly direction to Farm to Market Road 2114; thence, following Farm to Market Road 2114 in a generally southeasterly direction to the Brazos River; thence, following the west bank of the Brazos River in a generally southerly direction to the Bosque-McLennan County line; thence, following the Bosque-McLennan County line in a southwesterly direction to Farm-to-Market Road 2490; thence, following Farm to Market Road 2490 in a southeasterly direction to Farm-to-Market Road 1637; thence, following Farm-to-Market Road 1637 in a northwesterly direction to Farm-to-Market Road 185; thence, following Farm-to-Market Road 185 in a generally southwesterly direction to the McLennan-Coryell County line; thence, following the McLennan-Coryell County line in a northwesterly direction to the Bosque-Coryell County line; thence, following the Bosque-Coryell County line in a northwesterly direction to Farm-to-Market Road 217;

thence, following Farm-to-Market Road 217 in a northeasterly direction to Farm-to-Market Road 2602; thence, following Farm-to-Market Road 2602 in a generally northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to its junction with Farm-to-Market Road 219.

(ii) That portion of Comanche County bounded by a line beginning at the junction of State Highway 16 and the Comanche-Mills County line; thence, following State Highway 16 in a northeasterly direction to Farm-to-Market Road 1476; thence, following Farm-to-Market Road 1476 in a generally northeasterly direction to U.S. Highway 67, 377; thence, following U.S. Highway 67, 377 in a southwesterly direction to Farm-to-Market Road 2861; thence, following Farm-to-Market Road 2861 in a northeasterly and then westerly direction to State Highway 16; thence, following State Highway 16 in a northeasterly direction to Farm-to-Market Road 2318; thence, following Farm-to-Market Road 2318 in a northwesterly and then northeasterly direction to Farm-to-Market Road 587; thence, following Farm-to-Market Road 587 in a westerly direction to the Comanche-Eastland County line; thence, following the Comanche-Eastland County line in a southwesterly direction to the Comanche-Brown County line; thence, following the Comanche-Brown County line in a southeasterly direction to the Comanche-Mills County line; thence, following the Comanche-Mills County line in a southeasterly direction to its junction with State Highway 16.

(iii) That portion of Denton County bounded by a line beginning at the junction of the Denton-Collin County line and Farm-to-Market Road 720; thence, following Farm-to-Market Road 720 in a generally northwesterly direction to State Highway 24; thence, following State Highway 24 (also U.S. Highway 377) in a generally southwesterly direction to the Denton-Tarrant County line; thence, following the Denton-Tarrant County line in an easterly direction to the Denton-Dallas County line; thence, following the Denton-Dallas County line in a continuing easterly direction to the Denton-Collin County line; thence, following the Denton-Collin County line in a northerly direction to its junction with Farm-to-Market Road 720.

(iv) That portion of Eastland County bounded by a line beginning at the junction of the Eastland-Stephens County line and State Highway 6; thence, following State Highway 6 in a southeasterly direction to Farm-to-Market Road 2526; thence, following Farm-to-Market Road 2526 in a westerly direction to Farm-to-Market Road 569; thence, following Farm-to-Market Road 569 in a northerly direction to Farm-to-Market Road 1864; thence, following Farm-to-Market Road 1864 in a southwesterly direction to the Eastland-Callahan County line; thence, following the Eastland-Callahan County line in a northerly direction to the Eastland-Shackelford County line; thence, following the Eastland-Shackelford County line in an easterly direction to the Eastland-Stephens County line; thence, following the Eastland-Stephens County line in an easterly direction to its junction with State Highway 6.

(v) That portion of El Paso County bounded by a line beginning at the junction of Interstate Highway 10 and the O. T. Smith Road; thence, following Interstate Highway 10 in a southeasterly direction to the El Paso-Hudspeth County line; thence, following the El Paso-Hudspeth County line in a southwesterly direction to the Rio Grande River; thence, following the north bank of the Rio Grande River in a northwesterly direction to Farm-to-Market Road 1109; thence, following Farm-to-Market Road 1109 in a generally northeasterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southeasterly direction to the O. T. Smith Road; thence, following the O. T. Smith Road in a northeasterly direction to its junction with Interstate Highway 10.

(vi) That portion of Ellis County bounded by a line beginning at the junction of the Ellis-Dallas County line and Interstate Highway 35E; thence, following Interstate Highway 35E in a southeasterly direction to U.S. Highway 287; thence, following U.S. Highway 287 in a northwesterly direction to Farm-to-Market Road 875; thence, following Farm-to-Market Road 875 in a generally southwesterly direction to Farm-to-Market Road 157; thence, following Farm-to-Market Road 157 in a northwesterly direction to the Ellis-Johnson County line; thence, following the Ellis-Johnson County line in a northerly direction to the Ellis-Tarrant County line; thence, following the Ellis-Tarrant County line in an easterly direction to the Ellis-Dallas County line; thence following the Ellis-Dallas County line in an easterly direction to its junction with Interstate Highway 35E.

(vii) That portion of Erath County bounded by a line beginning at the junction of State Highway 108 and Farm-to-Market Road 219; thence, following State Highway 108 in a southeasterly direction to Farm-to-Market Road 3025; thence, following Farm-to-Market Road 3025 in a northeasterly direction to Bethel Road; thence, following Bethel Road in a generally easterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a northeasterly direction to Farm-to-Market Road 1189; thence, following Farm-to-Market Road 1189 in a northeasterly direction to Farm-to-Market Road 1188; thence, following Farm-to-Market Road 1188 in a southeasterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a southeasterly direction to Farm-to-Market Road 3106; thence, following Farm-to-Market Road 3106 in a southwesterly direction to Farm-to-Market Road 2157; thence, following Farm-to-Market Road 2157 in a southwesterly direction to the Cedar Point Cut Off Road; thence, following the Cedar Point Cut Off Road in a southeasterly and then southwesterly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southeasterly direction to Farm-to-Market Road 913; thence, following Farm-to-Market Road 913 in a southwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a southeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to Farm-to-Market Road 219; thence, following Farm-to-Market Road 219 in a generally northeasterly direction to its junction with State Highway 108.

(viii) The adjacent portions of Erath and Comanche Counties bounded by a line beginning at the junction of U.S. Highway 67, 377 and Farm-to-Market Road 219; thence, following Farm-to-Market Road 219 in a southeasterly direction to the Erath-Hamilton County line; thence, following the Erath-Hamilton County line in a southwesterly direction to the Comanche-Hamilton County line; thence, following the Comanche-Hamilton County line in a southeasterly and then southwesterly direction to State Highway 36; thence, following State Highway 36 in a northwesterly direction to Farm-to-Market Road 1702; thence, following Farm-to-Market Road 1702 in a northerly direction to Farm-to-Market Road 591; thence, following Farm-to-Market Road 591 in a northwesterly direction to Farm-to-Market Road 1476; thence, following Farm-to-Market Road 1476 in a generally northerly direction to U.S. Highway 67, 377; thence, following U.S. Highway 67, 377 in a northeasterly direction to its junction with Farm-to-Market Road 219.

(ix) That portion of Bolivar Peninsula in Galveston County lying southwest of Gilchrist Bridge on State Highway 87.

(x) That portion of Grayson County bounded by a line beginning at the junction of U.S. Highway 75 and U.S. Highway 69; thence, following U.S. Highway 69 in a southeasterly direction to the Denison-Antioch Road; thence, following the Denison-Antioch Road in a southwesterly, then easterly and then southwesterly direction to U.S. Highway 82; thence, following U.S. Highway 82 in a generally westerly direction to U.S. Highway 75; thence, following U.S. Highway 75 in a generally northeasterly direction to its junction with U.S. Highway 69.

(xi) The adjacent portions of Harris, Liberty, and Montgomery Counties bounded by a line beginning at the junction of U.S. Highway 59 and Texas Highway 321; thence, following Texas Highway 321 in a southeasterly directon to Farm-to-Market Road 686; thence, following Farm-to-Market Road 686 in a generally southwesterly direction to Farm-to-Market Road 1960; thence, following Farm-to-Market 1960 in a generally southwesterly direction to U.S. Highway 59; thence, following U.S. Highway 59 in a northeasterly direction to its junction with Texas Highway 321.

(xii) The adjacent portions of Hill and McLennan Counties bounded by a line beginning at the junction of U.S. Highway 77 and the Hill-Ellis County

line; thence, following U.S. Highway 77 in a generally southwesterly direction to State Highway 171; thence, following State Highway 171 in a generally southeasterly direction to Farm-to-Market Road 1242; thence, following Farm-to-Market Road 1242 in a generally southwesterly direction to U.S. Highway 35, 81, 77; thence, following U.S. Highway 35, 81, 77 in a northwesterly direction to Farm-to-Market Road 1304; thence, following Farm-to-Market Road 1304 in a southwesterly direction to Farm-to-Market Road 933; thence, following Farm-to-Market Road 933 in a generally southwesterly directon to Farm-to-Market Road 308; thence, following Farm-to-Market Road 308 in a generally northeasterly direction to the Hill-Ellis County line; thence, following the Hill-Ellis County line in a southwesterly direction and then a northwesterly direction to its junction with U.S. Highway 77.

(xiii) That portion of McLennan County bounded by a line beginning at the junction of the McLennan-Limestone County line and U.S. Highway 84; thence, following U.S. Highway 84 in a generally southwesterly direction to U.S. Highway 77; thence, following U.S. Highway 77 in a generally southeasterly direction to the McLennan-Falls County line; thence, following the McLennan-Falls County line in a northeasterly direction to the McLennan-Limestone County line; thence, following the McLennan-Limestone County line in a northwesterly direction to its junction with U.S. Highway 84.

(xiv) That portion of Smith County bounded by a line beginning at the junction of Farm to Market Road 16 and Farm to Market Road 849 in the town of Lindale; thence, following Farm to Market Road 16 in a generally easterly direction to Farm-to-Market Road 2015; thence, following Farm-to-Market Road 2015 in a southwesterly direction to Interstate Highway 20; thence, following Interstate Highway 20 in a southeasterly direction to U.S. Highway 271; thence, following U.S. Highway 271 in a southwesterly direction to Farm-to-Market Road 2908; thence, following Farm-to-Market Road 2908 in a generally southwesterly direction to State Highway 31; thence, following State Highway 31 in a southwesterly directon to State Highway 64; thence, following State Highway 64 in a northwesterly direction to Farm-to-Market Road 724; thence, following Farm-to-Market Road 724 in a northwesterly direction to State Highway 110; thence, following State Highway 110 in a southeasterly direction to Farm-to-Market Road 849; thence, following Farm-to-Market Road 849 in a northeasterly direction to its junction with Farm-to-Market Road 16 in the town of Lindale.

(xv) That portion of Stephens County bounded by a line beginning at the junction of U.S. Highway 183 (also State Highway 6) and U.S. Highway 180 (also State Highway 67); thence, following U.S. Highway 180 (also State Highway 67) in an easterly direction to the division of U.S. Highway 180 and State Highway 67; thence, following State Highway 67 in a northeasterly direction to Farm-to-Market Road 717; thence, following Farm-to-Market Road 717 in a generally southeasterly direction to Farm-to-Market Road 207; thence, following Farm-to-Market Road 207 in a westerly, then northwesterly direction to Farm-to-Market Road 576; thence, following Farm-to-Market Road 576 in a westerly direction to U.S. Highway 183 (also State Highway 6); thence, following U.S. Highway 183 (also State Highway 6) in a northerly direction to its junction with U.S. Highway 180 (also State Highway 67).

(xvi) That portion of Tarrant County bounded by a line beginning at the junction of U.S. Highway 287 and the Tarrant-Johnson County line; thence, following the Tarrant-Johnson County line in a westerly direction to Interstate Highway 35W; thence, following Interstate Highway 35W in a northerly direction to Interstate Highway 820; thence, following Interstate Highway 820 in an easterly direction to U.S. Highway 287; thence, following U.S. Highway 287 in a southeasterly direction to its junction with the Tarrant-Johnson County line.

(xvii) That portion of Tarrant County bounded by a line beginning at the junction of State Highway 183 and the Tarrant-Dallas County line; thence, following State Highway 183 in a generally southwesterly direction to Interstate Highway 820; thence, following Interstate Highway 820 in a southerly direction to Fort Worth-Dallas Toll Road; thence, following the Fort Worth-Dallas Toll Road in an easterly direction to the Tarrant-Dallas County line; thence, following the Tarrant-Dallas County line in a northerly direction to its junction with State Highway 183.

(xviii) That portion of Tom Green County bounded by a line beginning at the junction of U.S. Highway 67 and U.S. Highway 87; thence, following U.S. Highway 87 in a northwesterly direction to Mount Nebo Road; thence, following Mount Nebo Road in a northwesterly direction to the Tom Green-Coke County line; thence, following the Tom Green-Coke County line in an easterly direction to the Tom Green-Runnels County line; thence following the Tom Green-Runnels County line in a southerly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southwesterly direction to its junction with U.S. Highway 87.

(xix) That portion of Upton County bounded by a line beginning at the junction of the Upton-Crane County line and Farm-to-Market Road 870; thence, following Farm-to-Market Road 870 in a northeasterly and then southeasterly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southwesterly direction to State Highway 349; thence, following State Highway 349 in a southwesterly direction to the Upton-Crockett County line; thence, following the Upton-Crockett County line in a westerly direction to the Upton-Crane County line; thence, following the Upton-Crane County line in a northerly direction to its junction with Farm-to-Market Road 870.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

Alabama.	Maryland.
California.	Minnesota.
Delaware.	New Mexico.
Georgia.	Oklahoma.
Iowa.	West Virginia.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States:

Alaska.	Oregon.
Florida.	South Dakota.
Idaho.	Utah.
Michigan.	Vermont.
Montana.	Washington.
Nevada.	Wisconsin.
North Dakota.	Wyoming.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, secs. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment of § 76.2 shall become effective upon issuance.

The amendment quarantines a portion of Comanche County, Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County. No other changes are made in § 76.2(e), but all the presently effective provisions of § 76.2(e) are set forth above for convenient reference.

The provisions above also include without amendment the texts of § 76.2 (f) and (g) which continue in effect. In this respect, the provisions do not change the rights or duties of any person.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days

after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of December 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-16626; Filed, Dec. 9, 1970; 8:49 a.m.]

[Docket No. 70-308]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the reference to the States of Missouri and New York in the introductory portion of paragraph (e), paragraph (e)(5) relating to the State of Missouri, and paragraph (e)(6) relating to the State of New York are deleted.

2. In § 76.2 in paragraph (e)(7) relating to the State of North Carolina, subdivision (i) relating to Greene County is deleted.

3. In § 76.2, in paragraph (e)(9) relating to the State of South Carolina, subdivision (ii) relating to Williamsburg County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

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

The amendments exclude a portion of Bates County, Mo.; a portion of Montgomery County, N.Y.; a portion of Greene County, N.C.; and a portion of Williamsburg County, S.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. The amendments release Missouri and New York from the list of States quarantined because of hog cholera.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of December 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-16627; Filed, Dec. 9, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-EA-92; Amdt. 39-1084]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney Type JT8D aircraft engines.

There have been reports of failures of the seventh stage compressor discs installed in the JT8D engines. Certain of these failures were caused by an increase in the amount of lead in the XXNZ heat which results in low material ductility and reduced material fatigue life at high operating temperatures. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require the removal of certain series of seventh stage discs within specified cycles of operation.

Since a situation exists that requires immediate adoption of this regulation, a telegram was dispatched to all owners of aircraft incorporating the subject engine on October 2, 1970. Therefore, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Applies to all Pratt & Whitney aircraft JT8D series turbofan engines which incorporate Part No. 500507 seventh stage compressor rotor disc with serial numbers listed in Pratt & Whitney Service Bulletin No. 2817, Rev. No. 1, dated September 18, 1970.

Compliance required as indicated after the effective date of this airworthiness directive unless already accomplished.

To preclude seventh stage compressor rotor disc failures as the result of suspected material deficiency, accomplish the following:

1. Replace discs with 2,700 cycles or more in service within the next 30 cycles in service.

2. Replace discs with 2,300 cycles, but less than 2,700 cycles in service, within the next 100 cycles in service, but prior to accumulation of 2,730 cycles.

3. Replace discs with 2,000 cycles, but less than 2,300 cycles in service, within the next 300 cycles in service, but prior to the accumulation of 2,400 cycles.

4. Replace discs with less than 2,000 cycles in service prior to the accumulation of 2,300 cycles.

The manufacturer's Service Bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request from Pratt & Whitney Aircraft Division of United Aircraft Corp., East Hartford, Conn. This document may also be examined at the FAA, Eastern Region, Federal Building, J. F. Kennedy International Airport, Jamaica, N.Y., at the FAA Headquarters, 800 Independence Avenue SW., Washington, DC.

A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and in the Eastern Region.

This amendment is effective December 15, 1970, and was effective October 2, 1970, for all recipients of the telegram dated October 2, 1970, which contained this amendment.

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

Issued in Jamaica, N.Y., on November 23, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[F.R. Doc. 70-16642; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airworthiness Docket No. 70-WE-23-AD; Amdt. 39-1123]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747–100 Series Airplanes

Amendment 39-1024 (35 F.R. 11176), AD 70-14-3, requires the inspection of all flap tracks and the installation of a placard listing recommended flap operating speeds on the Boeing 747-100 Series airplanes. After issuing Amendment 39-1024, the agency determined that the replacement of the existing flap tracks with redesigned flap tracks constitutes a satisfactory terminating action. Therefore, this AD is being amended to provide for a terminating action.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and

the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1024 (35 F.R. 11176) is amended by adding the following new paragraph (f) at the end thereof:

(f) The existing flap tracks may be replaced with redesigned flap tracks in accordance with Boeing Service Bulletin 57-2011, Revision 4, dated November 25, 1970, or later FAA-approved revision or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. Upon completion of this modification, the inspection and placard installation requirements of paragraphs (a) through (e) are no longer applicable.

This amendment becomes effective December 11, 1970.

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

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

JAMES V. NIELSON,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-16643; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airworthiness Docket No. 70-WE-47-AD; Amdt. 39-1125]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Aircraft

There have been reports of hydraulic fluid bypassing the channel seal within the basic Rudder Control Unit P/N 65-6511. Fluid bypass causes the boost-on minimum control speed (V_{MCA}) to increase to some value between the normal boost-on and the higher boost-off minimum control speed. Full 3,000 p.s.i. pressures may not be available. There is no indication to the flight crew that the fluid bypass has occurred, and, in the event of an engine failure, loss of control may be experienced. Since this condition is likely to develop in other model 707 and 720 airplanes, an airworthiness directive is being issued to require modification of the Rudder Power Control Unit (PCU) by replacing the unnotched channel seal with a notched channel seal.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707 and 720 Series airplanes listed in Boeing Service Bulletin 2998, dated October 1, 1970, or later FAA-approved revisions.

To prevent fluid bypassing within the Rudder Power Control Unit (PCU) accomplish the following:

Within the next 300 hours' time in service after the effective date of this AD, unless previously accomplished, modify the Rudder PCU in accordance with Boeing Service Bulletin 2998, dated October 1, 1970, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 11, 1970.

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

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

JAMES V. NIELSON,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-16644; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airworthiness Docket No. 70-WE-34-AD; Amdt. 39-1124]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Model D.H. 104 Dove Series 7A, 8A, 7AXC, 8AXC Airplanes

Amendment 39-1106 (35 F.R. 17245), AD 70-23-2, requires removal of tank doors and inspection of attachment bolt holes in doors and supporting structure in accordance with section 3.0 of Strato Engineering Co., Inc., Service Bulletin No. APA-3, Revision A, dated October 23, 1970, on DeHavilland Model D.H. 104 Dove Series 7A, 8A, 7AXC, 8AXC airplanes modified per STC SA1554WE or SA1747WE. After issuing Amendment 39-1106, the agency determined that wing weight should be relieved prior to removal of the tank doors and until the doors have been replaced. In addition, the AD is being clarified to indicate that: (1) After tank door removal, the inspection at 1,000-hour intervals includes the inspection of the lower spar cap for cracks, and (2) the spar cap 20-hour interval inspections should be relaxed after assurance of proper fit of door attachments. Therefore, the AD is being amended to clarify these items.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1106 (35 F.R. 17245), AD 70-23-2, is amended as follows:

1. By amending paragraph (b)(1) to read:

With wing weight relieved, remove all tank doors (Wing Sta. 0-40) and accomplish inspections of lower spar cap, the attachment bolt holes in doors and the door supporting structure in accordance with paragraphs 3.2 through 3.5 of Strato Engineering Co., Inc., Service Bulletin No. APA-3, Revision A, dated October 23, 1970, or later FAA-approved revision, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region. Wings should continue to be supported until doors have been reinstalled.

2. By adding paragraph (c) as follows:

(c) After accomplishing (b), repeat inspections outlined in (a) (1) and (2) above at intervals not to exceed 200 hours time in service from the last inspection.

This amendment becomes effective December 11, 1970.

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

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

JAMES V. NIELSON,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-16645; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airspace Docket No. 70-WE-80]

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

Alteration of Control Zone and Transition Area

On October 24, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16595) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Casper, Wyo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., February 4, 1971.

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

Issued in Los Angeles, Calif., on November 30, 1970.

JAMES V. NIELSON,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Casper, Wyo., control zone, as amended by (35 F.R. 7379) is further amended by deleting all after "* * * 10 miles west of the OM; * * *" and substituting therefore "* * * within 4 miles

each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the 700-foot portion of the Casper, Wyo., transition area, as amended by (35 F.R. 7379), is further amended by deleting all after "* * * 18.5 miles west of the OM * * *" and substituting therefore "* * *; within 4 miles each side of the Casper ILS localizer east course, extending from the 5-mile radius zone to 3 miles east of the Casper RBN and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC; * * *"

[F.R. Doc. 70-16646; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airspace Docket No. 70-CE-26]

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

Alteration of Control Zone

On August 12, 1970, a final rule was published in the FEDERAL REGISTER (35 F.R. 12750), F.R. Doc. 70-10489, Airspace Docket No. 70-CE-26, which in part altered the Rhinelander, Wis., control zone.

Subsequent to the publication of this rule the agency determined that the following sentences were inadvertently not included in the Rhinelander, Wis., control zone redesignation, to wit:

This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Accordingly, action is taken herein to change the Final Rule redesignation so that it reads correctly.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

RHINELANDER, WIS.

Within a 5-mile radius of Rhinelander Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile-radius zone to 6½ miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile-radius zone to 6½ miles northwest of the VORTAC. 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 Airmen's Information Manual.

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

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16647; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airspace Docket No. 70-CE-110]

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

Alteration of Control Zone

On November 5, 1970, a final rule was published in the FEDERAL REGISTER (35 F.R. 17034), F.R. Doc. 70-14907, Airspace Docket No. 70-CE-110, which in part altered the Alpena, Mich., control zone.

Subsequent to the publication of this rule the agency determined that the following sentences were inadvertently not included in the Alpena, Mich., control zone redesignation, to wit:

This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Accordingly, action is taken herein to change the Final Rule redesignation so that it reads correctly.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

ALPENA, MICH.

That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC. 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.

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

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16648; Filed, Dec. 9, 1970; 8:51 a.m.]

[Airspace Docket No. 70-WE-88]

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

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Alteration of Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Administration is to revoke the Tonopah, Nev., Restricted Area R-4814A; the Tonopah, Nev., Restricted Area R-4814B, and to delete these areas from the continental control area.

The U.S. Atomic Energy Commission has advised the Federal Aviation Administration that Restricted Areas R-4814A and R-4814B are no longer required. Accordingly, action is taken herein to revoke these restricted areas.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. In § 73.48 (35 F.R. 2337) "Restricted Areas R-4814A, Tonopah, Nev., and R-4814B, Tonopah, Nev.," are revoked.

2. In § 71.151 (35 F.R. 2043) "R-4814A, Tonopah, Nev.," and "R-4814B, Tonopah, Nev.," are deleted.

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

Issued in Washington, D.C., on December 2, 1970.

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

[F.R. Doc. 70-16656; Filed, Dec. 9, 1970; 8:52 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-253]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Reimbursable Services; Computation of Overtime Services Rendered in Broken Periods

Notice was published in the FEDERAL REGISTER of June 2, 1970 (35 F.R. 8499), that it was proposed to amend § 24.16(f) of the Customs regulations to provide a uniform method of computing customs overtime services when rendered in broken periods at night or on a Sunday or holiday. After careful consideration of all relevant data, views, and arguments submitted regarding the proposed rule making, the proposal is adopted as published with the following minor change:

Each time an employee is assigned and reports for overtime duty on a weekday or on a Sunday or a holiday constitutes a separate broken period even though no services, or services of less than one hour, are actually rendered on such assignment.

Accordingly, § 24.16(f) is amended to read as follows:

§ 24.16 Overtime services; overtime compensation; rate of compensation.

* * * * *

(f) *Broken periods.* When overtime services at night or on a Sunday or holiday are rendered in broken periods, the actual time each assignment began and ended shall be reported. Overtime services rendered in such broken periods shall be treated as though the services had been continuous except when the total of the compensation computed separately for each such period in accordance with the provisions of paragraphs (g) and (h) of this section is less than when computed as though the services had been considered continuous. For purposes of computing compensation, each time an employee is assigned and reports for overtime duty on a weekday or on a Sunday or holiday constitutes a separate broken period even though no services, or services of less than 1 hour, are actually rendered on such assignment. In no case shall any employee be entitled to receive more than 2½ days' pay by reason of the fact that he is given two or more assignments during one night.

* * * * *

This amendment shall become effective 30 days after publication of this amendment in the FEDERAL REGISTER.

(Sec. 5, 36 Stat. 901, as amended, secs. 451, 624, 46 Stat. 715, as amended, 759; 19 U.S.C. 267, 1451, 1624)

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: November 30, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-16641; Filed, Dec. 9, 1970; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 105—General Services Administration

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Amendments

These amendments provide that use of donated historical materials must relate to a study requiring the unique resources of the depository, and that the book collections of Presidential libraries are available for use only by researchers and GSA staff members.

The table of contents for Part 105-61 is amended by the addition of new § 105-61.305-4 as follows:

Sec.
105-61.305-4 Book collections.

Subpart 105-61.2—Public Use of Donated Historical Materials

Section 105-61.202(b) is revised to read as follows:

§ 105-61.202 Restrictions.

* * * * *

(b) Use must relate to a study requiring the unique resources of the depository.

Subpart 105-61.3—Public Use of Facilities of the National Archives and Records Service

Section 105-61.305-4 is added, as follows:

§ 105-61.305-4 Book collections.

The book collections of Presidential libraries are available to researchers needing the unique resources of such libraries and to GSA staff members. Other persons desiring to use the book collections will generally be referred to public libraries and other possible sources of such materials.

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

Effective date. The revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 3, 1970.

ROBERT L. KUNZIG,
Administrator.

[F.R. Doc. 70-16574; Filed, Dec. 9, 1970; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Norfolk Intrastate Air Quality Control Region

On August 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13459) to amend Part 81 by designating the Norfolk (Virginia)—Elizabeth City (North Carolina) Interstate Air Quality Control Region, hereafter referred to as the Metropolitan Norfolk Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on September 8, 1970. Due consideration has been given to all relevant material presented with the result that Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans Counties, in the State of North Carolina, have been deleted from the region, and the name has been changed to the Metropolitan Norfolk Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.93, as set forth below, designating the Metropolitan Norfolk Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.93 Metropolitan Norfolk Intrastate Air Quality Control Region.

The Metropolitan Norfolk Intrastate Air Quality Control Region (Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Isle of Wight.	Southampton.
James City.	York.
Nansemond.	

CITIES

Chesapeake.	Portsmouth.
Franklin.	Suffolk.
Hampton.	Virginia Beach.
Newport News.	Williamsburg.
Norfolk.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: November 16, 1970.

RAYMOND SMITH,
Acting Commissioner, National Air Pollution Control Administration.

Approved: November 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-16682; Filed, Dec. 9, 1970; 8:52 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Dubuque Interstate Air Quality Control Region

On September 12, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14406) to amend Part 81 by designating the Metropolitan Dubuque Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on September 29, 1970. Due consideration

has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.101, as set forth below, designating the Metropolitan Dubuque Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.101 Metropolitan Dubuque Interstate Air Quality Control Region.

The Metropolitan Dubuque Interstate Air Quality Control Region (Illinois-Iowa-Wisconsin) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Jo Daviess County.

In the State of Iowa:

Clayton County. Jackson County.
Dubuque County.

In the State of Wisconsin:

Grant County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: November 12, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: November 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-16681; Filed, Dec. 9, 1970; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18905; FCC 70-1260]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Certain FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Southern Pines, N.C.; Greenville, Texas; Monticello, N.Y.; Grundy Center and Independence, Iowa; Sulphur, Okla.; Antigo, Wis.; Millington, Tenn.; Calhoun City, Miss.; Cuba, Mo.; and Kentland, Ind.), Docket No. 18905, RM-1465, RM-1469, RM-1472, RM-1557, RM-1558, RM-1573, RM-1574, RM-1583, RM-1584, RM-1585, RM-1586, RM-1601.

Report and Order. 1. The Commission here considers the notice of proposed rule making in Docket No. 18905, adopted July 1, 1970 (FCC 70-707; 35 F.R. 11185), to amend the FM Table of Assignments (§ 73.202(b) of the rules) in various respects. All the proposed assignments within 250 miles of the United States-Canadian border have been approved by Canada under the terms of the Canadian-United States Agreement of 1947 and the Working Arrangement of 1963. Population figures are from both the 1960 Census and 1970 Census.[1]

2. *Six unopposed first class A assignments.* In paragraph 2 of the notice herein, it was proposed to make first class A assignments to six communities, all of them the largest cities in their counties and all but Southern Pines, N.C., a county seat. Three of the communities have no AM outlets; Independence, Iowa, and Southern Pines have daytime-only AM stations and Greenville, Tex., has a fulltime class IV station. None is in an urbanized area (1960 Census). The communities, channel proposed, 1960 and preliminary 1970 Census population, and county population, are as follows; none of the proposals was opposed, all of the assignments appear warranted, and we are herein adopting them:

[1] As to the 1970 Census, all are from the preliminary reports. Final figures are not yet available.

City	Channel	Population		County	Population	
		1960	1970		1960	1970
Southern Pines, N.C.	[1] 296A	5,198	5,984	Moore	36,733	37,434
Greenville, Tex.	228A	19,087	21,867	Hunt	39,209	46,955
Monticello, N.Y.	252A	5,222	(3)	Sullivan	45,272	(3)
Grundy Center, Iowa	[2] 249A	2,403	2,646	Grundy	14,132	13,923
Independence, Iowa	237A	5,498	5,861	Buchanan	22,203	21,494
Sulphur, Okla.	265A	4,737	5,041	Murray	10,622	10,274

[1] The transmitter site of Channel 296A must be about 1.8 miles west of the reference point.
[2] Use of Channel 249A will require a transmitter site about 1 mile north of Grundy Center.
[3] Not available.

3. *Cuba-Sullivan, Mo. (RM-1557).* We next consider the alternative allocation of Channel 265A to either Cuba or Sullivan, Mo. The petitioner, Maurice W. Covert, doing business as Radio Cuba, requested the assignment of that channel to Cuba, on the basis of its population of 1,672 (2,046),[2] the largest community in Crawford County, population 12,647 (14,477), with no existing aural broadcast outlets or FM assignments in the county. Because the technical data supporting the petition showed a large preclusion area, the notice alternatively suggested assignment to Sullivan, population 4,098 (5,104), within that area. Sullivan is located 17 miles north of Cuba astride the boundary between Crawford and Franklin Counties and mostly in Franklin (Franklin's population is 44,566 (54,452)). It was noted that Sullivan had a daytime-only AM station, KTUI.

4. Comments were filed in support of making the assignment to Sullivan by Henry J. Hampel and Edward F. Goodberlet jointly and Glynn J. Rice and Charles D. Strauser, doing business as Meramec Valley Broadcasting Co. (Meramec), licensee of daytime-only Station KTUI at Sullivan. Meramec relies on the greater population of Sullivan and the higher percentage increase between 1960 and 1970 of that community (24.5 percent) over Cuba (22.4 percent). Meramec notes that a similar facility at both communities would serve comparable populations of 17,393 or 16,214 (from the KTUI transmitter site or the Cuba reference point) based on 1970 Census figures; but that if Channel 287 assigned to Rolla, Mo., were to be utilized, Cuba would be provided with 1 mv/m or greater FM service, but there is no comparable potential service for Sullivan. Another one of Meramec's contentions is that a station at either Cuba or Sullivan would serve sparsely populated areas, and, thus, with the economies afforded by being associated with an existing standard broadcast station, there would be greater opportunity to flourish at Sullivan. We are not persuaded by this argument, which pursued to its logical extreme might mean depriving a community of an aural broadcast service where the need is the greatest. Radio Cuba filed no comments or reply comments.

5. While the maximum allowable facility for a class A channel at either community would serve comparable populations totally, on balance, it appears that the public interest, convenience, and necessity would be better served by assigning Channel 265A to Sullivan. As already noted, the population of Sullivan is substantially greater than that of Cuba, and, additionally, Cuba would be within the 1 mv/m service contour if an existing allocation at nearby Rolla were activated while Sullivan would not, nor is there any present assignment which could serve Sullivan in a similar way. Cuba is substantially closer to Rolla (1970 preliminary Census population 13,575) than is Sullivan to it or any community of similar size. Therefore, on balance, despite the fact that Sullivan has a local daytime-only station and Cuba (and its county) have no broadcast outlets, we conclude that the assignment to Sullivan is to be preferred. We also note that comments herein supported the Sullivan proposal whereas none were filed supporting the Cuba proposal, even though both alternatives were advanced in the notice. This fact, although of slight importance generally, is something which should not be ignored in an otherwise close case. The assignment to Sullivan must be 1 mile west in order to meet mileage separations.[3]

[2] The first figure is the 1960 Census and the parenthetical one is for 1970. This format is followed for all population figures hereinafter.

[3] Meramec, if the successful applicant, would have no problem if it used the KTUI-AM antenna.

6. *Kentland-Fowler, Ind. (RM–1558).* Petitioner Almo Smith requested the allocation of Channel 240A to Kentland, Ind., population 1,783 (1,849) located in Newton County with a population of 11,502 (11,455). Mr. Smith, in his petition, noted that neither Newton nor adjoining Benton County had a radio outlet, and our notice alternatively proposed assignment of Channel 240A to Fowler, the seat of Benton County because of its larger population of 2,491 (2,589). Benton County's population is 11,912 (11,163). Almo Smith promptly filed comments stating that the assignment should be made at Fowler. Meanwhile, Iroquois County Broadcasting Co., licensee of Station WGFA and WGFA–FM, Watseka, Ill., filed comments in opposition to the Kentland proposal. Iroquois contended that the operation of an FM station at Kentland would cause it serious economic loss because it provides both AM and FM service to Kentland, programs specifically for that community, and derives substantial revenues therefrom. In the latter respect, Iroquois states that in 1969 the Indiana accounts produced more gross income than the amount of operating profit before taxes, and without the Indiana revenue Iroquois would be forced to reduce its operation to a marginal one, to the detriment of listeners and the public interest generally. Additionally, Iroquois noted that the assignment of Channel 240A at Kentland would preclude a large area covering two States, including a list of communities at least six of which, including Fowler, had populations greater than Kentland. Iroquois' reply comments noted Smith's change of position and it now argues that, although Station WGFA–FM does not provide 1 mv/m service to Fowler, the service from an FM station at Fowler to common areas would have an adverse impact on Iroquois' operations. Smith also filed reply comments relying on the population growth of Fowler and economic growth of Benton County, and asserting that assignment to Fowler rather than Kentland would provide a first broadcast facility to a larger community and its county. Additionally, Smith asserts that his request demonstrates a need for a broadcast facility at Fowler, while no one from any of the other communities listed by Iroquois showed any interest, and the preclusion criteria are not applied when the requested allocation is for a first broadcast facility.

7. Iroquois apparently recognizes that its economic injury argument is weakened if allocation is made to Fowler rather than Kentland. But, even if only allocation to Kentland was before us, this type of argument has long since been put to rest by FCC v. Sanders Brothers Radio Station, 309 U.S. 470 (1940), and we need discuss it no further. For substantially the same reasons mentioned in the Cuba-Sullivan situation, the Commission feels that the public interest, convenience, and necessity would be served by making the allocation to Fowler.

8. *Antigo, Wis. (RM–1465).* The petitioner, Antigo Broadcasting Co., licensee of daytime-only AM Station WATK, seeks to substitute Channel 287 (class C) for Channel 285A presently assigned to Antigo. It is urged that the Class C channel would permit first FM service to an area east and north of Antigo duplicating the wide area coverage of its low frequency AM station, which a class A channel cannot. As our notice indicated, the burden in such cases is on the petitioner to clearly demonstrate that significant gains of first and second service would be provided if a wide coverage class B or C channel is allocated in lieu of a class A channel for a place of less than 10,000 population.[4] In this respect, while the 1960 population of Antigo was 9,691, the 1970 Census shows a decrease to 8,940 persons.[5] Our notice also stated that Antigo Broadcasting's study submitted in support of the petition was deficient because not taken into consideration was the second class C assignment at Rhinelander, Wis., or the actual site of Station WRVM (FM), Suring, Wis. Antigo did not make this further showing. It would appear that either it is unable to, or it has lost interest in the proposed rule making. In either event, we must deny the proposed change on the basis of the information and data before us.

9. *Millington, Tenn. and Calhoun City, Miss. (RM–1469 and RM–1472), and West Memphis, Ark.* As the notice stated, these are conflicting proposals. In RM–1472, Calhoun County Broadcasting Co. proposed to allocate Channel 221A to Calhoun City, Miss., without any other change in the Table of Assignments. RM–1469 is a petition of Albert L. Crain primarily to have Channel 232A allocated to Millington, Tenn., but involving changes elsewhere including Channel 221A. Crain's proposal is as follows:

City	Channel No.	
	Present	Proposed
Millington, Tenn.		232A
Oxford, Miss.	237A, 248	221A, 248
Senatobia, Miss.	232A	237A

In addition to population and related considerations, our Notice pointed to the following pertinent circumstances: Channel 232A might be used at Millington, if a site is selected about 7 miles southeast of Millington roughly equidistant from the northeastern city limits of Memphis; but petitioner failed to submit a preclusion study on the six adjacent channels as required when requesting an FM assignment near a population center having multiple service; see public notice, entitled "Policy to Govern Requests for Additional FM Assignments," 9 R.R. 2d 1245 (1967). The notice also referred to the fact that most, if not all, 15 aural outlets in Memphis (six unlimited and three daytime-only AM and six class C FM stations) provide service to Millington. With respect to the proposed Channel 221A assignment(s), the notice also noted that new assignments on that channel have been avoided unless a minimal impact on educational Channels 218, 219, and 220 could be demonstrated. The notice (par. 14) specifically stated that—

> Neither party submits sufficient information * * * as to relative needs of the assignments sought * * * all interested parties may submit comments and additional supporting data * * *. Our final decision on these cases will include careful consideration of relative needs * * * for Millington and Calhoun City, an analysis of the preclusion impact on the channel proposed at Millington (232A) and the six pertinent adjacent channels, and the impact on educational assignments that might result from assigning Channel 221A at either Oxford or Calhoun City. Any interested party may, of course, submit proposals to avoid the problems discussed above.

10. Newport Broadcasting Co., licensee of daytime-only Station KSUD, at West Memphis, Ark., filed comments urging the assignment of Channel 232A to West Memphis rather than Millington. Its counterproposals respectively are:

PLAN I

City	Channel No.	
	Present	Proposed
West Memphis, Ark.		232A
Senatobia, Miss.	232A	237A
Oxford, Miss.	237A, 248	221A, 248
Calhoun City, Miss.		272A
Charleston, Miss.	272A	[1] 232A

PLAN II

West Memphis, Ark.		232A
Senatobia, Miss.	232A	237A
Oxford, Miss.	237A, 248	248
Calhoun City, Miss.		221A

Either Plan obviates the mutual exclusivity aspect of RM–1469 and RM–1472,

[4] This criteria derives from Docket No. 17095, where the further notice of proposed rule making, adopted June 7, 1967 (FCC 67–665) stated that the test in comparable circumstances would be the comparison of a class A operating at full height and power and a class C operating at 75 kw at 500 foot antenna height.

The further notice pertinently said:

"We believe that the assumed facility 75 kilowatts ERP and 500 feet AAT for all existing stations, unoccupied Class C assignments, and the proposed station, to be reasonable for several reasons. First, such facilities are readily obtainable. Secondly, it is expected that existing stations operating with lesser facilities to apply for greater facilities as FM develops and receives wider public acceptance. Third, we believe that all available assignments of the country will be taken up in the near future especially in those portions of the country where Class C assignments requires changes or deletion of other assignments as the case herein presented. Finally, we believe that such facilities should be used by any proponent of a Class C assignment if the primary reason for the request is the unserved area that would be served. * * *"

[5] Langlade County's population has diminished proportionately from 19,916 to 18,422.

[1] To maintain co-channel mileage spacing to Channel 232A, Leland, Miss., the transmitter site would have to be about 2 miles northwest of Charleston.

although the question of impact on educational Channels 218, 219, and 220 remains. Newport also contends that it is doubtful whether a transmitter site is available for a Channel 232A assignment to Millington to provide coverage as required by § 73.207 of the rules. Newport further urges that West Memphis is more entitled to the Channel 232A allocation as the eighth largest city in Arkansas, with the only local aural service its own daytime-only AM station and that West Memphis, located in Arkansas, can never be absorbed as part of Memphis, located in Tennessee.

11. Basic information and data about the cities involved, that is, counties in which located, and populations, are as follows:

City	Population 1960	Population 1970	County	Population 1960	Population 1970
Millington, Tenn	6,059	21,142	Shelby	627,019	718,717
West Memphis, Ark	19,374	25,796	Crittenden	47,564	48,273
Calhoun City, Miss	1,714	1,812	Calhoun	15,941	14,264
Oxford, Miss	5,283	9,147	Lafayette	21,355	24,055
Senatobia, Miss	3,259	4,170	Tate	18,138	18,072
Charleston, Miss	2,528	2,811	Tallahatchie	24,081	18,865

All of the Mississippi communities are the largest in their respective counties, and each, except Calhoun City, is the county seat. Except for Oxford's Channel 248 (Station KOOR), none of the assigned channels is occupied or applied for. Additionally, Millington, while not part of the Memphis Urbanized Area is part of the 1960 and 1970 Memphis SMSA (Shelby County). West Memphis, which is about 5 miles from Memphis, was not part of the Memphis SMSA in 1960 but it is included for the 1970 Census.

12. The parties have not furnished essential data. Neither Crain, the petitioner for Channel 232A at Millington, nor Newport Broadcasting Co., the petitioner for that channel at West Memphis, has adduced information and data as to preclusion on Channels 229 through 235. Additionally, there is now a difference between these parties as to whether a transmitter site is available from which Channel 232A could serve Millington. While no one has submitted information about the impact on the three adjacent educational channels from allocating Channel 221A, implicit in the proposals of Newport Broadcasting Co., is an alternative permitting a channel allocation to Calhoun City without use of this channel, i.e., by making the allocations according to its Plan I without replacing Channel 237A at Oxford (see Plan II). Indeed, this is justifiable in the particular circumstances. From the general viewpoint, a city the size of Oxford does not merit two FM channel assignments. See further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in paragraph 25 of the Third Report, Memorandum Opinion and Order, adopted July 25, 1963, 23 R.R. 1859, 1871. Channel 248 was assigned to Oxford in 1965 at the specific request of the University of Mississippi, which expressed the intention to apply for its use to provide a wide gamut of programming directed to the social, intellectual, and cultural needs of the northern part of Mississippi, and that advertising revenues from a commercial channel were needed to fulfill these objectives. See second report and order, Docket No. 15935, 6 R.R. 2d 1513 (1965). Channel 237A was added in 1966 for "purely local needs" as opposed to regional capability; see first report and order, Docket No. 16601, 4 FCC 2d 528, 530 (1966). However, for whatever reason, the University apparently abandoned its plan, and Channel 248 is operative as Station WOOR, licensed to Leroy E. Kilpatrick. In short, the reason for two assignments at Oxford no longer exists; however, on a proper showing, the Commission through appropriate procedure would consider assignment to Oxford of Channel 221A or whatever other channel is available.

13. We find that the public interest, convenience and necessity would be served by making an assignment to Calhoun City. This may be accomplished by making appropriate changes in other communities including the reallocation of 237A from Oxford, Miss., and the other changes as follows:

City	Channel No.
Calhoun City, Miss	272A
Senatobia, Miss	273A
Charleston, Miss	* 232A

* As already noted in par. 10, there will be a transmitter site limitation.

Because of the failure of these parties to adduce information about preclusion, the Commission, at this time, must deny the petition of Albert L. Crain to assign Channel 232A to Millington, Tenn., and the counterproposal of Newport Broadcasting Co., to assign that channel to West Memphis, Ark.

14. In view of the foregoing, and pursuant to authority found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective January 13, 1971, § 73.202 (b) of the Commission's rules, the Table of Assignments, FM Broadcast Stations, is amended to read, insofar as the named communities, as follows:

City	Channel No.
Southern Pines, N.C	296A
Greenville, Tex	228A
Monticello, N.Y	252A
Grundy Center, Iowa	249A
Independence, Iowa	237A
Sulphur, Okla	265A
Sullivan, Mo	265A
Fowler, Ind	240A
Oxford, Miss	248
Calhoun City, Miss	272A
Senatobia, Miss	237A
Charleston, Miss	232A

15. *It is further ordered*, That these proceedings are terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 2, 1970.

Released: December 4, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-16558; Filed, Dec. 9, 1970; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Big Lake National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted on all water areas. These areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special condition:

(1) The sport fishing season on the refuge extends year-round except closed during duck hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 4, 1970.

[F.R. Doc. 70-16585; Filed, Dec. 9, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. The area open for winter fishing, comprising 1,050 acres, and the area open for summer fishing, comprising 400 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55450. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions.

(1) The refuge shall be open to the taking of fish from January 1 to March 21, 1971. The refuge shall then be closed to the taking of fish from March 22 to April 30 and open to fishing from May 1 to September 30, 1971. The refuge shall then be closed to fishing from October 1 to December 15 and open to fishing from December 16 to December 31, 1971. Fishing at all times shall be limited to daylight hours only.

(2) One outboard motor of not more than 10 horsepower can be attached to any floating craft and to be used for fishing purposes only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, part 33, and are effective through December 31, 1971.

JAMES E. FRATES,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

DECEMBER 2, 1970.

[F.R. Doc. 70-16586; Filed, Dec. 9, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing extends from January 1 through December 31, 1971, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

DECEMBER 1, 1970.

[F.R. Doc. 70-16587; Filed, Dec. 9, 1970; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1970

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year 1970 and through September 30, 1970, are reapportioned among the States as follows:

State	Total apportionment
Alabama	$71,955
Alaska	5,324
Arizona	124,668
Arkansas	107,000
California	255,804
Colorado	156,965
Connecticut	99,340
Delaware	64,485
District of Columbia	1,148,288
Florida	527,468
Georgia	819,027
Hawaii	11,702
Idaho	20,443
Illinois	1,410,997
Indiana	266,270
Iowa	109,954
Kansas	67,169
Kentucky	134,255
Louisana	393,405
Maine	58,954
Maryland	607,505
Massachusetts	295,488
Michigan	762,843
Minnesota	493,776
Mississippi	39,783
Missouri	772,395
Montana	24,535
Nebraska	121,028
Nevada	23,785
New Hampshire	28,072
New Jersey	303,440
New Mexico	57,086
New York	319,623
North Carolina	678,695
North Dakota	29,878
Ohio	728,868
Oklahoma	149,516
Oregon	98,029
Pennsylvania	633,913
Rhode Island	76,846
South Carolina	247,941
South Dakota	71,937
Tennessee	723,172
Texas	520,370
Utah	17,946
Vermont	41,662
Virginia	314,167
Washington	164,001
West Virginia	214,541
Wisconsin	340,786
Wyoming	14,164
Guam	468
Puerto Rico	221,978
Samoa, American	
Trust Territory	7,892
Virgin Islands	
Total	$14,999,602

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: December 4, 1970.

EDWARD J. HEKMAN,
Administrator.

[F.R. Doc. 70-16599; Filed, Dec. 9, 1970; 8:47 a.m.]

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

[Orange Reg. 67]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida orange crop and the current and prospective market conditions. Shipments of oranges, except Temple and Murcott Honey oranges, are currently regulated and volume shipments of Temple and Murcott Honey oranges are expected to begin by December 10, 1970. The size and grade requirements specified herein are necessary to prevent the handling, on and

after December 10, 1970, of oranges of the named varieties, including Temple and Murcott Honey oranges, that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, thereby maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 10, 1970. Domestic shipments of Florida oranges, except Temple and Murcott Honey oranges, are currently regulated pursuant to Orange Regulation 66 (35 F.R. 14499, 16909, 17936) and determinations as to the need for, and extent of, regulation of domestic shipments of Temple and Murcott Honey oranges and continued regulation of other varieties of oranges must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments subsequent to December 9, 1970, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on December 3, 1970, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, continue in effect the current requirements applicable to oranges other than Temple and Murcott Honey oranges, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this regulation effective as hereinafter set forth to preclude the shipment of immature Temple and Murcott Honey oranges, and the other named varieties which do not meet the specified applicable grade and size requirements and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.529 Orange Regulation 67.

(a) *Order.* (1) Orange Regulation 66, as amended (35 F.R. 14499, 16909, 17936) is hereby terminated December 10, 1970.

(2) During the period December 10, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{11}/_{16}$ inches in diameter or smaller;

(iii) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(iv) Any Navel oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos;

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(vi) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(vii) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1; and

(viii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{11}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

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

Dated: December 8, 1970.

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

[F.R. Doc. 70-16671; Filed, Dec. 8, 1970; 12:40 p.m.]

[Export Reg. 18, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida Temple and Murcott Honey orange crops and the current and prospective export market conditions for such fruit. More restrictive grade regulation requirements should be made effective no later than December 11, 1970, to provide the same grade requirements for export shipments of Temple and Murcott Honey oranges as are being made applicable to domestic shipments of such fruit beginning on December 10, 1970. More restrictive grade requirements would also provide export markets with fruit of a more desirable quality, consistent with current demand and the overall quality of the crops at the present stage of maturity, thereby maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; 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. Shipments, including those in export other than to Canada, or Mexico, of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos are currently regulated pursuant to Export Regulation 18 (35 F.R. 14607, 16787) and determinations as to the need for, and extent of, continued regulation of export shipments of Murcott Honey and Temple oranges must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of export shipments subsequent to December 10, 1970, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Commitee on December 3, 1970, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In paragraph (a) of § 905.527 (Export Regulation 18; 35 F.R. 14607, 16787) the provisions of subparagraphs (3) and (4) are revised to read as follows:

§ 905.527 **Export Regulation 18.**

(a) * * *

(3) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(4) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

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

Dated: December 8, 1970, to become effective December 11, 1970.

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

[F.R. Doc. 70-16702; Filed, Dec. 9, 1970; 8:52 a.m.]

[Navel Orange Reg. 216]

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

Limitation of Handling

§ 907.516 **Navel Orange Regulation 216.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 8, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 11, 1970, through December 17, 1970, are hereby fixed as follows:

(i) District 1: 900,000 cartons;

(ii) District 2: 110,000 cartons;

(iii) District 3: 100,000 cartons.

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

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

Dated: December 9, 1970.

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

[F.R. Doc. 70-16726; Filed, Dec. 9, 1970; 11:22 a.m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

Sexually Oriented Advertisements; Notice on Envelopes or Other Covers

In the daily issue of Saturday, October 10, 1970 (35 F.R. 15999), the Department published a notice of proposed rule making to implement section 3010(a) of title 39, United States Code as enacted by the Postal Reorganization Act (Public Law 91–375, approved Aug. 12, 1970).

Interested persons were given 30 days within which to submit written comments concerning the proposed regulations. No comments were received. The Department has determined to adopt the proposed regulations without change. Accordingly, the following amendments to Title 39, Code of Federal Regulations are hereby made, to be effective February 1, 1971.

In Part 125 add new § 125.9 reading as follows:

§ 125.9 **Sexually oriented advertisements; notice requirements on envelopes or other covers.**

(a) *Definition.* Sexually oriented advertisement means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this paragraph shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work, the remainder of which is not primarily devoted to sexual matters.

(b) *Notice requirement.* Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamps, or indicia thereof, and above the addressee designation,

there shall be placed "Sexually Oriented Ad."

(c) *Format of envelopes or other covers.* Mailings of sexually oriented advertisements shall conform to the following requirements:

(1) The name and address of the sender and the notice required by paragraph (b) of this section shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(2) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other cover.

(3) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the notice, separating them from anything else appearing on the exterior face of the mail piece.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-16706; Filed, Dec. 9, 1970; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

POULTRY PRODUCTS

Extension of Time for Filing Comments on the Notice Dealing With the Injection or Mixing of Oil and Water Base Solutions

On October 8, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15817) a notice that the Department is considering proposals to amend the regulations (7 CFR Part 81) under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) so as to allow the injection or mixing of oil and water base solutions, alone or in combination, into poultry products. The notice solicited information relative to the desirability of allowing such products to be prepared, the amounts of the solutions, if any, that should be allowed to be added, and control measures that should be applied to such products to insure compliance with labeling requirements. The notice identified various matters that would be covered in the regulations if such a proposal is adopted. A period of 30 days from the date of publication was stipulated for the submission by interested persons of comments, views, and data relative to the subjects discussed in the notice.

The Department has received petitions for an extension of the period of time provided for the submission of comments on this notice. These requests indicate that knowledge of the FEDERAL REGISTER notice was not available to the petitioners for as much as 2 weeks after it was published because of distances and delays in delivery or for other reasons. They also contend that 30 days is not sufficient time for the development of significant information and data to provide for substantive submissions on these products.

These circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Therefore, notice is hereby given that any person who wishes to submit written data, views, or arguments concerning matters in the notice may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular hours in a manner convenient to public business (7 CFR 1.27(b)). Further, any interested person who desires opportunity for oral presentation of views on this matter should communicate with the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Telephone Area Code 202-388-4276) so that arrangements can be made for such oral presentation within the aforesaid 30-day period. A transcript of all oral presentations will be made and filed in the office of the Hearing Clerk where it will be available for public inspection as provided above for written submissions. Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 7, 1970.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[F.R. Doc. 70-16628; Filed, Dec. 9, 1970; 8:50 a.m.]

[9 CFR Part 317]

MEAT PRODUCTS

Extension of Time for Filing Comments on the Notice Dealing With the Injection or Mixing of Water Base Solutions Into Meat Cuts and Chopped Meat Products

On October 8, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15837) a notice that the Department is considering proposals to amend the Federal meat inspection regulations (35 F.R. 15552) under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) to allow the injection or mixing of water base solutions into meat cuts or chopped meat products. The notice solicited information relative to the desirability of allowing such products to be prepared, the amounts of the solutions, if any, that should be allowed to be added, and control measures that should be applied to such products to insure compliance with labeling requirements. The notice identified various matters that would be covered in the regulations if such a proposal is adopted. A period of 30 days from the date of publication was provided for the submission by interested persons of comments, views, and data relative to the subjects discussed in the notice.

The Department has received petitions for an extension of the period of time stipulated for the submission of comments on this notice. These requests indicate that knowledge of the FEDERAL REGISTER notice was not available to the petitioners for as much as 2 weeks after it was published because of distances and delays in delivery or for other reasons. They also contend that 30 days is not sufficient time for the development of significant information and data to provide for substantive submissions on these products.

These circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Therefore, notice is hereby given that any person who wishes to submit written data, views, or arguments concerning matters in the notice may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular hours in a manner convenient to public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 7, 1970.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[F.R. Doc. 70-16629; Filed, Dec. 9, 1970; 8:50 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

MARKET AGENCIES USING CONSIGNED LIVESTOCK TO FILL ORDERS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228) the Packers and Stockyards Administration proposes to amend section 201.62 (9 CFR 201.62) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), with respect to the use of consigned livestock by market agencies to fill orders.

Statement of considerations. When the regulations (9 CFR 201 et seq.) under the Packers and Stockyards Act were amended in 1954 (19 F.R. 4523), § 201.62 was amended (1) to discourage commission firms from regularly channeling consigned livestock to orders without offering it for sale on the open market and (2) to assure producers consigning livestock to commission firms that, as to their livestock, the selling agency would not at the same time be the buying agent of packers and others. Since 1954, experience in the enforcement of § 201.62 shows that improved buying and selling services have resulted at livestock markets. However, some posted auction markets are experiencing difficulties in defining the charges to be assessed against buyers when filling orders out

of consignments. Section 201.62 presently provides that a uniform charge, for the expenses incurred in soliciting off-the-market bids, may be made up to one-half the "order buying charges." At central public markets or terminals, the commission for buying is usually the same as for selling; therefore the expense charge at such a market for soliciting off-market bids is, in essence, already limited to one-half the selling charge. At auction markets, however, there is generally less occasion to have regular order buying charges in the tariffs; the selling charge is the primary charge at an auction. As a result, some selling agencies at such auctions file tariffs containing artificially inflated order buying charges for the sole purpose of establishing a charge to cover expenses incurred in soliciting off-the-market bids. In order to discourage such a practice, the proposed amendment would allow one-half the amount of the selling commission properly in effect at an auction market to be used in determining the limit of the charges for soliciting bids, rather than an artificial "order buying charge." Since market agencies may still only charge to offset expenses in filling orders with consigned livestock, there is no basic change in the nature of the transaction. The amendment merely proposes to avoid the present confusion with respect to such expense charges and allow for submission of appropriate tariffs which are clear and meet the basic requirements of section 201.62.

The proposed amendment does, however, additionally provide that the consignor be notified that his livestock was used to fill the order of an off-the-market buyer. Such disclosure is intended to insure that the market agency fulfills its duties in its fiduciary relationship with its principal consignor, advising him of the true and full nature of the transaction.

It is proposed that § 201.62 be amended as follows:

§ 201.62 Using consigned livestock to fill orders.

Whenever a market agency uses livestock consigned to it for sale to fill, in whole or in part, an order which it has received from a buyer, the market agency shall be presumed with respect to such livestock to be acting solely as the agent of the consignor and shall advise the consignor in its account of sale of such use and shall collect for its services only the selling commissions provided in its tariff: *Provided*, That to offset expenses incurred by market agencies in soliciting bids on consigned livestock from off-the-market buyers, the market agencies at a stockyard may provide in their tariffs for assessing such buyers a uniform expense charge not to exceed one-half of the selling commission charges in effect at the market.

Any person who desires to submit written data, views, or arguments in connection with the aforesaid proposal, should file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 4th day of December 1970.

DONALD A. CAMPBELL,
Administrator.

[F.R. Doc. 70-16598; Filed, Dec. 9, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-70]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Farmington, N. Mex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054), the Farmington, N. Mex., control zone is amended to read:

FARMINGTON, N. MEX.

Within a 5-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.); and within 3 miles each side of the Farmington VORTAC 086° and 267° radials extending from the 5-mile radius zone to 8 miles east of the Farmington, N. Mex., VORTAC.

(2) In § 71.181 (35 F.R. 2134), the Farmington, N. Mex., transition area is amended to read:

FARMINGTON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.) within 3.5 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Farmington VORTAC 265° radial extending from the 11-mile radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

Alterations in the Farmington, N. Mex., terminal area are proposed to conform to Terminal Instrument Procedures (TERPs) criteria and provide controlled airspace for aircraft executing instrument approach/departure procedures at Farmington Airport.

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

Issued in Fort Worth, Tex., on November 27, 1970.

GEORGE W. IRELAND,
Acting Director, Southwest Region.

[F.R. Doc. 70-16649; Filed, Dec. 9, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-78]

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 Twin Falls, Idaho, 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, CA 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 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, CA 90045.

The instrument approach procedures for the Twin Falls City-County (Joslin Field), Idaho Airport have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPs). The proposed changes to the control zone and 700-foot portion of the transition area will provide controlled airspace protection for aircraft executing prescribed instrument procedures.

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

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

TWIN FALLS, IDAHO

Within a 5-mile radius of the Twin Falls City-County (Joslin Field), Idaho Airport (latitude 42°29'00" N., longitude 114°29'00" W.); within 5 miles each side of Twin Falls VORTAC 086° and 281° radials, extending from the 5-mile radius zone to 10.5 miles east and 10.5 miles west of the VORTAC. 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.

In § 71.181 (35 F.R. 2134) the description of the Twin Falls, Idaho, transition area is amended by deleting all before "* * *; and that airspace extending upward from 1,200 feet * * *" and substitute the following therefor:

TWIN FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials, extending from the VORTAC to 18.5 miles east and 18.5 miles west of the VORTAC, and within 5 miles each side of the Twin Falls 156° radial, extending from the VORTAC to 9.5 miles southeast of the VORTAC; * * *.

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 November 30, 1970.

JAMES V. NIELSON,
Acting Director, Western Region.

[F.R. Doc. 70-16650; Filed, Dec. 9, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-97]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Mason City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Mason City, Iowa, a new instrument approach procedure has been developed and the present instrument approach procedures are being altered. Accordingly, it is necessary to alter the Mason City, Iowa, control zone and transition area to adequately protect aircraft executing the new and altered approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

MASON CITY, IOWA

Within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'55" W.).

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MASON CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'55" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Mason City VORTAC; and within 4½ miles east and 9½ miles west of the Mason City VORTAC 002° radial, extending from the 22½-mile radius area to 34½ miles north of the VORTAC, excluding the portion which overlies the Albert Lea, Minn., transition area.

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

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16651; Filed, Dec. 9, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-101]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Harrisburg, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal

Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Harrisburg, Ill., the instrument approach procedure for Harrisburg-Raleigh Airport has been altered. Accordingly, it is necessary to alter the Harrisburg, Ill., transition area to adequately protect aircraft executing the altered approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

HARRISBURG, ILL.

Within a 5½-mile radius of Harrisburg-Raleigh Airport (latitude 37°48'45" N., longitude 88°33'00" W.); and within 3 miles each side of the 049° bearing from Harrisburg-Raleigh Airport, extending from the airport to 8 miles northeast of the airport.

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

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16652; Filed, Dec. 9, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-104]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kankakee, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Kankakee, Ill., two new instrument approach procedures have been developed for the Greater Kankakee Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Kankakee transition area to adequately protect aircraft executing the new approach procedures and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

KANKAKEE, ILL.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Greater Kankakee Airport (latitude 41°04'15" N., longitude 87°50'55" W.); within 2 miles each side of the Peotone, Ill., VORTAC, extending from the 6½-mile radius area to the VORTAC; within 3 miles each side of the 212° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport; within 3 miles each side of the 222° bearing from Greater Kankakee Airport extending from the 6½-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 052° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles northeast of the airport.

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

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16653; Filed, Dec. 9, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-105]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Saginaw, Mich., and revoke the transition area at Bay City and Midland, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Saginaw, Mich., a new instrument approach procedure has been developed for the Tri-City Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Saginaw control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria. The Saginaw transition area, as altered, encompasses the airspace contained in the presently designated Bay City, Mich., and Midland, Mich., transition area. Consequently, the two latter transition area designations are no longer necessary and are being revoked.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

SAGINAW, MICH.

That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) and within 2½ miles each side of the Saginaw, Mich. VORTAC 030°, 146°, 233°, and 310° radials extending from the 5-mile radius zone to 6½ miles northeast, southeast, southwest, and northwest of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

SAGINAW, MICH.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.); within 2 miles each side of the Saginaw ILS localizer northeast course, extending from the 8½-mile radius zone to 13 miles northeast of the Saginaw, Mich. VORTAC; within a 5-mile radius of James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.); within a 5-mile radius of

Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.); and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W.; thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich. VORTAC 317° radial; to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC; to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial; to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC; to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial; to and south along longitude 83°24'00" W.; to and west along the north edge of V-216; to and south along longitude 83°30'00" W.; to the point of beginning; within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial, extending from the 31-mile radius area to 37 miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Saginaw localizer northeast course, extending from the 20-mile radius area to 23½ miles northeast of the VORTAC.

(3) In § 71.181 (35 F.R. 2134, the following transition areas are revoked:

a. Bay City, Mich.
b. Midland, Mich.

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

Issued in Kansas City, Mo., on November 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16654; Filed, Dec. 9, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-108]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter control zone and transition area at Peoria, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with the 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace in the Peoria, Ill., terminal area one instrument approach procedure has been canceled and the other instrument approach procedures have been altered. Accordingly, it is necessary to alter the Peoria control zone and transition area to rescind the portion no longer required for the canceled procedure and to adequately protect aircraft executing the altered procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

PEORIA, ILL.

Within a 5-mile radius of Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 5 miles each side of the Peoria ILS localizer northwest course, extending from the airport to 16 miles north of the airport; and within 2 miles each side of the Peoria VORTAC 109° radial, extending from the 5-mile radius zone to 12 miles east of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

PEORIA, ILL.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 5 miles each side of the Peoria ILS localizer northwest course, extending from 16 to 18½ miles northwest of the airport; within 5 miles each side of the Peoria VORTAC 109° radial, extending from the 9-mile radius area to 20 miles each of the VORTAC; and within 4½ miles north and 9½ miles south of the Peoria VORTAC 279° radial, extending from the VORTAC to 18½ miles west of the VORTAC.

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

Issued in Kansas City, Mo., on November 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-16655; Filed, Dec. 9, 1970; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 21625; EDR-195]

TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Aircraft Capacity for Cargo Charters; Advance Notice of Proposed Rule Making

DECEMBER 4, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration rule making action to amend Part 221 of the Economic Regulations of the Board[1] to assure that carriers may not unjustly discriminate among shippers in terms of capacity offered to cargo charterers.

This advance notice of proposed rule making is being issued to invite public participation in the formulation of the Board's tentative conclusions as to the need for regulations in this area, and in the identification of the rule making problems involved. If, in the Board's view, comments received indicate that further action is warranted, a supplemental notice of rule making with proposed rules will then be issued.

Interested persons may participate in this rule making proceeding through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 25, 1971, will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. A petition for rule making has been filed by Seaboard World Airlines, Inc. (Seaboard), proposing to amend § 221.64 of the Board's Economic Regulations to require that in the case of cargo charters, the maximum capacity of the aircraft be stated in terms of pounds and cubic feet for each published rate or charge.[2]

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[1] 14 CFR Part 221.

[2] Petitioner proposes that the amended § 221.64 read as follows: "Charter rates and charges shall be clearly and explicitly stated in dollars or cents per aircraft (specifying the type of aircraft) on a time, mileage or specific point-to-point basis, and shall be indicated to apply on the movement of persons and their baggage and/or the movement of property. The maximum capacity available to the charterer shall be definitely stated for each published rate or charge. In the case of cargo charters, this shall be done by stating the maximum capacity in pounds and in cubic feet. In the case of passenger charters, this may be done either by stating the maximum capacity in pounds or by specifically describing the configuration of the passenger accommodations of the aircraft."

Petitioner alleges that the absence of the proposed requirements has permitted certain carriers to engage in discrimination among shippers and in unfair competitive practices. First, petitioner contends, different shippers are being offered different amounts of lift between the same points, at the same price, and in the same aircraft, resulting in a lower effective rate for the favored shippers. Second, the petition states that unrealistically high aircraft capacities are being offered to certain shippers, with the carrier either making a series of fuel stops to carry the payload or hauling the overage on other flights at no additional cost to the shipper. This, Seaboard contends, results in further discrimination and constitutes an unfair competitive practice as against other carriers.

Seaboard believes each shipper is entitled to know exactly what carriage he will receive at the specified tariff rate. While petitioner recognizes that available lift on a particular aircraft in a particular market may legitimately differ due to fluctuations in weather conditions and the use of en route fuel stops, Seaboard maintains that these factors may be accounted for by the use of experienced average payloads to account for weather conditions and by specifying an additional charge for all enroute fuel stops in excess of whatever fuel stops may be specified in the tariff.

Finally, Seaboard proposes an alternative to its requested amendment: to require that carriers specify in their tariffs that the published rates are applicable to the maximum weight-carrying capability between two specific points at the time of flight, and further providing that intermediate fuel stops could not be made unless specified in the tariff.

The practice alleged by Seaboard of effectively guaranteeing an unrealistic maximum load capability between two points, and either using space on other flights or en route fuel stops to carry the overage raises problems of unjust discrimination in violation of section 404(b) of the Act, and, in addition, the practice of hauling the overage without additional charge on other flights may well amount to the granting of a rebate to the shipper in violation of section 403(b) of the Act. Nevertheless, Seaboard's proposed requirement that tariffs specify the maximum weight capacity available for each published rate is not a satisfactory solution to the problem in our opinion. To begin with, the basic concept of charter transportation is the sale to the shipper of a planeload of lift between two points. To guarantee a particular weight load would appear to blur the essential distinction between charter and individually waybilled services. In charter service, the lack of precise centainty as to the amount of lift available on a particular plane on a particular day would seem a risk the charterer must bear in return for the low charter rates. On this basis, if the shipper wishes to be "guaranteed" a certain amount of lift, he should pay the higher individually waybilled rates for his shipments. Thus, we are of the tentative opinion that a charterer may only contract for the use of a plane between a pair of points and not for the carriage of a particular number of pounds, and that Seaboard's proposal to specify lift capacity in pounds would undermine the very concept of cargo charters.

Moreover, as Seaboard admits, the weight carrying capability of a particular aircraft between a pair of points varies from day-to-day, even from hour-to-hour, as weather conditions change en route. Even if the practical difficulties of calculating, as Seaboard proposes, the average maximum weight-carrying capabilities of each aircraft type for each pair of points could be surmounted, we believe imposing such capacity limits on shippers would further undermine the distinction between charter and individually waybilled services. Under the concept of a cargo charter, if at the time of flight the aircraft is able to carry more than the average maximum capacity, the shipper is entitled to the extra lift; conversely, if weather conditions dictate less than the average maximum capacity, the shipper cannot receive more lift than the plane can carry. Again, this uncertainty is part of the risk a charterer must bear.

The suggestion by Seaboard that extra en route fuel stops should be paid for at published rates by the charterer does have some merit in our view, and might do much to eliminate some of the unjustly discriminatory practices outlined in the petition. Thus, it is possible that tariff rates should be based on nonstop operations, with specified additional charges for each fuel stop, and/or by computing the mileage on the basis of the routing actually used. However, because of the difficulties we see in the other aspects of Seaboard's petition, the Board has determined not to propose an amendment to § 221.64 at this time, but rather to solicit comments from interested persons on what changes, if any, should be made in Part 221 to prevent the alleged abuses.

[F.R. Doc. 70-16616; Filed, Dec. 9, 1970; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 33-9025]

ISSUERS FILING REPORTS UNDER SECURITIES EXCHANGE ACT OF 1934

Suspension of Duty to File Reports

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new rule under section 15(d) of the Securities Exchange Act of 1934. Section 15(d) requires issuers which have registered securities under the Securities Act of 1933 to file annual and other reports with the Commission. That section provides, among other things, that if the number of record holders of securities of each class registered is reduced to less than 300 persons at the beginning of any fiscal year, the duty to file reports shall be suspended for such year.

At the present time the Commission has no way of knowing when a particular issuer's duty to file such reports is suspended, since the issuer may discontinue the filing of reports without informing the Commission as to the reason therefor. In order that the Commission may know whether an issuer's duty to file reports is suspended or whether the issuer is delinquent in filing reports, the Commission is considering a rule which would require issuers to file a notice with the Commission whenever their duty to file reports is suspended. It is also proposed to adopt a short form for the filing of such notices.

The proposed rule and form would read as set forth below. A copy of the proposed form has been filed with the Office of the Federal Register and copies are available from the Securities and Exchange Commission, Washington, D.C. 20549.

§ 240.15d-6 Notice of suspension of duty to file reports.

If the duty of any issuer to file reports pursuant to section 15(d) of the Act as to any fiscal year is suspended because at the beginning of such fiscal year all securities of each class registered under the Securities Act of 1933 are held of record by less than 300 persons, such issuer shall, within 10 days after the beginning of such fiscal year, file a notice on Form 15d-6 [17 CFR 249.333] informing the Commission of such suspension. If the suspension resulted from the issuer's merger into, or consolidation with, another issuer or issuers, the notice shall be filed by the successor issuer. The notice shall be filed in addition to any other report required to be filed with the Commission in connection with the same transaction or event.

§ 249.333 Form 15d-6, for notice of suspension of duty to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934.

This form shall be filed by each issuer required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934, as a notification that the duty to file such reports is suspended because at the beginning of the fiscal year in which such reports would be required all securities of each class of such issuer registered under the Securities Act of 1933 are held of record by less than 300 persons. This form shall be filed within 10 days after the beginning of such fiscal year to which it pertains.

All interested persons are invited to submit their views and comments on the proposed rule and form, in writing, to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before December 28, 1970. All such communications will be deemed available for public inspection.

(Sec. 13, 48 Stat. 894, sec. 4, 78 Stat. 569, 15 U.S.C. 78m; sec. 15(d), 48 Stat. 895, sec. 3, 49 Stat. 1377, sec. 6, 78 Stat. 570, 15 U.S.C. 78o(d), sec. 23, 48 Stat. 901, sec. 8, 49 Stat. 1379, 78w)

By the Commission, November 27, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16592; Filed, Dec. 9, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1322]

[Ex Parte No. MC-1 (Sub-No. 3)]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Credit Regulations; Household Goods

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of November 1970.

It appearing, that the Interstate Commerce Commission has prescribed rules and regulations pertaining to the extension of credit to shippers by motor common carriers of property operating in interstate or foreign commerce, see Payment of Rates and Charges of Motor Carriers, 2 M.C.C. 365, Practices of Motor Common Carriers of Household Goods, 95 M.C.C. 138, and 111 M.C.C. 427, Payment of Rates and Charges of Motor Carriers Credit Regulations—Household Goods, 105 M.C.C. 460, and 110 M.C.C. 79, and Regulations for Payment of Rates and Charges, 326 I.C.C. 483, and specifically § 1322.1 of the Code of Federal Regulations (49 CFR 1322.1), Carrier may extend credit to shipper, which provides as follows:

Carrier may extend credit to shipper. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays, when the freight bill covering shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock (midnight) following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the credit period from the first 12 o'clock (midnight) following the presentation of the freight bill.

It further appearing, that by petition filed on January 22, 1970, the American Movers Conference, Household Goods Carriers Bureau, and Movers and Warehousemen's Association of America, Inc., seek modification of the said regulation by adding the following exception thereto:

except that motor common carriers of household goods may provide in their tariffs that (1) the aforesaid credit period of 7 calendar days, shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7 day period and (2) such shipper will be assessed a service charge by the carrier equal to 2 percent of the amount of said freight bill for such extension of the credit period.

It further appearing, that subsequent to public notice thereof, replies were filed by the Aerospace Industries Association of America, Inc., North American Van Lines, Inc., Wheaton Van Lines, Inc., and the National Industrial Traffic League;

It further appearing, that both the household goods carriers and shippers generally experience difficulty in complying with the rule proposed to be modified; and that, in the general public interest, in addition to the petitioning carriers and the persons who filed replies to the petition, all other household goods carriers should be made respondents, and all State Governors, and all the Federal, State, county, and city offices charged with consumer protection, and all known voluntary consumer organizations listed in the appendix to this order, should be notified of the filing of the petition and have an opportunity to participate; therefore:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (section 223) and section 553 of the Administrative Procedure Act (5 U.S.C. sec. 553) for the purpose of determining whether and to what extent the currently effective rules and regulations pertaining to the period of credit following delivery of freight by motor common carriers of household goods should be modified or changed, and whether the carriers should be allowed to impose penalty charges upon shippers who fail to pay the freight charges within the credit period.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding, and that the said officials and organizations listed in the attached appendix be served with a copy of this notice and order.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate by submitting statements of verified facts, and views and arguments and replies thereto, concerning the issue in this proceeding.

It is further ordered, That all persons including respondents who wish to participate actively in this proceeding and file and/or receive copies of pleadings shall make known that fact by notifying the Office of Proceedings of this Commission in writing (an original and one copy) on or before January 4, 1971; that the Commission thereafter shall serve a list of the names and addresses of all persons upon whom service of all verified statements, replies, or other pleadings must be made; and at the time of service of the service list the Commission will fix the time within which initial and reply statements must be filed.

And it is further ordered, That, in addition to service of the persons listed in the appendix hereto, a copy of this order be served on the Public Utility Commission, or Boards, or similar regulatory bodies of each State having jurisdiction over the transportation here involved; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16615; Filed, Dec. 9, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 5]

LONDON GUARANTEE AND ACCIDENT COMPANY, LTD., UNITED STATES BRANCH, AND LONDON GUARANTEE & ACCIDENT COMPANY OF NEW YORK

Termination of Authority To Qualify as an Acceptable Reinsuring Company on Federal Bonds and Acceptable Surety Company on Federal Bonds

The London Guarantee & Accident Company of New York was incorporated under the laws of the State of New York on October 31, 1969. The Company was organized to serve as a corporate vehicle in a domestication of the United States Branch of the London Guarantee and Accident Company, Ltd. This domestication became effective January 1, 1970. In the process, the New York Company acquired all the assets, assumed all the liabilities, and took over all the insurance business in force on the books of the former United States Branch.

A copy of the domestication agreement and the instrument of transfer and assumption between the Companies, approved by the Superintendent of Insurance of the State of New York January 28, 1970, effective January 1, 1970 have been received and filed in the Treasury.

A Certificate of Authority as an acceptable surety on Federal bonds dated July 1, 1970, has been issued by the Secretary of the Treasury to London Guarantee & Accident Company of New York, New York, N.Y., under Section 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1970, to the United States Branch, London Guarantee and Accident Company, Ltd., as an acceptable reinsuring company pursuant to 31 CFR Part 223, (Circular 297, Revised, January 2, 1970). An underwriting limitation of $1,474,000 has been established for London Guarantee & Accident Company of New York.

In view of the foregoing, this domestication of London Guarantee and Accident Company, Ltd., United States Branch, does not affect its status or liability with respect to any obligations in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to a Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CRF Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 7, 1970.

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

[F.R. Doc. 70-16635; Filed, Dec. 9, 1970; 8:50 a.m.]

Internal Revenue Service

STEVEN MARK SMITH

Notice of Granting of Relief

Notice is hereby given that Steven Mark Smith, 1013 Winneshiek Road, La Crosse, WI 54601, 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 June 28, 1963, and on November 3, 1966, in the Circuit Court, La Crosse, Wis., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Steven Mark Smith 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 Steven Mark Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Steven Mark Smith'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 Steven Mark Smith 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 27th day of November 1970.

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

[F.R. Doc. 70-16636; Filed, Dec. 9, 1970; 8:50 a.m.]

THOMAS NORTON TAYLOR

Notice of Granting of Relief

Notice is hereby given that Thomas Norton Taylor, 341 North Hook Road, Pennsville, NJ, 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 April 11, 1967, in the U.S. District Court for the District of Maryland, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas Norton Taylor 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 Thomas Norton Taylor to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas Norton Taylor'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 Thomas Norton Taylor 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 25th day of November 1970.

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

[F.R. Doc. 70-16637; Filed, Dec. 9, 1970; 8:50 a.m.]

CHARLES DALTON TERRY

Notice of Granting of Relief

Notice is hereby given that Charles Dalton Terry, Route 1, Box 142, Roanoke, VA 24012, 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 April 29, 1947, in the Hustings Court, City of Roanoke, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Charles Dalton Terry 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 Charles Dalton Terry to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Charles Dalton Terry'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 Charles Dalton Terry 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 25th day of November 1970.

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

[F.R. Doc. 70-16638; Filed, Dec. 9, 1970; 8:50 a.m.]

ROBERT CHARLES WILSON

Notice of Granting of Relief

Notice is hereby given that Robert Charles Wilson, Route 1, Box 919, McFarlands Trailer Court, Hollins, VA 24019, 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 September 7, 1966, in the Roanoke County Circuit Court, Salem, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert C. Wilson 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 Robert C. Wilson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert C. Wilson'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 Robert C. Wilson be, and he hereby is, granted relief from any and all disabilities imposed by the 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 27th day of November 1970.

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

[F.R. Doc. 70-16639; Filed, Dec. 9, 1970; 8:50 a.m.]

CECIL H. RHODEN

Notice of Granting of Relief

Notice is hereby given that Cecil H. Rhoden, Baldwin Home Appliances, Baldwin, Fla., 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 January 9, 1950, in the U.S. District Court, Southern District of Florida, and on March 17, 1950, in the U.S. District Court, Southern District of Florida, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Cecil H. Rhoden 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 Cecil H. Rhoden to receive, possess, or transport in commerce, any firearm.

Notice is hereby given that I have considered Cecil H. Rhoden'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 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 of section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Cecil H. Rhoden 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 25th day of November 1970.

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

[F.R. Doc. 70-16640; Filed, Dec. 9, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., December 31, 1970.

SEWARD MERIDIAN, ALASKA

T. 15 N., R. 1 E.,
Secs. 18 and 19.

Containing 1,236.62 acres.

2. The elevation of the land ranges from 1,100 feet to 3,400 feet above mean sea level. Soil ranges from a thin sandy

loam in areas of shallow relief to gravel and sand with a considerable amount of rocks on the steep slopes. Timber ranges from first to second growth spruce, birch, and cottonwood with alder and willow underbrush. Access is difficult because of the nature of the area. There is one dry weather road that services the area.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Land Office Manager.

[F.R. Doc. 70-16577; Filed, Dec. 9, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

DECEMBER 3, 1970.

Notice of a Bureau of Reclamation, U.S. Department of the Interior application Los Angeles 0156728 for the Calleguas Project was published as F.R. Doc. No. 58-7162 on page 6840 of the issue for September 5, 1958; and application R 267 for the Sespe Creek Project was published as F.R. Doc. No. 66-12837 on page 15025 of the issue for November 30, 1966. The applicant agency has cancelled its applications involving the lands described in the FEDERAL REGISTER publications referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2351 (formerly Part 2311), such lands at 10 a.m., on January 4, 1971, will be relieved of the segregative effect of the above-mentioned applications.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-16578; Filed, Dec. 9, 1970; 8:46 a.m.]

[Serial No. I-3782]

IDAHO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership; Correction and Partial Termination

DECEMBER 3, 1970.

In F.R. Doc. 70-15106 appearing on pages 17274 and 17275 in the issue for Tuesday, November 10, 1970, legal description within certain sections under paragraph 3 should be corrected to read:

T. 40 N., R. 1 E.,
Sec. 14, N½NE¼;
Sec. 23, lot 2, SW¼NE¼, SE¼NW¼.
T. 38 N., R. 2 E.,
Sec. 28, S½N½SE¼, NW¼NW¼SE¼.
T. 39 N., R. 2 E.,
Sec. 18, lot 4, SW¼NE¼, SE¼SW¼ less patented M.S. 2731;
Sec. 19, lots 1, 2, 3, and 4, NW¼NE¼ less patented M.S. 2731, SW¼NE¼, NE¼NW¼ less patented M.S. 2731, SE¼NW¼, E½SW¼, NW¼SE¼.
T. 39 N., R. 3 E.,
Sec. 19, lots 2 and 3, NW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The segregative effect of the Notice of Proposed Classification is hereby terminated on those subdivisions eliminated from the above described sections and on the following:

T. 38 N., R. 2 E.,
Sec. 26, SE¼SW¼SE¼, SW¼SE¼SE¼, E½SE¼SE¼.

The total lands described now aggregate approximately 5,980 acres.

WILLIAM L. MATHEWS,
State Director.

[F.R. Doc. 70-16575; Filed, Dec. 9, 1970; 8:45 a.m.]

[I-3813]

IDAHO

Notice of Offer of Lands

DECEMBER 2, 1970.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

BOISE MERIDIAN

T. 1 N., R. 37 E.,
Sec. 3, lots 11, 12, and 13;
Sec. 17, lots 9, 10, 11, 12, and portions of lots 7 and 8 described as—Beginning at angle point No. 2 located on the right bank of the river in sec. 17, lot 8; thence N. 63°40' W. along the original meander line 663.96 feet to angle point No. 3; thence N. 85°22' W. along original meander line 395.5 feet to the centerline of the old county road, subject to 33 feet right-of-way for public access; thence continuing along the original meander line 480 feet to the centerline of the street; subject to 82.5 feet right-of-way for public access; thence along original meander line 500 feet to angle point No. 4; thence S. 39°20' W., 291.72 feet to the original meander corner between secs. 17 and 18; thence in a southeasterly direction along the right bank of the river approximately 775 feet to Ulerick east fence line; thence in a northerly direction along the north-south fence line to centerline of the street; subject to 33 feet right-of-way for public access; thence in a northerly direction to corner of Pearson lot fence; thence in an easterly direction along the fence line approximately 346.5 feet to the centerline of the old county road; subject to 33 feet right-of-way for public access; thence along the fence line in an easterly direction approximately 1,070 feet to where this line intersects the original meander line; thence N. 69°23' W. along the original meander line approximately 80 feet to the angle point No. 2, the point of beginning.
Sec. 18, lot 9;
Sec. 19, lots 11 to 16, inclusive;
Sec. 29, lots 5, 6, and 7;
Sec. 30, lots 12, 13, 14, and 15;
Sec. 31, lots 9 and 10;
Sec. 32, lots 5 and 6.

The areas described aggregate approximately 417.85 acres.

2. Plats of survey were filed (see 34 F.R. 1734) in the Land Office, Boise, Idaho at 10 a.m. on March 14, 1969.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Manager, Land Office, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702, before February 10, 1971, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) A right of access for the public, 100 feet wide along the river front for those lots abutting the Snake River.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 70-16579; Filed, Dec. 9, 1970; 8:46 a.m.]

[Serial No. N-4725]

NEVADA

Notice of Offering of Land for Sale

DECEMBER 4, 1970.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR 2720, the Secretary of the Interior will offer for sale the following tracts of land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 61 E.,
Sec. 2, SW¼SW¼SE¼SW¼;
Sec. 11, NE¼NE¼NW¼NW¼, W½NW¼NE¼NW¼.
T. 11 N., R. 62 E.,
Sec. 4, W½SW¼SE¼NE¼, E½SE¼SW¼NE¼, NW¼NE¼SE¼.
T. 17 N., R. 63 E.,
Sec. 33, E½NE¼SE¼;
Sec. 34, W½NW¼SW¼.
T. 18 N., R. 64 E.,
Sec. 22, SE¼NW¼, excepting therefrom that portion included in patented Mineral Survey 4045.

T. 22 N., R. 64 E.,
Sec. 10, SW¼NE¼NW¼SW¼, SE¼NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, NW¼SE¼NW¼SW¼.
T. 25 N., R. 65 E.,
Sec. 10, NW¼SE¼SE¼NW¼, E½NE¼SW¼SE¼NW¼.
T. 13 N., R. 70 E.,
Sec. 22, S½SW¼NE¼.

The areas described aggregate approximately 122 acres. The lands are located near the communities of Preston, Lund, Ely, McGill, Schellbourne Station, Lage's Station, and Baker, respectively, in White Pine County, Nev., and are planned for use as dump sites.

It is the intention of the Secretary to enter into an agreement with White Pine County to permit their purchase of the lands at fair market value, $1,300.

A protest to the proposed classification of these lands in T. 12 N., R. 61 E., was filed. The protest was dismissed in the initial classification of December 2, 1970. Sale of those lands will be made only if there is no protest to the initial classification, or, if there is a protest, only if the Secretary of the Interior does not exercise his supervisory authority and the initial classification becomes the final order of the Secretary.

The lands will be sold subject to all valid existing rights. Reservation will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Any adverse claimants should file their claims or objections with the undersigned within 30 days of the filing of this notice.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-16580; Filed, Dec. 9, 1970; 8:46 a.m.]

[Serial No. N-257-C]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

DECEMBER 1, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2420 and 2460, it is proposed to classify the public lands within the area described below for multiple-use management. Publication of this notice segregates all the public lands described in this notice from appropriation under the Homestead, Desert Land and Allotment Laws (43 U.S.C. Chapter 7 and 9; and 25 U.S.C. 334), from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27), and from appropriation under the general mining laws but not the mineral leasing and material sale laws. As used in this order, the term "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. The 140 acres proposed for classification contain two main springs, School Springs and a spring locally referred to as Scruggs Spring. Rare forms of desert fish reside in these springs. These fish, Syprinadon nevadusis pectoralis, a desert pupfish, are listed by the Secretary of the Interior as a rare and endangered species of fish. The Bureau of Land Management has constructed a protective fence around School Springs and has completed habitat improvement work at the site.

The subspecies of fish cited above were believed to be restricted to School Springs. However, Mr. Robert R. Miller, internationally known ichthyologist, recently confirmed that the fish are also found in Scruggs Spring.

Classification and segregation of the lands listed below will help protect the lands around these springs from appropriation under the public land and mining laws, so that management of the lands may continue and the public can view and study these native fish.

The public lands proposed for classification are located within Nye County, Nev. The area identified for classification is shown on maps, which are on file in the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV 89108, and the Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, NV 89502.

3. The public lands proposed to be classified for multiple use management are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 50 E.,
Sec. 35, SW¼NE¼, S½NE¼SE¼, NW¼SE¼SE¼SE¼.

Totaling approximately 140 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV 89108.

For the State Director.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-16581; Filed, Dec. 9, 1970; 8:46 a.m.]

[Serial Nos. N-1810, N-4302]

NEVADA

Notice of Public Sale

DECEMBER 2, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427), 43 CFR Subpart 2720, four parcels of land will be offered for sale to the highest bidder at 10 a.m., Wednesday, April 14, 1971, at the Elko District Office, 2002 Idaho Street, Elko, NV 89801. The lands are more particularly described below.

MOUNT DIABLO MERIDIAN, NEVADA

T. 33 N., R. 70 E.,

PARCEL NO. 1

Sec. 16, S½NE¼NE¼NE¼, NW¼NE¼NE¼, N½S½NE¼NE¼, S½SE¼NE¼NE¼.

30 acres. Appraised value: $2,500.

PARCEL NO. 2

Sec. 9, S½SW¼SW¼SE¼;
Sec. 16, NW¼NE¼.

45 acres. Appraised value: $5,000.

PARCEL NO. 3

Sec. 16, NE¼NW¼.

40 acres. Appraised value: $4,000.

PARCEL NO. 4

Sec. 9, S½N½SE¼SW¼, S½SE¼SW¼.

30 acres. Appraised value: $1,500.

The publication costs to be assessed for each parcel are estimated at $4.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser; or (3) any corporation organized under the laws of the United States, or of any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, NV 89801, prior to 4 p.m., on Tuesday, April 13, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and parcel numbers and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-1810 and 4302, Parcel No. ------, 10:00 a.m., April 14, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

Any parcel not sold on Wednesday, April 14, 1971, shall be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning May 5, 1971.

Any adverse claimants to the above described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, NV 89801.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-16582; Filed, Dec. 9, 1970; 8:46 a.m.]

[OR 6992]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 3, 1970.

In F.R. Doc. 70-14119 of the issue for Wednesday, October 21, 1970, the following change should be made so that the land description reads:

T. 14 S., R. 32 E.,
Sec. 18, lots 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-16583; Filed, Dec. 9, 1970; 8:46 a.m.]

[OR 7170 (Wash.), 7171 (Wash.), 7172 (Wash.)]

WASHINGTON

Notice of Offering of Lands for Sale

DECEMBER 3, 1970.

Notice is hereby given that, under the Act of September 19, 1964 (78 Stat. 988), and pursuant to applications of the city of Richland, Wash., the Secretary of the Interior will offer for sale the following described lands:

WILLAMETTE MERIDIAN

T. 10 N., R. 27 E.,
Sec. 12, lots 5, 6, 7, and 8, S½SW¼, and SW¼SE¼;
Sec. 14, NE¼NE¼.

T. 9 N., R. 28 E.,
Sec. 22, N½NE¼SW¼, SE¼NE¼SW¼, N½SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 26, N½NW¼ and SE¼NW¼.

T. 10 N., R. 28 E.,
Sec. 18, lots 1, 2, 3, 4, and 6, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 20, N½ and SE¼;
Sec. 28.

The areas described aggregate 2,321.94 acres in Benton County, Wash.

The lands are chiefly valuable for orderly community growth and development. The lands are located within or adjacent to the city of Richland, Wash.

It is the intention of the Secretary to enter into an agreement with the city of Richland to permit the city to purchase the lands at the appraised fair market value.

The patents will issue subject to all valid existing rights, rights-of-way, and easements of record. The patents will also contain a reservation to the United States for rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-16584; Filed, Dec. 9, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

SUTTON LIVESTOCK COMPANY, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified 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*
GEORGIA	
Sutton Livestock Co., Sylvester, Aug. 20, 1959.	Sutton Livestock Company, Inc., Apr. 3, 1970.
MISSISSIPPI	
Mississippi Livestock Producers Assn. (North (Barn), Jackson, Jan. 7, 1959.	Mississippi Livestock Producers Association, Producers Stockyards, Nov. 17, 1970.
OKLAHOMA	
Alva Sales Co., Alva, Oct. 10, 1949.	Triangle Livestock Company, Oct. 12, 1970.
SOUTH DAKOTA	
Magness Faulkton Livestock Exchange, Faulkton, June 3, 1959.	Magness-Faulkton Livestock Exchange, Inc., Nov. 30, 1970.
Schnell Livestock Market, Inc., Lemmon, Dec. 9, 1961.	Lemmon Livestock Yards, Inc., Dec. 2, 1970.
TEXAS	
Cole Livestock Auction, Brownwood, Feb. 28, 1957.	Central Texas Livestock Auction, Sept. 28, 1970.

Done at Washington, D.C., this 7th day of December 1970.

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

[F.R. Doc. 70-16630; Filed, Dec. 9, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-330]

FRANK V. POMILIA

Notice of Loan Application

DECEMBER 4, 1970.

Frank V. Pomilia, 74 Crestline Drive, San Francisco, CA 94131, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 51-foot length overall steel vessel to engage in the fishery for salmon, crab, and albacore.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received

it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-16572; Filed, Dec. 9, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL BRIDGE INSPECTION STANDARDS

Extension of Closing Date for Comments

Correction

In F.R. Doc. 70-16105 appearing on page 18350 in the issue of Wednesday, December 2, 1970, the word "Natural" appearing in the heading should read "National" so that the entire heading will read as set forth above.

ATOMIC ENERGY COMMISSION

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 2 to Provisional Operating License No. DPR-16 dated April 9, 1969. The amendment authorizes the Jersey Central Power & Light Co. to operate the Oyster Creek Nuclear Power Plant Unit No. 1 at power levels up to a maximum of 1,690 megawatts (thermal).

The Commission has found that the Energy Act of 1954, as amended ("the application for the amendment complies with the requirements of the Atomic Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 5, 1970, and supplements dated June 2, August 31, September 17 and November 18, 1970, (2) the amendment to the provisional operating license, and (3) the Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of items (2) and (3) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of December 1970.

For the Atomic Energy Commission,

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-16571; Filed, Dec. 9, 1970; 8:45 a.m.]

CIVIL SERVICE COMMISSION

POLICE AT WASHINGTON, D.C.; DULLES INTERNATIONAL AND WASHINGTON NATIONAL AIRPORTS

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-083 POLICE SERIES

Geographic coverage: Washington, D.C.; Dulles International and Washington National Airports.
Effective date: First day of the first pay period beginning on or after November 15, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$7,856	$8,074	$8,292	$8,510	$8,728	$8,946	$9,164	$9,382	$9,600	$9,818
GS-6	8,266	8,509	8,752	8,995	9,238	9,481	9,724	9,967	10,210	10,453
GS-7	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,798	11,068
GS-8	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647	11,946

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16604; Filed, Dec. 9, 1970; 8:45 a.m.]

GUARD AT WASHINGTON, D.C., SMSA

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-085 GUARD SERIES

Geographic coverage: Washington, D.C., Standard Metropolitan Statistical Area (SMSA) including District of Columbia Childrens' Center, Laurel, Md., and Quantico Marine Base, Va.
Effective date: First day of the first pay period beginning on or after November 15, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-2	$6,007	$6,161	$6,315	$6,469	$6,623	$6,777	$6,931	$7,085	$7,239	$7,393
GS-3	6,778	6,952	7,126	7,300	7,474	7,648	7,822	7,996	8,170	8,344
GS-4	7,413	7,608	7,803	7,998	8,193	8,388	8,583	8,778	8,973	9,168
GS-5	7,856	8,074	8,292	8,510	8,728	8,946	9,164	9,382	9,600	9,818
GS-6	8,266	8,509	8,752	8,995	9,238	9,481	9,724	9,967	10,210	10,453
GS-7	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,798	11,068
GS-8	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647	11,946

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates

shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-16605; Filed, Dec. 9, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-11-131]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 25, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 19, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R–36:
Commodity Item No. 1024—Fish, Live, Inedible, Including Aquarium Articles Such as Coral, Weed, Fish Food—Excluding Aquariums and Aquarium Appliances, 228 cents per kg., minimum weight 100 kgs. Bujambura to New York.

R–37:
Commodity Item No. 4435—Electronic Tubes, Transistors and Solid State Semi-Conductor Devices, N.E.S., 225 cents per kg., minimum weight 100 kgs., 215 cents per kg., minimum weight 300 kgs., Penang to Los Angeles, 255 cents per kg., minimum weight 100 kgs., 245 cents per kg., minimum weight 300 kgs., Penang to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R–36 and R–37, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16617; Filed, Dec. 9, 1970; 8:49 a.m.]

[Docket No. 22847; Order 70-12-27]

ALASKA AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of December 1970.

By tariff revisions marked to become effective December 9, 1970,[1] Alaska Airlines, Inc. (Alaska), proposes to add individual round-trip tour basing fares between Seattle on the one hand and Anchorage, Fairbanks, Juneau, and Skagway on the other; and between Fairbanks on the one hand and Skagway and Juneau on the other. The fares will apply during the period June 16 through August 31.

The proposed round-trip fares (which permit free stopovers at intermediate points) are 27 to 33 percent less than normal round-trip coach fares. The fares are restricted to the extent that they must be used as part of an advertised prepaid air tour which includes ground costs of at least $50; must include 3 nights' prepaid hotel accommodations and sightseeing, and all transfers to and from airports. The fares have a minimum stay requirement of 4 days and a maximum stay limitation of 21 days.

Alaska alleges that its purpose in introducing these fares is to compete with land-and-sea tours to Alaska, and to promote tourism either partially or wholly by air when in conjunction with merchandized tours. The carrier asserts that little or no diversion is expected from normal fares, and that its proposal will develop new travel by persons who could not otherwise afford to visit Alaska, or would otherwise book a less expensive land/sea tour.

Northwest Airlines, Inc. (Northwest), has filed a complaint against the proposed fares and requests that they be suspended pending investigation. Northwest asserts, among other things, (1) that application of the proposed fares during the peak travel summer season will divert regular fare traffic and dilute yields; (2) that the restrictions applicable to the fares are so loose that any Alaska tourist could meet the requirements; and (3) that its proposal here to introduce reduced fares is contrary to the rationale advanced at the time it recently increased normal fares (Oct. 15, 1970).

Upon consideration of the tariff proposal, the complaint, and other relevant matters, the Board finds that the proposal may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

In the Board's opinion, the proposed fares could well have a depressing effect upon overall passenger yields, at the very time all carriers are faced with escalating operating costs and only modest traffic growth. Alaska tourism is very heavily concentrated in the months of June through August, and passenger load factors are exceptionally high during this period. Since the availability of unused capacity is limited, there would appear a strong likelihood that the proposed inclusive tour fares would displace regular fare passengers. Moreover, we are not persuaded that the restrictions placed on the fares will materially deter diversion to their use by tourists who would otherwise travel on regular fares. Either result would be undesirable, and contrary to the objectives for which promotional fares are designed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 1.H. on Fourth Revised Page 2 and all fares and provisions on Original Page 5 of Alaska Airlines, Inc.'s CAB No. 128 and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 1.H. on Fourth Revised Page 2 and all fares and provisions on Original Page 5 of Alaska Airlines, Inc.'s CAB No. 128 are suspended and their use deferred to and including March 8, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein the complaint of Northwest Airlines, Inc., in Docket 22793 is dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the above-named tariff and served upon

[1] Revisions to Alaska Airlines, Inc. Tariff CAB No. 128.

Alaska Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-16618; Filed, Dec. 9, 1970; 8:49 a.m.]

[Docket No. 22769; Order 70-12-10]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority December 3, 1970.

The Postmaster General filed a notice of intent November 17, 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 63.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Rochester and New York, N.Y., based on five round trips per week.

No protest or objections 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, 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 order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, 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 63.9 cents per great circle aircraft mile between Rochester and New York, N.Y., 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. Buckeye Air Service, Inc., the Postmaster General, American Airlines, Inc., Mohawk Airlines, 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 Buckeye Air Service, 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 Buckeye Air Service, Inc., the Postmaster General, American Airlines, Inc., Mohawk Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-16619; Filed, Dec. 9, 1970; 8:49 a.m.]

[Docket No. 22765; Order 70-12-11]

GOLDEN WEST AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority December 3, 1970.

The Postmaster General filed a petition on November 16, 1970, pursuant to 14 CFR Part 298, requesting the Board to establish for the above captioned air taxi operator, a final service mail rate of 98 cents per great circle aircraft mile for the transportation of mail by aircraft between Mojave and Los Angeles, Calif., based on five round trips per week.

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 w illmeet postal needs in the market. He states the air taxi plans to initiate mail service with DeHavilland Twin Otter 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 order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Golden West Airlines, 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 98 cents per great circle aircraft mile between Mojave and Los Angeles, 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. Golden West Airlines, Inc., the Postmaster General, 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 West Airlines, 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;

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[2] Dissenting statement of Members Minetti and Murphy filed as part of the original document.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[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).

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 West Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16620; Filed, Dec. 9, 1970; 8:49 a.m.]

[Docket No. 22842; Order 70-12-20]

UNITED AIR LINES, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of December 1970.

By tariff revisions posted [1] November 6, 1970, and marked to become effective December 21, 1970, United Air Lines, Inc. (United), proposed to reduce its specific commodity rates on avocados, artichokes, asparagus, and grapes from Los Angeles, Portland, San Francisco, and Seattle to eastern points. The proposed rates are subject to a minimum shipment weight of 5,000 pounds and to the requirement that the shipper tender the freight to the carrier between the hours of 9:30 a.m. and 5:30 p.m. The tariff revisions bear an expiration date of March 21, 1972.

In support of its filing, United claims that (1) it will obtain 3.8 million pounds of traffic now moving by surface modes and generate $230,000 in additional revenues, (2) the traffic will be transported on daytime freighters now having substantial excess capacity, (3) that the proposal's limitation on hours of shipment tenders will mean that no additional ground costs will accrue, and (4) the rates are the maximum rates at which regular surface shipments can be diverted to air.

American Airlines, Inc. (American), has filed a complaint against United's filing, requesting suspension and investigation thereof, asserting, inter alia, that the proposed rates are unduly low and that they will substantially dilute revenues on such traffic now moving via air freight.

Upon consideration of all relevant matters, the Board finds that United's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

The rates proposed will involve substantial reductions, ranging between 33 and 59 percent below currently applicable specific commodity rates. The revenue yields from the proposal will be relatively low, ranging between 4.6 and 6.4 cents per revenue ton-mile. The possibilities of diversion from other air carriers' traffic or dilution of air freight revenues are considerable. Furthermore, United has not presented any factual cost data in support of its proposal.

On the other hand, there appears to be a large potential market of surface freight that United is seeking to tap on a selective basis. Furthermore, a considerable amount of excess capacity appears to exist on available flights and in terminal operations at certain hours.

The Board has, therefore, decided not to suspend United's proposal but to allow it to become effective on an experimental basis pending investigation. The proposed tariff will expire by its own terms 15 months after the effective date. We shall expect United to submit comprehensive reports indicating the volume of traffic transported under the proposal and other relevant data. The details of the reports will be worked out by consultation between the carrier and Board staff members.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. The complaint of American Airlines, Inc., in Docket 22777 is dismissed, except to the extent granted herein;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be served upon American Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16621; Filed, Dec. 9, 1970; 8:49 a.m.]

[Dockets Nos. 22034, 22457; Order 70-12-31]

WRIGHT AIR LINES AND TAG AIRLINES, INC.

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1970.

Wright-TAG Merger Case, Docket 22034; application of TAG Airlines, Inc., for suspension, Docket 22457.

A petition for reconsideration of the Board's decision in the above-entitled proceeding (Order 70-9-135) has been filed jointly by Wright Air Lines and TAG Airlines. Answers have been filed by the International Association of Machinists and Aerospace Workers, the Air Line Pilots Association, International, and the Bureau of Operating Rights.

Upon consideration of the matters presented, we have decided to deny the petition for reconsideration. Petitioners have not established error in the Board's decision or presented any matters that otherwise would warrant the relief they seek. However, we will modify the scope of the reopened proceeding in one respect, as proposed by the Bureau.

Petitioners claim that the Board was arbitrary and unfair in placing in issue the possible termination or revocation of TAG's certificate authority in the event the carrier fails to comply with the Board's order to resume its operations between the Detroit City Airport and the Burke Lakefront Airport (Cleveland). We find this contention unpersuasive. The Board has merely ordered TAG to fulfill the obligations imposed by its certificate [1] within 90 days, the statutory period for certificate terminations under section 401(f) of the Act, and, under the circumstances, a reasonable time within which TAG should be expected to resume its operations or face a possible revocation of its route authority under section 401(g).[2] In view of petitioners' present assertion that TAG is unable to provide its certificated service because of serious financial difficulties, the Board is entirely justified in considering termination or revocation of its authority as one of several decisional options should the carrier continue in default of its certificate responsibilities. Moreover, petitioners have not indicated how they are prejudiced by our order that TAG resume service, since a failure by the carrier to comply would merely place the

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, CAB No. 115.

[1] TAG's certificate of public convenience and necessity issued pursuant to Order 69-8-165, Aug. 29, 1969, requires in part that:

The holder shall render service to and from the points named herein except as temporary suspensions of service may be authorized by the Board

On Aug. 7, 1970, TAG suspended its certificated service without Board permission, in violation of this provision and of Part 205 of the regulations.

[2] Section 401(f) of the Act provides, in part, that if, for a period of 90 days, any service authorized by a certificate is not operated, the Board may by order, entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service. Section 401(g) of the Act provides, in part, that the Board, upon its own initiative and after notice and hearing, may revoke a carrier's certificate for intentional failure to comply with any term or condition of the certificate, provided that the Board first afford the carrier a reasonable time to comply with said term or condition.

termination/revocation question in issue; petitioners would remain free, of course, to argue against termination/revocation and for Board approval of a Wright-TAG merger at the hearing in the reopened proceeding.

Finally, we will expand the scope of the reopened proceeding to include an issue suggested by the Bureau—i.e., whether, in the event the Board decides to terminate or revoke TAG's certificate, another carrier should be authorized to serve the route.[2] The inclusion of this issue will provide the Board maximum flexibility in determining the future of certificated service for the Detroit-Cleveland inner route, and will obviate the need for a separate route proceeding should we ultimately decide to end TAG's authority while nevertheless concluding that the market needs certificated service. Accordingly, we will entertain applications for authority over route 169 and will require such applications to be filed within 20 days of the date of service of this order.

Accordingly, it is ordered, That:

1. The petition for reconsideration filed jointly by Wright Air Lines and TAG Airlines be and it hereby is denied.

2. The scope of this proceeding be and it hereby is expanded to include the question of whether, in the event TAG's certificate for route 169 ceases to be effective or is revoked by the Board, another carrier should be authorized to serve the route.

3. Additional or amended applications conforming to the scope of this proceeding, as modified herein, shall be filed no later than 20 days after the date of service of this order.

4. A copy of this order shall be served on the Cities and Chambers of Commerce of Cleveland and Detroit.

This order will be published in the FEDERAL REGISTER.

[2] While the Bureau proposed as an issue the transfer of TAG's certificate to Wright, we believe it would be more appropriate to give full consideration to the comparative qualifications and fitness of all carriers wishing to apply for the authority at issue.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16622; Filed, Dec. 9, 1970; 8:49 a.m.]

[Docket No. 19877]

AIR AFRIQUE

Notice of Prehearing Conference

The above-entitled application previously assigned to Examiner Arthur S. Present is reassigned to Examiner William H. Dapper, and a prehearing conference is assigned for December 21, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Dated at Washington, D.C., December 7, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-16623; Filed, Dec. 9, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 274]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

NOVEMBER 23, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CFCT (assignment of call letters. Change in antenna site and height from that notified on List No. 268 dated April 10, 1970).	Tuktoyaktuk, Northwest Territory, N. 69°26'44", W. 133°01'29".	*600 kHz* 1	ND-180	U	III	*150*	120 Top loaded	410	4.1.71.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 70-16632; Filed, Dec. 9, 1970; 8:50 a.m.]

[Report No. 521]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 7, 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 on the list 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] 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.

[2] 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

2780-C2-P-71—AAA Telephone Answering Service and Medical Exchange, Inc. (KLB781), C.P. for an additional channel to operate on frequency 152.21 MHz at station located at 6 miles southwest of Baton Rouge, La.

2781-C2-P-71—Morris Communications, Inc. (New), C.P. for a new 1-way station to be located at 13 South Main Street, Greenville, SC, to operate on frequency 158.70 MHz.

2865-C2-P-71—Jamestown Telephone Corp. (KGI773), C.P. for an additional channel to operate on frequency 152.60 MHz at station located at Route No. 328 and Hunt Road, 1 mile southwest of Jamestown, N.Y.

2866-C2-P-71—Mobile Radio Telephone Service, Inc. (KOE252), C.P. to change the control frequency to 2175.4 MHz; replace transmitter and change the antenna system at location No. 2: 2878 West 3500 South, Salt Lake City, UT, and change the repeater frequency to 2125.4 MHz; replace transmitter and change the antenna system at location No. 1: Coon Peak, Oquirrh Range, 5.2 miles southwest of Garfield, Utah.

2867-C2-P-71—Lake Shore Communications (New), C.P. for a new 1-way station to be located at 4 miles north-northwest of LaPorte, Ind., to operate on frequency 158.70 MHz.

2868-C2-P-71—Answer-All of Grand Island (New), C.P. for a new 1-way station to be located at Second and Locust Streets, Grand Island, NE, to operate on frequency 152.24 MHz.

2937-C2-AL-71—Bellamy Telephone Co., Consent to assignment of license from Bellamy Telephone Co., Assignor, to Hawkeye State Telephone Co., Assignee KAF637 Knoxville, Iowa.

2938-C2-AL-71—Radio Dispatch Service, Consent to assignment of license from Radio Dispatch Service, Assignor, to Auto Phone, Inc., Assignee. Station KIY733, Huntsville, Ala.

2949-C2-AL-71—Andrew J. Dibrell, Consent to assignment of license from Andrew J. Dibrell, Assignor, to Robert G. Clark and Joe Slapper, doing business as Autophone of Laredo, Assignee. Station KLF536, Laredo, Tex.

2950-C2-AL-71—Coronet Enterprises, Inc., Consent to assignment of license from Coronet Enterprises, Inc., Assignor to Loomis Electronic Protection, Inc., Assignee. Station KOA271, Spokane, Wash.

2953-C2-P-(4)71—Tra-Mar Communications, Inc. (KEJ888), C.P. for two additional channels to operate on frequencies 454.300 and 454.325 MHz at new sites described as location No. 4: Claridge Apartment, Claridge Drive, Verona, NJ and location No. 5: Rye Cliff House, Rye Cliff Road, Oakland Township, NJ.

2954-C2-P-71—Gerald A. Parker, doing business as Page I (New), C.P. for a new 1-way station to be located at Elvira Road and Springdale Drive, Clinton, IA, to operate on frequency 158.70 MHz.

2955-C2-MP-71—The Pacific Telephone & Telegraph Co. (KMA829), Modification of C.P. to relocate facilities operating on 35.58 MHz at location No. 11 to: North of Genesee Avenue on North Torrey Pines Road, San Diego, CA.

2956-C2-P-(6)71—Southwestern Bell Telephone Co. (KKA782), C.P. to add frequencies 454.625 and 454.650 MHz and rearrange the antenna system operating on 454.400, 454.475, 454.550, and 454.600 MHz at location No. 2: 1401 Elm Street, Dallas, TX.

3000-C2-P-71—The Pacific Telephone & Telegraph Co. (KMA333), C.P. to replace the transmitters and change the antenna system for facilities operating on 35.38, 152.51, 152.69, and 152.81 MHz base and 43.38, 157.77, 157.95, and 158.07 MHz Test at location No. 1: 1455 Van Ness Avenue, Fresno, CA.

3001-C2-MP-71—Central Mobile Radio Phone Service (KQD597), Modification C.P. to replace base transmitter operating on 152.15 MHz. Location: Frytown Road at Lyleburn Road, Dayton, Ohio.

3006-C2-AL-(2)-71—Ark-La-Tex Mobile Radio Service, Inc. Consent to assignment of license from Ark-La-Tex Mobile Radio Service, Inc., Assignor, to: Southern Message Service, Inc., by its Division Ark-La-Tex Mobile Radio Service, Assignee. Stations KLB494 and KLB756, Shreveport, La.

RURAL RADIO SERVICE

2782-C1-P-71—Continental Telephone Co. of California (New), C.P. for a rural subscriber station to be located at the U.S. Department of Interior, Bureau of Land Management, Chimney Peak Station (Tulare County), Calif., to operate on frequency 157.89 MHz communicating with station KMM662, Ridgecrest, Calif.

2864-C1-P-71—Continental Telephone Co. of California (New), C.P. for a new rural subscriber station to be located at Rafter 7 Ranch, 23.6 miles south-southeast of Yerington, Nev., to operate on frequency 157.83 MHz communicating with Station KOP243, Yerington, Nev.

2949-C1-AL-71—Andrew J. Dibrell, Consent to assignment of license from Andrew J. Dibrell, Assignor, to: Robert G. Clark and Joe Slapper, doing business as Autophone of Laredo, Assignee. Station WAY69, Temp-Fixed.

2952-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 27 miles west of Casper, Wyo., to operate on frequency 157.77 MHz communicating with Station KPQ20, Casper, Wyo.

3006-C1-AL-71—Ark-La-Tex Mobile Radio Service, Inc., Consent to assignment of license from Ark-La-Tex Mobile Radio Service, Inc., Assignor, to: Southern Message Service Inc., by its Division Ark-La-Tex Mobile Radio Service, Assignee. Station KKK93, Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2518-C1-P-71—General Telephone Co. of Florida (KIL88), C.P. to delete frequencies 5989.7, 6049.0, and 6108.3 MHz toward St. Petersburg, Fla. Add frequencies 5945.2, 6004.5, 6063.8, and 6123.1 MHz toward Clearwater, Fla. Location: Corner of Zack and Morgan Streets, Tampa, FL.

2519-C1-P-71—General Telephone Co. of Florida (KIN50), C.P. to add frequencies 6197.2, 6256.5, 6315.9, and 6375.2 MHz toward Tampa, Fla. Replace and add transmitters and change frequencies 6412.2 and 11,485 MHz toward St. Petersburg, Fla., to 3750, 3830, 3910, 3990, 4070, and 4150 MHz. Station location: Corner of Cleveland Avenue and Betty Lane, Clearwater, FL.

2520-C1-P-71—General Telephone Co. of Florida (KIY21), C.P. to replace and add transmitters and change frequencies 6160.2 and 10,955 MHz toward Clearwater, Fla., to 3710, 3790, 3870, 3950, 4030, and 4110 MHz. Station location: 830 Arlington Avenue, St. Petersburg, FL.

2851-C1-P-71—The Bell Telephone Co. of Pennsylvania (KYJ39), C.P. to add frequency 4030.0 MHz toward Waggoners Gap, Pa. Station location: 14 East Chocolate Avenue, Hershey, PA.

American Telephone & Telegraph Co., Twelve C.P. applications to construct a wideband Type TD-2 radio relay channel for transmission of Radar Remoting signals on the route from Omaha, Nebr., to Minneapolis, Minn. via Elkhorn and Des Moines, Iowa.

2852-C1-P-71—American Telephone & Telegraph Co. (KAC90), Add frequency 3930 MHz toward Minden, Iowa. Station location: 118 South 19th Street, Omaha, NE.

2853-C1-P-71—American Telephone & Telegraph Co. (KAB21), Add frequency 3890 MHz toward Elkhorn, Iowa. Station location: 5 miles south-southeast of Minden, Iowa.

2854-C1-P-71—American Telephone & Telegraph Co. (KAA70), Add frequency 3890 MHz toward Ames, Iowa. Station location: Adjacent lot west of 909 High Street, Des Moines, IA.

2855-C1-P-71—American Telephone & Telegraph Co. (KAS42), Add frequency 4010 MHz toward Boone, Iowa. Station location: 6 miles southwest of Ames, Iowa.

2856-C1-P-71—American Telephone & Telegraph Co. (KYN90, Add frequency 3970 MHz toward Radcliffe, Iowa. Station location: 9.5 miles north-northeast of Boone, Iowa.

2857-C1-P-71—American Telephone & Telegraph Co. (KAS43), Add frequency 4010 MHz toward Hampton, Iowa. Station location: 1 mile south-southeast of Radcliffe, Iowa.

2858-C1-P-71—American Telephone & Telegraph Co. (KAS44), Add frequency 3970 MHz toward Nora Springs, Iowa. Station location: 5 miles west-southwest of Hampton, Iowa.

2859-C1-P-71—American Telephone & Telegraph Co. (KAS45), C.P. add frequency 4010 MHz toward Glenville, Minn. Station location: 3.5 miles east-northeast of Mason City, Iowa (Nora Springs).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2860-C1-P-71—American Telephone & Telegraph Co. (KAS46), Add frequency 3970 MHz toward Hartland, Minn. Station location: 3 miles southeast of Glenville, Minn.

2861-C1-P-71—American Telephone & Telegraph Co. (KAS67), Add frequency 4010 MHz toward Medford, Minn. Station location: 3.2 miles east-northeast of Hartland, Minn.

2862-C1-P-71—American Telephone & Telegraph Co. (KAS68), Add frequency 3970 MHz toward Lonsdale, Minn. Station location: 1.5 miles west-southwest of Medford, Minn.

2863-C1-P-71—American Telephone & Telegraph Co. (KAS69), Add frequency 4010 MHz toward Minneapolis, Minn. Station location: 2.5 miles north-northeast of Lonsdale, Minn.

American Telephone & Telegraph Co., Seven C.P. applications to construct the initial Type TD-3 radio relay channels on the Faulkner, Md.-Quinton, N.J. radio relay route.

2786-C1-P-71—American Telephone & Telegraph Co. (KGN87), Add frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Westwood, Md. Station location: 0.5 mile southwest of Faulkner, Md.

2787-C1-P-71—American Telephone & Telegraph Co. (KGN78), Add frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Faulkner, Md., and toward Prince Frederick, Md. Station location: 1.4 miles southeast of Westwood, Md.

2788-C1-P-71—American Telephone & Telegraph Co. (KGN95), Add frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Westwood, and toward Trappe, Md. Station location: 4 miles south of Prince Frederick, Md.

2789-C1-P-71—American Telephone & Telegraph Co. (KGO60), Add frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Prince Frederick and Denton, Md. Station location: 0.7 mile south of Trappe, Md.

2790-C1-P-71—American Telephone & Telegraph Co. (KGP39), Add frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Trappe, Md., and Blackiston, Del. Station location: 2 miles northeast of Denton, Md.

2791-C1-P-71—American Telephone & Telegraph Co. (KGP42), Add frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Denton, Md., and Quinton, N.J. Station location: 1.85 miles southeast of Blackiston, Del.

2792-C1-P-71—American Telephone & Telegraph Co. (KEM73), Add frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Trappe, Md., and Blackiston, Del. Station location: of Quinton, N.J.

2793-C1-P-71—The Mountain States Telephone & Telegraph Co. (KYJ77), C.P. to change frequencies from 5974.8 and 6093.5 MHz to 5989.7 and 6108.3 MHz toward Separations Peak, Wyo., via passive reflector. Station location: 611 West Cedar Street, Rawlins, WY.

2794-C1-P-71—The Mountain States Telephone & Telegraph Co. (KYJ78), C.P. to add frequencies 6226.9 and 6345.5 MHz toward Arlington, Wyo., via passive reflector and change frequencies 6226.9 and 6345.5 MHz to 6241.7 and 6360.3 MHz toward Rawlins, Wyo., via passive reflector. Station location: Separation Peak, 13.6 miles southwest of Rawlins, Wyo.

2795-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located 1.5 miles south-southwest of Arlington, Wyo. Frequencies: 5974.8 and 6093.5 MHz toward Pilot Hill, Wyo., and 5974.8 and 6093.5 MHz toward Separation Peak, Wyo., via passive reflector.

2796-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located 6.5 miles east-southeast of Laramie, Wyo. Frequencies: 6226.9 and 6345.5 MHz toward Arlington, Wyo., and Cheyenne, Wyo.

2797-C1-P-71—The Mountain States Telephone & Telegraph Co. (KKU75), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Pilot Hill, Wyo., and 5960.0 and 6078.6 MHz toward Cheyenne, Wyo. Station location: 7 miles southwest of Cheyenne, Wyo.

2798-C1-P-71—The Mountain States Telephone & Telegraph Co. (KXQ87), C.P. to add frequencies 6212.1 and 6330.7 MHz toward Cheyenne, Wyo. Station location: 1919 Capitol Avenue, Cheyenne, WY.

2799-C1-P-71—Indiana Bell Telephone Co. (KTG61), C.P. to add frequency 11,645 MHz and delete 6505.0 MHz toward Bloomington, Ind. Station location: 1 mile southwest of New Unionville, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2946-C1-AL-(3)-71—Continental Telephone Co. of Virginia, Consent to assignment of license from: Continental Telephone Co. of Virginia Assignor to: Continental Telephone Co. of Harrisonburg Assignee. Stations: WAY61, Emporia, Va.; WAY62, Stony Creek, Va.; WAY63, Pleasant Shade, Va.

2959-C1-P-71—American Telephone & Telegraph Co. (KKN28), C.P. to change points of communication, for frequencies 3710, 3770, 3790, 3850, 3870, 3930, 3950, 4010, 4030, 4090, 4110, and 4170 MHz toward New Orleans, La., to azimuth 106°47'. Location: 2 miles southeast of La Place La.

2960-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 3951 Erato Street, New Orleans, La. Frequencies: 3730, 3750, 3810, 3830, 3890, 3910, 3970, 4070, 4050, 4150, and 4130 MHz toward La Place, La.

2961-C1-P-71—American Telephone & Telegraph Co. (KJH53), C.P. to add frequencies 11,445, 11,605, and 11,685 MHz toward Hamilton, Va., on azimuth 291°08'. Station location: State Route No. 7, Leesburg, Va.

3002-C1-P-71—The Ohio Bell Telephone Co. (KQH44), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Genoa, Ohio. Station location: 121 Huron Street, Toledo, OH.

3007-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJM36), C.P. to add frequencies 6241.7 and 6360.3 MHz toward Avon Park, Fla. Station location: Approximately 4 miles west-southwest of Frostproof, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2783-C1-P-71—United Video, Inc. (New), C.P. for a new station to be located 5 miles east of Warrensburg, Mo. Frequency: 10,895 MHz toward Elm, Mo.

2784-C1-P-71—United Video, Inc. (New), C.P. for a new station to be located 1.5 miles southwest of Elm, Mo. Frequency: 11,585 MHz toward Lees Summit, Mo.

2785-C1-P-71—United Video, Inc. (New), C.P. for a new station to be located 1 mile north of Lees Summit, Mo. Frequency: 10,895 MHz toward Kansas City, Kans.

2957-C1-TC-(2)-71—New England Microwave Corp. (KCE79), Transfer of control of New England (KCE80), Microwave Corp. Transferor to: Communications Properties, Inc. Transferee. KCE79 Lennox Mountain, Mass.; KCE80 North Adams, Mass.

2958-C1-TC-(8)-71—Southwest Texas Transmission Co. Transfer of control of Southwest Texas Transmission Co. Transferor to: Communications Properties, Inc. Transferee. Stations: KKY46, Las Moras, Tex.; KLR36, Mayfield Ranch, Tex.; KLR37, Somora, Tex.; KLR38, D'Hanis, Tex.; KKY45, Uvalde, Tex.; KLP99, Wardlaw Ranch, Tex.; KKK27, Beeler Farm, Tex.; KJK31, Smarr, Ga.

816-C1-ML-70—Mountain Microwave Corp. (KCO93), Modification of license to provide, via audio subcarrier, the signal of station KSPN-FM, Aspen, Colo., to Glenwood Springs, Colo., CATV system.

Major Amendment

8160-C1-P-70—United Video, Inc. (New), Application amended to change station location to latitude 39°33'31" N., longitude 94°03'05" W. Station location: 1 mile northwest of Polo, Mo.

8161-C1-P-70—United Video, Inc. (New), Application amended to change station location to latitude 39°19'46" W., longitude 94°32'54" W. Station location: 4.75 miles southeast of Smithville, Mo. Other particulars are same as reported on Public Notice dated June 15, 1970.

Major Amendment

2206-C1-P-71—United Video, Inc. (New), Application amended to change frequencies toward Effingham, Ill., to 10,815 MHz, 10,895, 10,975, 11,055 and 11,135 MHz. Station location: 2.70 miles northeast of Mattoon, Ill. Other particulars are same as reported on Public Notice dated Nov. 2, 1970.

[F.R. Doc. 16631; Filed, Dec. 9, 1970; 8:50 a.m.]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT TAX ACT

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. section 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1971, shall be at the rate of six cents.

Dated: December 3, 1970.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 70-16624; Filed, Dec. 9, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2835, 812-2843]

ISL VARIABLE ANNUITY FUND A ET AL.

Notice of Application To Permit Offer of Exchange and for Exemption

DECEMBER 3, 1970.

Notice is hereby given that ISL Variable Annuity Fund A (Variable Fund A), ISL Variable Annuity Fund B (Variable Fund B), and Investors Syndicate Life Insurance and Annuity Co. (Investors Life), Eighth Street and Marquette Avenue, Minneapolis, MI (herein collectively referred to as Applicants), have filed an application pursuant to section 11 and section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission permitting the offer of exchange described below and exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Variable Fund A and Variable Fund B were established on May 10, 1968, and June 10, 1968, respectively, as separate accounts under Minnesota law for the purpose of maintaining assets accruing from the sale of individual variable annuity contracts by Investors Life, and are registered under the Act as open-end, diversified management investment companies. Investors Life, which is the principal underwriter of the variable annuity contracts, is a wholly owned subsidiary of Investors Diversified Services, Inc. (Investors). Investors is the principal underwriter for six open-end diversified management investment companies: IDS Progressive Fund, Inc.; Investors Mutual Inc.; Investors Selective Fund, Inc.; Investors Stock Fund, Inc.; Investors Variable Payment Fund, Inc.; and IDS New Dimensions Fund, Inc. (Funds).

Applicants state that Investors Life and Investors utilize basically the same sales force. Applicants also state that at the present time, mutual fund shareholders in each of the six funds for which Investors serves as principal underwriter can transfer their accumulated investments to any of the other funds at net asset value. Applicants propose to allow investors to transfer their accumulated amounts from any of the six funds for which Investors serves as underwriter to Variable Fund A or Variable Fund B for interests in variable annuity contracts without the usual sales charges. The contracts to be purchased will be Individual Single Purchase Payment Immediate Annuity Contracts, which provide for one single purchase payment and for annuity payments to start no more than 60 days after the purchase date. Applicants propose to waive the sales charges but not the administrative charges payable upon the purchase of these contracts. In addition, applicable State premium taxes would be paid by the investor.

Applicants state that on Variable Fund A the sales and administrative charges on immediate annuities are 8 percent (6 percent sales and 2 percent administrative) on the first $15,000 of purchase payments; 5 percent (4 percent sales and 1 percent administrative) on the next $10,000 of purchase payments; and 2 percent (1½ percent sales and ½ percent administrative) on all payments in excess of $25,000. On Variable Fund B the sales and administrative charges on immediate annuities are 20 percent (18 percent sales and 2 percent administrative) on the first $1,000 of purchase payments; and 4 percent (2 percent sales and 2 percent administrative) on all purchase payments in excess of $1,000. Applicants state that if these charges are restructured in subsequent contract revisions, the administrative charge shall not be a greater percentage of the total loading than it is at present without such further approval of the Commission as the Commission may deem appropriate or necessary.

Applicants also state that the charges for administrative expenses include but are not limited to: Payment of expenses for salaries; rent; postage; telephone; travel; legal, actuarial, registration and accounting fees; office equipment and stationery; fees and expenses of audits of the accounts; and fees and expenses of the Boards of Managers. Applicants state that the administrative charges are estimated to defray the above costs only and are not expected to exceed the administrative expenses in administering the contracts.

Applicants state that since the administrative expenses of operating Variable Fund A and Variable Fund B are charged to the individual shareholders rather than against the pool of assets in the separate accounts, it would be unfair to other cash purchasers to allow the shareholders of the six funds for which Investors serves as underwriter to exchange their shares for variable annuity contracts solely on the basis of relative net asset values without charges for administrative expenses and State taxes. In addition, Applicants state that it would be unfair to the shareholders in the six funds to incur an additional full sales charge since the same sales personnel are involved and no comparable sales efforts would be incurred.

Section 11(a) of the act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or other such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Applicants request approval under section 11 because the offer of exchange will be made at net asset value plus administrative charges.

Section 22(d) of the Act provides in pertinent part that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. Applicants request exemption from section 22(d) because investors in the Funds will be able to purchase contracts without payment of a sales load which is a price different from that described in the prospectus.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless

an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16593; Filed, Dec. 9, 1970; 8:47 a.m.]

[70-4953]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale

DECEMBER 3, 1970.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of debentures, _____ percent series due January 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The debentures will be issued under an Indenture dated June 1, 1961, between Penelec and Chemical Bank, trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated January 1, 1971, and which includes, subject to certain exceptions, a prohibition until January 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the debentures will be applied to the payment of its short-term bank loans outstanding at the time of the sale of the debentures. Such bank notes are expected to aggregate $37,200,000 at that time. Any premium realized from the sale of the debentures will be used for financing the business of Penelec, including the payment of expenses of this financing. The 1971 construction program is estimated to cost $86,600,000, part of which is to be financed by the sale of further debt securities and/or preferred stock, by additional cash capital contributions by GPU, by funds generated internally and by short-term bank loans.

Fees and expenses relating to the proposed transaction are estimated at $80,000, including legal fees of $25,000 and accountant's fees of $6,600. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of debentures by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 29, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16594; Filed, Dec. 9, 1970; 8:47 a.m.]

[70-4537]

ROCKY RIVER REALTY CO. ET AL.

Notice of Post-Effective Amendment Filed by Nonutility Subsidiary of Registered Holding Company Requesting Authority To Issue and Sell Additional Subordinated Notes to Parent Holding Company

DECEMBER 3, 1970.

Notice is hereby given that the Rocky River Realty Co (Rocky River), a nonutility subsidiary company of Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, the Connecticut Light and Power Co. (CL&P), Post Office Box 2010, Hartford, CT 06101, an electric utility subsidiary company of Northeast and an exempt holding company, have filed with this Commission certain post-effective amendments to their amended joint application-declaration in this matter pursuant to the provisions of the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, 12 (b), (c), and (f), and 13(b) of the Act and Rules 42(b)(2), 45(b)(1), 50(a)(3), 86, 87 and 88 promulgated thereunder, as applicable to the proposed transactions. All interested persons are referred to the said post-effective amendments, which are summarized below, for a complete statement of the proposed transactions.

Rocky River was authorized by the Commission's order dated October 24, 1967 (Holding Company Act Release No. 17884) to engage in the business of acquiring, maintaining, and disposing of real property in connection with the utility and related operations of associate companies in the Northeast holding-company system. To provide the working capital required primarily to finance the acquisition from time to time of land and land rights for electric generating and transmission sites, Rocky River was authorized by the terms of the 1967 order to issue and sell to Northeast, and Northeast was authorized to acquire, up to a maximum principal amount of $1,500,000 to be at any one time outstanding, of its 40-year unsecured notes bearing interest at a rate one-fourth of 1 percent above the commercial bank prime rate for short-term loans in Hartford, Conn. As of October 31, 1970, the outstanding capitalization and surplus of Rocky River, including short-term debt, consisted of $114,693 stated value of capital stock and surplus, $1,058,750 principal amount of 40-year notes and $2,045,000 principal amount of 5-year notes, all of which are owned by Northeast, $5,326,278 principal amount of noninterest bearing open account advances from CL&P and two associate electric utility companies, $2,067,000 aggregate principal amount of first mortgage bonds owned by institutional investors, $12,915,000 principal amount of other long-term debt held principally by commercial banks, and $635,000 principal amount of current maturities and sinking fund requirements on long-term debt. The open-account advances and the notes payable to Northeast are subordinated as to principal and interest to all debt securities heretofore issued and sold, or which may hereafter be issued and sold, by Rocky River to nonaffiliated persons, and the notes are additionally subordinated to the advances from the associate operating companies.

The applicants-declarants state that it is desired to extend Rocky River's real estate functions, particularly for acquisitions of land and land rights to accommodate future expansion of generating and transmission capacity. For this reason, applicants-declarants request that the authorization under the order of October 24, 1967, be increased from

$1,500,000 to a maximum principal amount of $10 million to be at any one time outstanding. The additional 40-year subordinated notes will carry the same terms and provisions as the notes heretofore authorized.

The applicants-declarants estimate that the additional expenses incurred, or to be incurred, in connection with the transactions proposed in the said post-effective amendments will total $350. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that interested person may, not later than December 17, 1970, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the said application-declaration, as filed and amended or as it may be further amended, may be granted and permitted to become effective in the manner provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exception from such rule as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-16595; Filed, Dec. 9, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 07/07-5083]

AMOCO VENTURE CAPITAL CO.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), has been filed by Amoco Venture Capital Co. (applicant), with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations governing small business investment companies (13 CFR Part 107.33 F.R. 326).

The officers and directors of the applicant are as follows:

Frank Cushing Smith, 910 South Michigan Avenue, Chicago, IL 60605, Chairman of the Board and Director.

Jack Crane Shay, 910 South Michigan Avenue, Chicago, IL 60605, President and Director.

Robert Hugo Anderson, 910 South Michigan Avenue, Chicago, IL 60605, Vice President, General Manager, and Director.

Jeremiah Stephen Shannon, 910 South Michigan Avenue, Chicago, IL 60605, Secretary, Assistant Treasurer, and Director.

John Joseph Murray, 910 South Michigan Avenue, Chicago, IL 60605, Treasurer, Assistant Secretary, and Director.

The applicant, a Delaware corporation with its principal place of business located at 910 South Michigan Avenue, Chicago, IL 60605, will begin operations with $150,000 of paid-in capital, consisting of 150 shares of common stock. The issued and outstanding stock will be owned 100 percent by the Standard Oil Co. (Indiana).

Applicant may initially concentrate its investments in the business of automotive service stations and related services (diagnostics, car washer, etc.), but has reserved the right to invest in diversified enterprises. According to the company's stated investment policy, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-16600; Filed, Dec. 9, 1970; 8:48 a.m.]

[Delegation of Authority No. 30-C (Region X), Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region X

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-C, 35 F.R. 2840, the redelegated authority published in 35 F.R. 4574, as amended (35 F.R. 13809) is hereby amended as follows:

1. Delete Items IV, V, and VI in their entirety and substitute the following therefore:

IV. Branch Manager and Staff—Fairbanks, Alaska:

A. *Branch Manager.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and

(2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster-guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for central, regional, and district-approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Branch Manager.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a

processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

10. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation", and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to classify an account in liquidation or to remove the "in liquidation" classification.

11. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

12. To take all actions necessary to mitigate losses from lease guarantees.

13. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

14. To (a) purchase office supplies and equipment including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

15. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

16. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

17. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Community Economic Development Programs, in accordance with Small Business Administration standards and policies.

18. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

19. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

20. To close approved EDA loans, as authorized.

21. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents, and certify to the participating bank that such documents are in compliance with the participation authorization.

22. To conduct all litigation activities, including SBIC matters, as assigned, and to take all actions necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of the lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan and (4) the cancellation of authority to liquidate.

23. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

B. *Supervisory Loan Officer (Financing Division), if assigned.* 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(Name), Administrator.

By ----------
(Name)
Title of person signing.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations on fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all direct and participation loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement periods.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

D. *Branch Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all actions necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of loans; (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

V. The specific authority delegated herein, indicated by double asterisk (**) cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: September 1, 1970.

FORBES M. BRUCE,
Regional Director.

[F.R. Doc. 70-16596; Filed, Dec. 9, 1970; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-66]

TELEVISION SETS FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on December 4, 1970, that television receiving sets, monochrome and color, from Japan are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eight and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on January 26, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: December 7, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-16657; Filed, Dec. 9, 1970; 8:52 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

UNIROYAL, INC.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance Under the Trade Expansion Act of 1962

Under date of July 24, 1970, the U.S. Tariff Commission made a report to the President of the results of an investigation (TEA-W-23 and TEA-W-24) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the production and maintenance workers of the Footwear Division, Uniroyal, Inc., plant at Mishawaka, Ind., and a similar petition filed on behalf of all executives, general foremen, superintendents, foremen, nonworking supervisors, quality inspectors, office clericals, key punch operators and all other salaried personnel formerly employed at the plant.

In this report, the Commission found unanimously that articles like or directly competitive with the protective footwear of rubber or plastics produced by this plant are not as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of said plant.

The Commission, however, being equally divided, made no finding with respect to whether articles like or directly competitive with the plastic or rubber-soled footwear with fabric uppers produced at this plant are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of said plant. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the finding of those Commissioners who found injury as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted investigations following which a recommendation was made to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 35 F.R. 16068; 29 CFR Part 90). After due consideration, I make the following certification:

Those salaried, production and maintenance workers of the Uniroyal, Inc., plant at Mishawaka, Ind., who became or will become unemployed or underemployed after April 21, 1968, because of the phase-out of production of canvas-rubber footwear at that plant, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 2d day of December 1970.

GEORGE H. HILDEBRAND,
Deputy Under Secretary for International Affairs.

[F.R. Doc. 70-16588; Filed, Dec. 9, 1970; 8:47 a.m.]

SERVUS RUBBER CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance Under the Trade Expansion Act of 1962

Under date of July 24, 1970, the U.S. Tariff Commission made a report to the President of the results on investigation (TEA-W-26) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of production and maintenance workers of the Rock Island, Ill., plant of Servus Rubber Co.

In this report, the Commission found unanimously that articles like or directly competitive with the protective footwear of rubber or plastics produced by this plant are not as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of said plant.

The Commission, however, being equally divided, made no finding with

respect to whether articles like or directly competitive with the plastic or rubber-soled footwear with fabric uppers produced at this plant are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of said plant. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the finding of those Commissioners who found injury as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which a recommendation was made to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 35 F.R. 16068; 29 CFR Part 90). After due consideration, I make the following certification:

All workers of the canvas footwear division of the Servus Rubber Co. plant at Rock Island, Ill., who became unemployed or underemployed after September 1, 1967, and before December 1, 1968, are eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 2d day of December 1970.

GEORGE H. HILDEBRAND,
Deputy Under Secretary for International Affairs.

[F.R. Doc. 70-16589; Filed, Dec. 9, 1970; 8:47 a.m.]

WATERTOWN, MASS., PLANT, B. F. GOODRICH FOOTWEAR CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance Under the Trade Expansion Act of 1962

Under date of July 24, 1970, the U.S. Tariff Commission made a report to the President of the results of an investigation (TEA-W-25) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of production and maintenance workers of the Watertown, Mass., plant of the B. F. Goodrich Footwear Co.

In this report, the Commission found unanimously that articles like or directly competitive with the protective footwear of rubber or plastics produced by this plant are not as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of said plant.

The Commission, however, being equally divided, made no finding with respect to whether articles like or directly competitive with the plastic or rubber-soled footwear with fabric uppers produced at this plant are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of said plant. The President subsequently decided under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the finding of those Commissioners who found injury as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which a recommendation was made to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 35 F.R. 16068; 29 CFR Part 90). After due consideration, I make the following certification:

All workers of the B. F. Goodrich Footwear Co. plant at Watertown, Massachusetts who became or will become unemployed or underemployed after December 19, 1968, are eligible to apply for adjustment assistance under chapter 3, title III of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 2d day of December 1970.

GEORGE H. HILDEBRAND,
Deputy Under Secretary for International Affairs.

[F.R. Doc. 70-16590; Filed, Dec. 9, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 112]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 4, 1970.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 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 § 1.247(d)(4) of the special rules, and shall include the certification required therein.

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

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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 673 (Sub-No. 4), filed November 10, 1970. Applicant: WILLIAMSON TRANSPORTATION, INC., 130 Lenox Avenue, Box 2205, Glenbrook Station, Stamford, CT 06906. Applicant's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, NY 11227. 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, those requiring special equipment, and those injurious or contaminating to other lading, (1) between New York, N.Y., and Deer Park, N.Y.; (a) from New York over New York Highway 495 to Junction County Road 35 (Deer Park Road), thence over Deer

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

Park Road to Deer Park; and (2) from New York over New York Highway 24 to Farmingdale, N.Y., thence over unnumbered highway through Wyandance to Deer Park, and return over the same route, serving no intermediate or off-route points and with service at Deer Park only at the terminal of Pinter Bros., Inc., for the purpose of interchange freight only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Huntington, Mineola, or New York, N.Y., or Washington, D.C.

No. MC 3468 (Sub-No. 159), filed November 10, 1970. Applicant: F. J. BOUTELL DELIVERY CO., INC., 705 South Dort Highway, Flint, MI 48501. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis, and stationwagon type vehicles* on truck chassis designed to transport passengers and property with or without bodies or parts thereof in secondary truckaway and driveaway service, (a) from Baltimore and Jessup, Md., to points in Virginia, and (b) from points in Bergen and Hudson Counties, N.J., to points in Connecticut and Rhode Island, restricted to traffic originating at the plantsites of the International Harvester Co., which has had an immediate prior movement via rail or motor carrier. 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 5470 (Sub-No. 59), filed November 4, 1970. Applicant: TAJON, INC., Rural Delivery No. 5, Post Office Box 146, Mercer, PA 16137. Applicant's representative: Donald Cross, Munsey Building, 1329 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, from Buffalo, N.Y., to points in Pennsylvania and New Jersey. 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 Buffalo, N.Y.

No. MC 8535 (Sub-No. 34), filed November 13, 1970. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening, Highway, Baltimore, MD 21222. Applicant's representative: John Guandolo, Macdonald & McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, wood fibreboard* faced or finished with decorative and/or protective materials, and *accessories and supplies used in the installation thereof* (except commodities in bulk), from the plant and warehouse sites of Evans Products Co., at or near Doswell, Hanover County, Va., to points in the States of Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states in the event authority is granted, applicant would have no objection to the conventional provision indicating that to the extent the authority granted duplicates any existing authority, they shall be considered as one grant not severable by sale or otherwise. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13806 (Sub-No. 37), filed November 12, 1970. Applicant: VIRGINIA HAULING COMPANY, a corporation, Post Office Box 9525, Richmond, VA 23228. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies* used in the installation thereof (except commodities in bulk), from points in Hanover County, Va., to points in North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is held or being sought. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 29886 (Sub-No. 267), filed November 19, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, switchgear, and controllers* which because of their size or weight require the use of special equipment, and (2) *electrical transformers, circuit breakers, switchgear, and controllers*, which because of their size or weight do not require the use of special equipment, insulators, motors, lightning arresters, oil, switches, and parts for each of the above items all when being transported in the same vehicle, and as part of the same shipment of those commodities named in (1) above, from Roanoke County, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Ohio, Indiana, Michigan, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska. 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 29910 (Sub-No. 98), filed November 16, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper and Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels, panels combined with insulation, and hardware and accessories* used in the installation or completion thereof, from Dallas, Tex., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, handling *rejected shipments* of the above commodities on return. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 30844 (Sub-No. 337), filed November 9, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such articles* as are dealt in by retail and discount department stores, and *materials and supplies* used by candy manufacturers, from New York City, N.Y., and commercial zone, to points in Illinois (except Chicago and commercial zone), Indiana, Iowa, Ohio, Wisconsin, Louisville, Ky., and Kalamazoo, Mich., and (2) *such articles* as are dealt in by retail and discount department stores, and *materials and supplies* used by candy manufacturers, from warehouses and facilities used by Pre-Con Industries, Inc., located in New York City, N.Y., and commercial zone, and points in Suffolk, and Nassau Counties, N.Y., and Union, Middlesex, and Bergen Counties, N.J., to points in Colorado, Illinois (except Chicago and commercial zone), Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Wisconsin, and Louisville, Ky. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York City, N.Y.

No. MC 31389 (Sub-No. 135), filed November 17, 1970. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to

operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment, serving the plantsite of Essex International, Inc., located on U.S. Highway 30 near Fort Wayne, Ind., as an intermediate or offroute point in connection with applicant's existing regular-route authorities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 32882 (Sub-No. 56), filed November 5, 1970. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representatives: Ellis Chartier (same address as applicant) and Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, particle board, chip board, hard board, flake board*, and *press board*, from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuloumme, and Alpine Counties, Calif., to points in Nevada. 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 Yreka, or San Francisco, Calif.

No. MC 35358 (Sub-No. 24), filed November 16, 1970. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalster Drive NE., Minneapolis, MN 55421. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated new furniture, store fixtures and furnishings*, from Albert Lea, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its Subs 4, 9, and 16, 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 at Minneapolis, Minn.

No. MC 40915 (Sub-No. 41), filed November 16, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663. Applicant's representative: Harvey Thompson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and component parts*, from the plantsite of Samsonite Corp., in Murfreesboro, Tenn., to points in Colorado, New Mexico, Wyoming, Montana, Idaho, Washington, Oregon, Nevada, Utah, Arizona, 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 Nashville, Tenn., or Washington, D.C.

No. MC 40978 (Sub-No. 17), filed November 12, 1970. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 Highway 141, South, Sheboygan, WI 53081. Applicant representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New institutional, household and office furniture, fixtures and equipment*, from the Town of Sheboygan Falls, Wis., to points in Michigan, Ohio, Kentucky, and Missouri. NOTE: Applicant states tacking would take place at Sheboygan Falls, Wis., with lead certificate, and Sub 4, so as to perform service from any point in Wisconsin to any point in Michigan, Ohio, Kentucky, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., Madison, Wis., or Chicago, Ill.

No. MC 41915 (Sub-No. 34), filed October 19, 1970. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, PA 17404. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, also advertising materials, displays, dispensing equipment and premiums* moving in connection with foodstuffs, between that part of Pennsylvania bounded by a line beginning at Lebanon, Pa., and extending north along Pennsylvania Highway 343 to its intersection with U.S. Highway 22, thence southwesterly along U.S. Highway 22 to its intersection with Pennsylvania Highway 39, thence southeasterly along Pennsylvania Highway 39 to its intersection with U.S. Highway 322, thence easterly along U.S. Highway 322 to its intersection with Pennsylvania Highway 72, thence northerly along Pennsylvania Highway 72 to Lebanon, Pa., including all points as the described highways, on the one hand, and, on the other, points in the Commonwealth of Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 42487 (Sub-No. 767), filed November 16, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, OR 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, commodities in bulk, commodities requiring special equipment, livestock, commodities injurious or contaminating to other lading and household goods as defined by the Commission), between Liberal, Kans., and Kingman, Ariz., from Liberal over U.S. Highway 54 to Santa Rosa, N. Mex., thence over Interstate Highway 40 (also U.S. Highway 66) to Kingman, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 42487 (Sub-No. 768), filed November 16, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representatives: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680, and E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Atlanta, Ga., and Kansas City, Mo., from Atlanta over U.S. Highway 278 to junction U.S. Highway 231 (near Brooksville, Ala.), thence over U.S. Highway 231 to junction Alabama Highway 67 (near Summit, Ala.), thence over Alabama Highway 67 to junction U.S. Highway 31 (near Decatur, Ala.), thence over U.S. Highway 31 to junction U.S. Highway Alternate 72 (at Decatur, Ala.), thence over U.S. Highway Alternate 72 to junction U.S. Highway 72 (near Tuscumbia, Ala.), thence over U.S. Highway 72 to junction Interstate Highway 240 (near Memphis, Tenn.), thence over Interstate Highway 240 to junction Interstate Highway 55 (at Memphis, Tenn.), thence over Interstate Highway 55 to junction U.S. Highway 63 (near Gilmore, Ark.), thence over U.S. Highway 63 to junction U.S. Highway 60 (near Willow Springs, Mo.); thence over U.S. Highway 60 to junction U.S. Highway 66 (at Springfield, Mo.), thence over U.S. Highway 66 to junction U.S. Highway 71 (at Carthage, Mo.), thence over U.S. Highway 71 to Kansas City and return over the same routes as an alternate route in connection with applicant's presently held regular route authority serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42537 (Sub-No. 45), filed November 18, 1970. Applicant: CASSENS TRANSPORT COMPANY (a corporation, Post Office Box 468, Edwardsville, IL 62025. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, busses, and chassis*, in initial movements, in truckaway service, from Belvidere, Ill., to points in Ohio, Pennsylvania, 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 Chicago, Ill.

No. MC 47583 (Sub-No. 9), filed November 16, 1970. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Street, Kansas City, KS 66118. Applicant's representative: D. S. Hults, Post Office Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, insulating materials, and materials* used in the installation and application of roofing and insulating materials, except iron and steel articles, Portland cement and commodities in bulk, from the plantsite of GAF Corp., Building Materials Division, Owens Corning Fiberglass Corp., Certain-Teed Saint Gobain Insulation Corp., in the Kansas City, Kansas/Missouri commercial zone, to points in Oklahoma and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 56679 (Sub-No. 46), filed November 19, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, from points in Idaho, Oregon, and Washington, to points in Connecticut, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Oklahoma, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, 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 Portland, Oreg., or Seattle, Wash.

No. MC 61592 (Sub-No. 193), filed November 19, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, IN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages*, from New Ulm, Minn., to points in Iowa, Wisconsin, North Dakota, Minnesota, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 75320 (Sub-No. 155) (Correction), filed November 4, 1970, published in the FEDERAL REGISTER issue of November 26, 1970, and republished in part, as corrected this issue. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: P. E. Adams (same address as applicant). NOTE: The purpose of this partial republication is to redescribe the restriction, a portion of which was inadvertently omitted in the previous republication. Restriction: Routes (1) and (2) are restricted to the transportation of traffic moving to, from, or through points of Anniston, Ala., or its commercial zone; Birmingham, Ala., or its commercial zone; Atlanta, Ga., or its commercial zone; Hattiesburg, Laurel, Meridian, McComb, Brookhaven, and Columbus, Miss., and points in each of their commercial zones. The rest of the application remains as previously published.

No. MC 79540 (Sub-No. 5), filed November 20, 1970. Applicant: CRIMBLY TRUCKING SERVICE, INC., a corporation, Rural Delivery Route 119, Post Office Box 397, Point Marion, PA 15474. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road materials*, between points in Spring Hill Township, Fayette County, Pa. on the one hand, and, on the other, points in Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 80913 (Sub-No. 8), filed November 10, 1970. Applicant: PINTER BROS. INC., Carll's Path and Lake Avenue, Deer Park, NY 11729. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, NY 11227. 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, those requiring special equipment and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, the trucking terminal of Williamson Transportation, Inc., at Stamford, Conn., for the purpose of interchanging freight traffic only. NOTE: Applicant states it proposes joinder at New York, N.Y., to render a through service to and from the balance of its system. If a hearing is deemed necessary, applicant requests it be held at Huntington, N.Y., Mineola, N.Y., New York, N.Y., and Washington, D.C.

No. MC 85718 (Sub. No. 3), filed November 12, 1970. Applicant: SEWARD MOTOR FREIGHT, INC., 205 South 14th Street, Seward, NE 68434. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Irregular routes: (1) *Pole line transmission materials*, from plantsite and warehouse facilities of Hughes Brothers, Inc., at or near Seward, Nebr., to points in Texas west of the Colorado River, south of Interstate Highway 10, east of Interstate Highway 35, and north of the Rio Grande. Regular routes: (2) *General commodities* (except those requiring special equipment), between Omaha, Nebr., and Grand Island, Nebr., over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 34 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., and return over the same route, serving all intermediate points and the off-route points of Bee, Tamora, and Phillips, Nebr. Restriction: No local service is to be performed between Omaha and Lincoln, Nebr., or points intermediate thereto; and (3) Irregular routes: (a) between points within a 10 mile radius of Seward, Nebr., and (b) between points within said 10-mile radius, on the one hand, and, on the other, points in Nebraska. NOTE: Applicant states that it holds duplicating authority under its Sub-No. 1. All such duplicating authority shall be eliminated if and when the instant application is granted. Applicant states it intends to tack parts (2) and (3) above of the instant application in order to permit performance of a through service where requested. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 85718 (Sub-No. 3), filed November 13, 1970. Applicant: TRANSIT HOMES, INC., a corporation, Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr. (same address as above) and Ames, Hill & Ames, 666 11th Street, Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture, from Fredericksburg, Va., to points in the United States east of the Mississippi River, including Louisiana and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94876 (Sub-No. 7), filed November 2, 1970. Applicant: RICHARD ACCERRA, INC., 43–09 Vernon Boulevard, Long Island City, NY 11101. Applicant's representative: J. Aiden Connors, 527 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, between New York, N.Y., on

the one hand, and, on the other, Albany, N.Y., and Pittsfield, Mass., and *stale bakery products*, on return, under contract with Borden, Inc., Foods Division, Drake Bakeries. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95540 (Sub-No. 790), filed November 12, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, 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 (except hides and commodities in bulk), from Dubuque, Iowa to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 95540 (Sub-No. 791), filed November 12, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from (1) Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, and Florida, and (2) from Hagerstown, Md., to points in Georgia, North Carolina, and South Carolina. 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 New York, N.Y.

No. MC 95876 (Sub-No. 106), filed November 19, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, MN 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition roofing products and materials; composition boards; urethane and urethane products; insulating materials; and related materials and accessories* used in the installation of said products, from the plantsites and/or warehouse facilities of the Celotex Corp., located in Chicago and Matteson, Ill., to points in Wisconsin and the Upper Peninsula of Michigan. NOTE: Applicant states that tacking is possible with its Sub 9, wherein it conducts operations in the States of Minnesota, Iowa, and Wisconsin. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 98499 (Sub-No. 9), filed November 19, 1970. Applicant: WHITE TRUCK LINE, INC., 2545 Jonesboro Road SE., Atlanta, GA 30315. Applicant's representatives: Paul M. Daniell and Alan E. Serby, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods, articles of unusual value, commodities in bulk and those requiring special equipment), (a) between Gainesville, Ga., and Greenville, S.C., from Gainesville, over U.S. Highway 23 to junction U.S. Highway 123, thence over junction U.S. Highway 123 to Greenville, S.C., and return over the same route, serving all intermediate points in South Carolina; (b) between junction U.S. Highway 129 and Interstate Highway 85 at or near Jefferson, Ga., and Greenville, S.C., from junction U.S. Highway 129 and Interstate Highway 85 at or near Jefferson, Ga., over Interstate Highway 85 to Greenville, S.C., and return over the same routes, serving all intermediate points; (c) serving all other points in Greenville, Spartanburg, and Anderson Counties, S.C., as off-route points in connection with the routes specified in (a) and (b) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta or Gainesville, Ga., or Greenville, S.C.

No. MC 103993 (Sub-No. 578), filed November 16, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements, from Moore, Montgomery, and Nash Counties (except from the plantsite of Outdoor Living Sales and Coburn Industries in Nash County), N.C., to all points in the United States (except Alaska and Hawaii); and (2) *building and sections of buildings*, from Moore, Montgomery, Nash, Gaston, Lincoln, and Granville Counties, N.C., to all 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 Raleigh, N.C.

No. MC 103993 (Sub-No. 579), filed November 16, 1970. Applicant: MORGAN DRIVE-AWAY, 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *campers and camp coaches*, from points in Lexington County, S.C. 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 Columbia, S.C.

No. MC 103993 (Sub-No. 580), filed November 16, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from points in San Bernardino County, Calif., 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 Los Angeles, Calif.

No. MC 103993 (Sub-No. 581), filed November 16, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, from points in Tulare County, Calif., to points in the United States (except Arizona, Idaho, Nevada, Oregon, Utah, Washington, Hawaii, and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fresno, Calif.

No. MC 103993 (Sub-No. 582), filed November 16, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages*, from points in Brown County, Minn., to points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 104654 (Sub-No. 145), filed November 17, 1970. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Mt. 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 St. Louis, Mo.

No. MC 106398 (Sub-No. 515), filed November 16, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925

National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bag houses and dust and pollution systems and appliances, and components parts* thereof, from the plantsite of Dusty Dustless, Inc., at Baldwinsville, N.Y., to all 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 Syracuse or Rochester, N.Y.

No. MC 106398 (Sub-No. 516), filed November 18, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, accessories used in the erection, construction, and completion thereof, from Terre Haute, Ind., to points in Arizona, California, Colorado, Delaware, Florida, Idaho, Kansas, Maryland, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106497 (Sub-No. 52), filed November 6, 1970. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant) and Wilburn L. Williams, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel*, round, or rectangular, other than oilfield pipe, from points in Larimer County, Colo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking is feasible with applicant's Sub-No. 4, where size or weight commodities are involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 115669 (Sub-No. 118), filed November 10, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic and metal pallets, skids, wood packaging items, including bins, boxes, containers, spacers, and bases*, from points in Johnson County, Ind., to points in the United States (excluding Hawaii and Alaska). 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 Indianapolis, Ind., or Louisville, Ky.

No. MC 107409 (Sub-No. 36), filed November 16, 1970. Applicant: RATLIFF & RATLIFF, INC., Route 5, Lexington, NC 27292. Applicant's representative: Thomas Kilroy, 2111 Jefferson Davis Highway, Arlington, VA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Surry County, N.C., to points in South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Wisconsin, Iowa, Illinois, Missouri, Oklahoma, Kansas, Nebraska, Colorado, Texas, Ohio, Louisiana, Massachusetts, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Georgia, West Virginia, Michigan, Florida, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Minnesota, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 717), filed November 13, 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: *Meat, meat products and meat byproducts* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Holton, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and its commercial zone). NOTE: Applicant states that it could tack at Gatesville, N.C., to provide through service to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 109094 (Sub-No. 15), filed November 16, 1970. Applicant: GAULT TRANSPORTATION, INC., 2377 Cranberry Highway, Wareham, MA 02571. Applicant's representative: Gavin W. O'Brien, 1156 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Boston, Mass., to points in New York. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 109094 and the various sub-numbers thereunder. 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 Boston, Mass., or Washington, D.C.

No. MC 109397 (Sub-No. 244), filed November 9, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office 113, Joplin, MO 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Washington, Oregon, Idaho, Montana, and California north of Highway 50 to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia. 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 San Francisco, Calif., or Portland, Oreg.

No. MC 110325 (Sub-No. 48), filed November 4, 1970. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, CA 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, MO 64105. 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, and those requiring special equipment), serving the plantsite and shipping facility of Mobay Chemical Co., at or near Baytown, Chambers County, Tex., as an off-route point in connection with applicant's authorized regular-route service to or from Houston, Tex.

No. MC 111397 (Sub-No. 95), filed November 12, 1970. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: H. S. Melton, Jr., Box 1407, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, from Paducah, Ky., to points in Kentucky, restricted to shipments having a prior rail movement. 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 Washington, D.C.

No. MC 111401 (Sub-No. 312), filed November 9, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address

as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Douglas County, Kans., to points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 111545 (Sub-No. 146), filed November 9, 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: (1) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with tractors, (c) *agricultural, industrial and construction machinery and equipment*, (d) *trailers* designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles), (e) *attachments* for the above described commodities, (f) *internal combustion engines*, and (g) *parts* of the above described commodities when moving in mixed loads with such commodities, from the plants, warehouse sites, and experimental farms of Deere & Co., in Rock Island County, Ill., to points in Florida, Georgia, North Carolina, and South Carolina; and (2) *Returned or rejected shipments*, from the destination States named above to the named plants, warehouse sites, and experimental farms in Rock Island County, Ill. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co., and the authority in (2) above is restricted to traffic destined to such facilities of Deere & Co. 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 112713 (Sub-No. 128), filed November 16, 1970. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d at State line, Kansas City, MO 64114. Applicant's representative: John M. Records (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 and except classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment, between Springdale and Siloam Springs, Ark., over Arkansas Highway 68, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular routes, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 113362 (Sub-No. 198), filed November 4, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plant or storage sites of Comstock-Greenwood Foods located at or near Waterloo, Red Creek, Rushville, Egypt, Fairport, Newark, and Lyons, N.Y., to points in Arkansas, Kansas, Oklahoma, Texas, Missouri, Illinois, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 113495 (Sub-No. 46), filed November 16, 1970. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, TN 37213. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (regardless of how they are equipped), except tractors used for pulling highway trailers, *scrapers, motor graders* (regardless of how they are equipped), *wagons, engines, generators, engines and generators combined, welders, road rollers and compactors, cranes* (regardless of how they are equipped), and *dump trucks* and (2) *Parts, attachments, and accessories* for the commodities named in (1) above, from the plantsites of Caterpillar Tractor Co., at or near Aurora, Joliet, Mossville, Decatur, Morton, and Peoria, Ill., and those points within a 15-mile radius of Peoria, Ill., in Peoria, Tazewell, and Woodford Counties, Ill., to points in 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 Washington, D.C., or Chicago, Ill.

No. MC 113539 (Sub-No. 6), filed November 13, 1970. Applicant: PORTER TRANSPORTATION CO., a corporation, 210 Falulah Road, Fitchburg, MA 01420. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt cement*, in bulk, in tank vehicles, from the port of entry at or near Highgate Springs, Vt., on the international boundary line between the United States and Canada, to Lunenburg, Mass. NOTE: Applicant states that the requested can be tacked with its existing authority. 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 Fitchburg, Worcester, or Boston, Mass.

No. MC 113678 (Sub-No. 407), filed November 16, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies*, used by restaurants (except foodstuffs), when moving in the same vehicle at the same time with foodstuffs, from the plantsite and storage facilities of Mr. Steak, Inc., in Denver, Colo., to Mr. Steak restaurants located at points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above-named origins and destined to the above 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 Denver, Colo.

No. MC 113678 (Sub-No. 409), filed November 16, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and/or storage facilities utilized by Ocean Spray Cranberries, Inc., at or near Kenosha, Wis., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, 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 Omaha, Nebr., or Denver, Colo.

No. MC 114004 (Sub-No. 90), filed November 16, 1970. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular Buildings*, from the plantsite of Modular Industries, Inc., Olathe, Kans., to points and places in the United States (including Alaska but 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 Kansas City, Kans.

No. MC 115295 (Sub-No. 15), filed November 13, 1970. Applicant: BOB UTGARD, doing business as UTGARD TRUCKING, Route 3, New Richmond, WI 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, from Abbotsford, Wis., to points in Connecticut, Illinois, Indiana,

Iowa, Massachusetts, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115322 (Sub-No. 82), filed November 6, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, FL 32771. Applicant's representative: David C. Venable, 701 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from the plantsite of Ocoma Foods Co., at or near Shelbyville, Tenn., to points in Connecticut, Delaware, Georgia (except Atlanta), Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115523 (Sub-No. 164), filed November 19, 1970. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, UT 84116. Applicant's representative: Haines D. Stratford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mopping asphalt*, in packages, and *roofing materials and related articles* (including lime, sand, talc, and pulverized lime stonedust), used in the production and installation of roofing materials, between the plantsite of Lloyd A. Fry Roofing Co., at Woods Cross, Utah, on the one hand, and, on the other, points in Idaho, Montana, Utah, and points in Bighorn, Washakie, Hot Springs, Fremont, and Sweetwater Counties, Wyo., and Elko, Lander, Eureka, White Pine, and Lincoln Counties, Nev. 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 Salt Lake City, Utah.

No. MC 115669 (Sub-No. 118), filed November 17, 1970. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Lawrence, Kans., to points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska. 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 115669 (Sub-No. 119), filed November 20, 1970. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, quick or hydrate, from plantsites of Marblehead Lime Co., located at Hannibal, Mo., Marblehead, Ill., and Quincy, Ill., to points in Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115669 (Sub-No. 120), filed November 20, 1970. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, and mineral mixtures*, from Quincy, Ill., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Montana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115904 (Sub-No. 23), filed November 13, 1970. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, ID 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, including plywood, laminated beams, wallboard or hardboard, or boards or sheets consisting of sawdust or ground wood with added binder, also *shingles*, between points in Idaho and points in Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Butte, Mont., or Boise, Idaho.

No. MC 116254 (Sub-No. 117), filed November 16, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. Joseph, Tenn., to points in Alabama and Georgia. 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 Nashville, Tenn., or Birmingham, Ala.

No. MC 116273 (Sub-No. 133), filed November 20, 1970. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetics*, in bulk, in tank vehicles (hopper type), from Elk Grove Village, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 182), filed November 16, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* (except in bulk): (1) from Quincy, Fla., and Ochlocknee, Ga. to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) from points in Ochlocknee, Ga., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 117119 (Sub-No. 427), filed November 16, 1970. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post

Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Red Creek, Waterloo, Egypt, Rushville, Fairport, Newark, and Lyons, N.Y., to points in Texas, Oklahoma, Arkansas, Kansas, and Louisiana. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York City, N.Y.

No. MC 117799 (Sub-No. 6), filed November 16, 1970. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Room 210, Minneapolis, MN 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, cheese, and meat and cheese products*, (2) *commodities* the transportation of which falls within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with any of the commodities specified in (1), from East Brunswick, N.J., to points in California, Oregon, Utah, and Washington. NOTE: Applicant states no duplicate authority is sought. It 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 Washington, D.C., or Newark, N.J.

No. MC 118202 (Sub-No. 4), filed November 12, 1970. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, Winona, MN 55987. Applicant's representative: Val. M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766 and *foodstuffs* when transported in mixed truckloads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant has pending in MC 134631 Sub-3, an application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118263 (Sub-No. 37), filed November 12, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 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*, in vehicles equipped with mechanical refrigeration (excluding commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Stouffer Foods Corp., located at Cleveland and Solon, Ohio, to points in Ohio, Indiana, Kentucky, Missouri, and Illinois (excluding the Chicago commercial zone). Restricted to traffic originating at the plantsites and warehouse facilities of Stouffer Foods Corp., at Cleveland and Solon, Ohio, and destined to points in Ohio, Indiana, Kentucky, Missouri, and Illinois (excluding the Chicago commercial zone). 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 Cleveland, Ohio.

No. MC 119118 (Sub-No. 27), filed November 18, 1970. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., Post Office Box 388, Latrobe, PA 15650. Applicant's representative: Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and related advertising material moving therewith, from points in Winston-Salem, N.C., to points in Pennsylvania in and west of Bradford, Sullivan, Columbia, Northumberland, Dauphin, and York Counties, Pa. NOTE: Applicant holds contract carrier authority under Permit No. MC 116564 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 119631 (Sub-No. 13), filed November 18, 1970. Applicant: DEIOMA TRUCKING CO., a corporation, Post Office Box 915, Mount Union Station, Alliance, OH 44601. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses, building and all component parts, sections knocked down, materials, fixtures and appliances* necessary to the construction, erection, and completion of such houses or buildings, from Canton, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Akron, or Cleveland, Ohio.

No. MC 119641 (Sub-No. 97), filed November 12, 1970. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with tractors, (c) *agricultural, industrial, and construction machinery and equipment*, (d) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (e) *attachments* for the above described commodities, (f) *internal combustion engines*, and (g) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the plants, warehouse sites, and experimental farms of Deere & Co., in Rock Island County, Ill., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia; and (2) *returned or rejected shipments* from the destination States named above to the named plants, warehouse sites, and experimental farms in Rock Island County, Ill. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co., and the authority in (2) above is restricted to traffic destined to such facilities of Deere & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119789 (Sub-No. 46), filed November 12, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby products*, including strollers, children's vehicles, wardrobes, toys and games, chairs and stools, baby seats, play pens, and *parts and accessories* for the above described items, from points in North Hollywood, Calif., to points in New York, New Jersey, Florida, North Carolina, South Carolina, Texas, Illinois, Minnesota, Wisconsin, Ohio, Michigan, and 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 Los Angeles, Calif., or Washington, D.C.

No. MC 120646 (Sub-No. 4), filed November 17, 1970. Applicant: DUNCAN MOTOR LINES, a corporation, Post Office Box 523, Easley, SC 29640. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. 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, and commodities requiring special equipment; (1) From the Georgia-South Carolina State line to Greer, S.C., over U.S. Highway 123, thence over Georgia-South Carolina State line to Greenville, S.C., thence over U.S. Highway 29 to Greer, S.C., thence over South Carolina Highway 14 to its junction with Interstate

Highway 85; thence over Interstate Highway 85 to its junction with U.S. Highway 25 By-Pass, thence over U.S. Highway 25 By-Pass to its junction with U.S. Highway 123, and return over the same routes, serving all intermediate points; (2) from the junction of South Carolina Highway 28 and U.S. Highway 123, over South Carolina Highway 28 to its junction with South Carolina Highway 107, thence over South Carolina Highway 107 to the South Carolina Highway 107 to the South Carolina-North Carolina State line, and return over the same route, serving all intermediate points; (3) from the junction of U.S. Highway 123 and U.S. Highway 178 to the South Carolina-North Carolina State line, over U.S. Highway 178, and return over the same routes, serving all intermediate points; (4) between Westminster, S.C. and Greenville, S.C., over South Carolina Highway 183, serving all intermediate points; and (5) between Seneca, S.C., and the South Carolina-Georgia State line, over South Carolina Highway 59 from Seneca to its junction with Interstate Highway 85, thence over Interstate Highway 85 to the South Carolina-Georgia State line, serving all intermediate points. NOTE: Common control may be involved. Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C.

No. MC 120825 (Sub-No. 2), filed November 13, 1970. Applicant: G. H. THOMAS TRUCKING CO., an Ohio corporation, 2531 Center Street, Cleveland, OH 44113. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books and magazines*, between Cleveland, Ohio, on the one hand, and, on the other, points in 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 Columbus, Ohio, or Washington, D.C.

No. MC 123263 (Sub-No. 5), filed November 16, 1970. Applicant: BELGIUM TRUCKING CO., INC., Belgium, Wis. 53004. Applicant's representatives: Philip H. Porter or John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed concentrates*, (1) from points in Indiana and Illinois to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan and (2) from Fond du Lac, Wis., to points in Ohio (except Circleville). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 123272 (Sub-No. 7), filed November 16, 1970. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, glassware, jars and closures*, between Huntington, W. Va., and points in Kentucky. NOTE: Common control may be involved. Applicant has a contract carrier authority application pending under MC 107128, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 167), filed November 18, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 DTS, Omaha, NE 68101. Applicant's representatives: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501 and Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum materials, and aluminum products*, from points in Scott County, Iowa, to points in the United States on and west of U.S. Highway 61 (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in packaging and shipping of commodities discribed in (1) above, from points in the United States on and west of U.S. Highway 61 (except Alaska and Hawaii) to points in Scott County, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124796 (Sub-No. 77), filed November 9, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aerosol products* (except in bulk) from Chicago, Ill., to points in the United States (except Hawaii and Alaska), under continuing contract with Alberto Culver Co. Restriction: All shipments are to originate at the plantsite or distribution facilities utilized by Alberto-Culver Co., at or near Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124813 (Sub-No. 78), filed November 12, 1970. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, from the storage facilities utilized by Occidental Chemical Co., at Pekin, Ill., to points in Illinois, Iowa, Kentucky, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant presently holds contract carrier authority under its No. MC 118468 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 124821 (Sub-No. 7), filed November 12, 1970. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, PA 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lamps, lamp shades, plastic articles, and flocked paper*, from Chicago, Ill., to points in New Jersey, New York, Ohio, and Pennsylvania, and (2) *Materials and supplies* used, incidental to, or in connection with the manufacture, sale, and distribution of lamps and lamp shades from the above described destination territory to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 124844 (Sub-No. 2), filed November 23, 1970. Applicant: M. L. BROWN, INC., Post Office Box 5108, Wilmington, DE 19808. Applicant's representative: Samuel W. Earnshaw, 533 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled commercial vehicles, and such commercial vehicles* as may be necessary to replace such wrecked and disabled vehicles, between points in Delaware, Connecticut, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that no duplicating authority is requested. Applicant further states that the requested authority will not be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124979 (Sub-No. 3), filed November 13, 1970. Applicant: CONRAD BERG, doing business as BERG COMPANY, Route 1, Box 185–A, Saginaw, MN 55799. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Pine Bend, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125770 (Sub-No. 6) (Amendment), filed September 21, 1970, published in the FEDERAL REGISTER issues of October 22, 1970, and November 19, 1970, and republished as amended, this issue. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, NJ 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Washers, dryers, refrigerators, freezers, dishwashers, ranges, and trash mashers*, from Harrisburg, Pa., to points in Union, Sussex, Passaic, Bergen, Hudson, Essex, Morris, Hunterdon, Somerset, Middlesex, Mercer, Monmouth, and Ocean Counties, N.J., restricted to a transportation service to be performed under a contract or continuing contract with Krich-New Jersey, Inc., of Newark, N.J. NOTE: The purpose of this republication is to include Union County, N.J., in the destination territory. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No MC 126276 (Sub-No. 37) (Correction), filed November 4, 1970, published in the FEDERAL REGISTER of November 26, 1970, and republished in part, as corrected, this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to correct a portion of the origin territory which read "Delaware and Ohio" in the previous publication to read "and Delaware, Ohio." The rest of the application remains as previously published.

No. MC 126844 (Sub-No. 8), filed November 9, 1970. Applicant: R.D.S. TRUCKING CO., INC., 583 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, 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 Washington, D.C.

No. MC 126956 (Sub-No. 4), filed November 17, 1970. Applicant: NORTHLAND TRANSPORT, INC., 1803 42d Avenue East, Superior, WI 54884. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, from the plantsite and storage facilities of Royal Pantry Foods, Inc., at Madelia, Minn., to points in Wisconsin, Michigan, Indiana, and Illinois, under continuing contract with Royal Pantry Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127304 (Sub-No. 7), filed November 16, 1970. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 47147. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, between Wichita, Kans., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin, under continuing contract with Kansas Beef Industries, Inc., and its subsidiaries and affiliate. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans, or Lincoln, Nebr.

No. MC 127539 (Sub-No. 17), filed November 22, 1970. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from the plantsite of Brown & Haley at Tacoma, Wash., to points in California, and *chocolate coating* from San Francisco, Milbrae, and San Leandro, Calif., to the plantsite of Brown & Haley at Tacoma, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority in No. MC 124593, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127580 (Sub-No. 5), filed November 18, 1970. Applicant: H. P. HALE, Post Office Box 177, Roswell, NM 88201. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, NM 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* (except liquid feeds in bulk), (1) from points in Chaves County, N. Mex., and points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending south along U.S. Highway 75 to Dallas, Tex., thence southward along U.S. Highway 77 to junction U.S. Highway 81 at or near Hillsboro, Tex., thence southward along U.S. Highway 81 (and Interstate Highway 35) to San Antonio, Tex., thence westward along U.S. Highway 90 to Van Horn, Tex., thence west-northwestward along U.S. Highway 80 to the Texas-New Mexico State line, at El Paso, Tex., including El Paso, Tex., to points in Arizona, New Mexico, and Colorado, and (2) from points in Arizona to points in New Mexico and Colorado, with the operations authorized to be performed under continuing contracts with Claude Barry & Co. of El Paso, Tex., and Billstone Feed and Grain Service of El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 128273 (Sub-No. 77), filed October 30, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from New Orleans, La., to points in Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, New Mexico, Texas, Florida, Maryland, Pennsylvania, New Jersey, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, 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 New Orleans, La., or Washington, D.C.

No. MC 128940 (Sub-No. 11), filed November 17, 1970. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A, Appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Milwaukee, Wis., to New York, N.Y., and points in Delaware and New Jersey, under contract with Peck Meat Packing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129307 (Sub-No. 44), filed November 16, 1970. Applicant: McKEE LINES, INC., 644 54th Avenue, Mattawan, MI 49071. Applicant's representative: Leonard R. McKee (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), from the plantsite and/or cold storage facilities utilized by Wilson Sinclair Co., Albert Lee, Minn., 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 plantsite and/or cold storage facilities and destined to the above specified destinations. NOTE: Applicant holds contract authority under MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 45), filed November 16, 1970. Applicant: McKEE LINES, INC., 644 54th Avenue, Mattawan, MI 49071. Applicant's representative: Leonard R. McKee (same address

as applicant). 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 Michigan. Restricted to the transportation of traffic originating at the above specified cold storage facilities and destined to the above specified destinations. NOTE: Applicant holds contract authority in MC 119394, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133021 (Sub-No. 4), filed November 13, 1970. Applicant: JOHN L. WILSON, doing business as J. W. TRUCKING, Post Office Box 144, Round Hill, VA 22141. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit juices, apple cider, and fruit concentrates*, from Round Hill, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Tennessee, and West Virginia; and (2) *materials, equipment, and supplies* used in the preparation and manufacture of fruit juices, concentrates, and cider, from points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Tennessee, and West Virginia to Round Hill, Va., restricted to a transportation service to be performed under a continuing contract or contracts with Hill High Food Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133398 (Sub-No. 1), filed November 16, 1970. Applicant: BOB EVANS, INC., 132–19 34th Avenue, Flushing, NY 11354. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages* (except in bulk), and *materials and supplies* used in the manufacture and distribution of nonalcoholic beverages, between Pelham Manor, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Ohio, West Virginia, Virginia, North Carolina, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and the District of Columbia, under contract with Metro Beverage Canners & Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133448 (Sub-No. 23) (Correction), filed October 23, 1970, published in the FEDERAL REGISTER issue of November 25, 1970, and republished as corrected, this issue. Applicant: REFRIGERATED FOOD LINE, INC., Box 1056, Commercial Station, Springfield, MO 65803. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from the warehouse facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the commodity description as animal feed, (except in bulk). If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Kansas City, Mo.

No. MC 133655 (Sub-No. 44), filed November 13, 1970. Applicant: TRANSNATIONAL TRUCK, INC., a corporation, Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Harold H. Pike (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined by the Commission, from the plant and warehouse sites of Farmland Industries, Inc., at or near Garden City, Kans., to points in Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, New York, Pennsylvania, Vermont, 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 Amarillo, Tex., or Dallas, Tex.

No. MC 133713 (Sub-No. 4), filed November 13, 1970. Applicant: UELAND TRUCKING, INC., Route 1, Box 25B, Shakopee, MN 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Pine Bend, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134180 (Sub-No. 2), filed October 28, 1970. Applicant: ROBERT GRANT, 81 South Road, North Hampton, NH 03862. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Portsmouth, N.H., to points in New Hampshire, Massachusetts, Maine, Vermont, Rhode Island, and Connecticut, under continuing contract with Diamond Crystal Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134427 (Sub-No. 2), filed November 6, 1970. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701. Applicant's representative: Frank B. Hand, Jr., 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Flour*, in containers, from Culpeper, Va., to points in Maryland, Pennsylvania, North Carolina, West Virginia, Delaware, New Jersey, Virginia, and the District of Columbia, under contract with Seaboard Allied Milling Corp. NOTE: Applicant also holds common carrier authority in No. MC 20916 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134760 (Sub-No. 2) (Amendment), filed October 5, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished as amended this issue. Applicant: PHILLIP W. SLIGHTOM, doing business as P & B TRUCKING, Rural Route 1, Bettendorf, IA 52722. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building materials and building supplies*, between Davenport, Iowa, on the one hand, and, on the other, points in Illinois, under contract with The Wickes Corp. NOTE: The purpose of this republication is to reflect that radial operations are proposed in lieu of "from and to." If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Davenport, Iowa.

No. MC 134804 (Sub-No. 1), filed November 16, 1970. Applicant: AUZA-HOFFMAN, INCORPORATED, Post Office Box 1892, West Highway U.S. 66, Flagstaff, AZ 86001. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products and machinery and parts* used in the manufacture of same, from Flagstaff, Ariz., to points in Texas, New Mexico, Arizona, California, Nevada, Colorado, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Oklahoma, Kansas, Nebraska, and South Dakota, (2) *scrap paper*, between points in Arizona, Texas, New Mexico, California, Nevada, Colorado, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Oklahoma, Kansas, Nebraska, and South Dakota, and (3) *chemicals, supplies and machinery* used in the manufacture and sale of paper products, from points in the destination States in (1) above to Flagstaff, Ariz., under contract with Ponderosa Paper Products, Inc. NOTE: Applicant holds common carrier authority under MC 134802, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Flagstaff, Ariz.

No. MC 134882 (Sub-No. 2), filed November 12, 1970. Applicant: WINTLE DELIVERY & REFRIGERATOR TRUCK SERVICE, INC., 43 East Lincoln Avenue, Columbus, OH 43214. Applicant's representative: Richard H.

Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses as described in sections A, B, and C of Appendix 1 to the report of *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Columbus, Ohio, on the one hand, and, on the other, points in 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 Columbus, Ohio.

No. MC 134922 (Sub-No. 2), filed November 18, 1970. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, pineapples, and coconuts*, from points in Galveston, Tex., and New Orleans, La., to points in Wisconsin, Illinois, Alabama, Tennessee, Kentucky, Indiana, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Ohio, Nebraska, Minnesota, North Dakota, South Dakota, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134958 (Sub-No. 1), filed November 16, 1970. Applicant: BERT F. JONES, doing business as MITEY BEE XPRESS, 12060 Sable Road, Brighton, CO 80601. Applicant's representative: Ruth A. Kirkland, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, except in bulk, from Denver, Colo., Omaha, Nebr., and Amarillo, Tex., to points in the United States (except Alaska, Hawaii, Vermont, Maine, New Hampshire, Rhode Island, and Delaware), under contract with Birko Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135030, filed October 16, 1970. Applicant: WILLIAM BITTROLFF, 759 Sander Avenue, West Islip, NY 11795. Applicant's representative: Frank Mitchell Corso, 449 South Oyster Bay Road, Plainview, NY 11803. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *IBM cards*, from Riverton, N.J., to all Boroughs of New York City, N.Y., under contract with control Data Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135060, filed October 28, 1970. Applicant: NUNEZ EXPRESS CO., INC., 1376 Bronx River Avenue, Bronx, New York, NY 10472. Applicant's representative: Emil M. Sanchez, 277 Broadway, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Household goods and personal effects*, between points within the exempt New York City commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135064, filed November 2, 1970. Applicant: LEO HULSHOF AND BOBBY GENE HULSHOF, a partnership, doing business as HULSHOF BROTHERS, Route No. 5, Lewisburg, TN 37091. Applicant's representative: Leo Hulshof (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, (1) from Lewisburg, Tenn., to Hawesville, Ky., and (2) from Greenbrier, Tenn., to Hawesville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 135086 (Sub-No. 1), filed November 19, 1970. Applicant: RUDONI, INC., 11936 Ravenna Road, Chardon, OH 44024. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cleaning and buffing compounds, household cleaning aids, soaps, cosmetics and related advertising and packaging materials*, from Elk Grove Village, Ill., to points in the United States, including the District of Columbia, but excluding Alaska and Hawaii, under continuing contract or contracts with Bestline Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135087, filed November 12, 1970. Applicant: CENTRAL FURNITURE AND DELIVERY, INC., 641 Indiana Avenue, Washington, DC. Applicant's representative: Eugene M. Malkin, 1625 K Street, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Janitorial, cleaning, and maintenance materials and supplies* (except in bulk), from Edmonston, Md., to points in the District of Columbia, Maryland, and Virginia; and (b) *janitorial, cleaning, and maintenance equipment*, between Edmonston, Md., on the one hand, and, on the other, points in the District of Columbia, Maryland, and Virginia; service to be performed under a continuing contract or contracts with National Service Industries, Inc., of Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135090, filed November 4, 1970. Applicant: RODRIQUE ROUSSEL & CO. LTD., a corporation, 70 rue de la Gare, Monti-Joli, PQ, Canada. Applicant's representative: Norman C. Bourget, 256 Water Street, Day Building, Augusta, ME 04330. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* in packages, and *wood cleats*, in packages, from port of entry on the International Boundary line between the United States and Canada located at or near Champlain, N.Y., to New York, N.Y., and Jersey City and Bayonne, N.J., under contract with Trois Pistoles Cleats & Lumber Reg'd., and Tricots Excel Ltee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 135091 EX, filed November 9, 1970. Applicant: IRMA F. UPHAM, doing business as PEN-BAY TRANSPORT CO., 65A Tillson Avenue, Rockland, ME. Application for a certificate of exemption, under section 204(a)(4a), Part II of the Interstate Commerce Act, relative to Motor Carrier Transportation in interstate or foreign commerce solely within one State, as a common carrier, 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, from Rockland, Maine, to the Islands of Vinalhaven and North Haven, Maine.

No. MC 135109, filed November 16, 1970. Applicant: SECO, INC., 210 North Jackson, Mason City, IA 50401. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and drugs* from the plantsites and warehouse facilities utilized by Atlas Chemical Industries, Inc., located at New Castle and Newark, Del., Memphis, Tenn., and Pasadena, Calif., to points in the United States (except Hawaii and Alaska); (2) *defective, rejected and/or contaminated chemicals and drugs* from points in the United States (except Hawaii and Alaska) to the plantsites and warehouse facilities of Atlas Chemical Industries, Inc., at New Castle and Newark, Del., Memphis, Tenn., and Pasadena, Calif. and (3) *materials, equipment and/or supplies* used in the manufacture, sale, and distribution of chemicals and drugs between points in the United States (except Hawaii and Alaska), and the plantsites and warehouse facilities utilized by Atlas Chemical Industries, Inc., located at New Castle and Newark, Del., Memphis, Tenn., and Pasadena, Calif., under contract with Atlas Chemical Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135111, filed November 19, 1970. Applicant: EUGENE F. REESE, Post Office Box 99, Dover, OH 44622. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesive cement*, from New Philadelphia, Ohio, to points in Illinois, Indiana, Michigan, Kansas, Texas, Florida, Georgia, North Carolina, South Carolina, Virginia, Maryland, New Jersey, New York, Massachusetts, Pennsylvania, Delaware, Connecticut, Rhode Island, West Virginia, Iowa, and the District of Columbia; (2) *Ground clay*, from South Carolina and Georgia to New Philadelphia,

Ohio; (3) *Synthetic rubber*, from Kentucky and Texas to New Philadelphia, Ohio; (4) *Metal cans*, from Georgia, Illinois, and Pennsylvania to New Philadelphia, Ohio; (5) *Plastic pails*, from New Jersey, Illinois, and Pennsylvania to New Philadelphia, Ohio; (6) *Resins*, from Florida, Pennsylvania, Illinois, and Mississippi to New Philadelphia, Ohio; and (7) *Fibre cans*, from Pennsylvania and Illinois to New Philadelphia, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Miracle Adhesives Corp., of New Philadelphia, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130133, filed November 12, 1970. Applicant: BETTY'S TOURS, INC., 1200 Gough Street, Suite 9, San Francisco, CA 94108. Applicant's Representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. For a license (BMC 5) to engage in operations as a *broker* at San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Los Angeles, San Diego, Santa Ana, and San Bernardino-Riverside, Calif., in arranging for the transportation by motor vehicle, in interstate or foreign commerce of passengers and their baggage, as individuals and in groups, in round trip special and charter operations, beginning and ending in California and extending to the States of California, Oregon, Washington, Idaho, Nevada, Arizona, New Mexico, Utah, Wyoming, Montana, and Colorado, including ports of entry on the international boundary line between the United States and the Canadian provinces of British Columbia and Alberta.

MOTOR CARRIER OF PASSENGERS

No. MC 541 (Sub-No. 5), filed November 16, 1970. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, a corporation, 333 Arch Street, New Britain, CT 06051. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Bristol, Plainville, New Britain, and Meriden, Conn., and extending to Narragansett Race Track, Pawtucket, R.I., and Lincoln Downs Race Track, Lincoln, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 61016 (Sub-No. 35), filed November 2, 1970. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Berkshire County, Mass., and extending to points in the United States, excluding Hawaii. NOTE: Applicant states that on some of the proposed tours, it will combine these operations with those authorized from points in Hampden County in Docket No. MC 61016 (Sub-Nos. 21 and 31). If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 129379 (Sub-No. 1), filed November 20, 1970. Applicant: FIDELITY MOTOR BUS LINES, INC., 1920 Lincoln Way E., Massillon, OH 44646. Applicant's representative J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. 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 charter operations, beginning and ending at points in Stark and Tuscarawas Counties, Ohio, and extending to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in Stark and Tuscarawas Counties, Ohio, and extending to points in the United States, including the District of Columbia and Alaska, but excluding Hawaii. NOTE: Applicant states that tacking and joinder is intended with applicant's present authority under MC 129379. The physical operations would tack through Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi to join service in the eastern half of the United States with service through the western half of the United States. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 113908 (Sub-No. 210), filed November 6, 1970. Applicant ERICKSON TRANSPORT CORPORATION, Box 3180, Glenstone Station, 2105 East Dale Street, Springfield MO 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, From Canandaigua, N.Y., to Church Point, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 133694 (Sub-No. 1) (Amendment), filed June 18, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, and republished this issue. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, VA 22304. Applicant's representative: Carlyle C. Ring, Jr., 710 Ring Building, 1200 18th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *office furniture, office furnishings, and office equipment, manufactured products* except data processing equipment; and *general supplies* (except explosives), between points in Montgomery, Prince Georges, Anne Arundel Counties, Maryland, District of Columbia, and Arlington, Fairfax, Loudoun, and Prince William Counties and Alexandria, Fairfax, and Falls Church cities, Virginia. The purpose of this republication is (1) to reflect a change in the commodity description, (2) to show that *common carrier* authority is sought in lieu of contract carrier authority, and (3) to show that the proceeding is designated for further processing under the modified procedure, pursuant to Order of the Commission, Division 1, dated November 20, 1970, and served November 27, 1970.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16542; Filed, Dec. 9, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 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. 42086—*Calcium chloride to New Orleans, La.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2988), for interested rail carriers. Rates on calcium chloride, other than liquid, in bags, as described in the application, from St. Louis, Mich., to New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 131 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-438.

FSA No. 42087—*Class and commodity rate from and to Navair, Fla.* Filed by O. W. South, Jr., agent (No. A6211), for and on behalf of the Georgia Southern and Florida Railway Co., and other interested rail carriers. Rates on property moving on class and commodity rates, between Navair, Fla., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16614; Filed, Dec. 9, 1970; 8:48 a.m.]

[Notice 204]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 3, 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 5352 (Sub-No. 2 TA), filed November 30, 1970. Applicant: PAUL S. COOPER, 1302 Garden Lane, Champaign, IL 61820. Applicant's representative: John C. Hirschfeld, 1400 Anthony Drive, Post Office Box 1003, Champaign, IL 61820. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Malt beverages and related advertising matter*, from Milwaukee, Wis., to Champaign from Champaign over Interstate Highway 57 to junction Interstate Highway 80, using U.S. Highway 45 where Interstate Highway 57 is not yet completed, thence over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 41, thence over U.S. Highway 41 to Interstate Highway 94 to Milwaukee, and return over the same routes with *empty cooperage and pallets*, for 150 days. Supporting shipper: Hirschfeld Distributing Co., Inc., 801 West Pioneer Street, Champaign, IL 61821. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 20783 (Sub-No. 80 TA), filed November 30, 1970. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, GA 30030. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite of Kraft Foods Division of Kraftco Corp. at Decatur, Ga., to East Bernstadt, Greenville, and Paducah, Ky., for 180 days. Supporting shipper: Kraft Foods, Division of Kraftco Corp., Southern Division, 2340 Forest Lane, Garland, TX 75040. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 71452 (Sub-No. 9 TA), filed November 27, 1970. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, IN 46241. Applicant's representative: H. J. Noel (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, commodities in bulk and those requiring special equipment), restricted to shipments having a prior or subsequent movement by aircraft; between the Weir-Cook Municipal Airport (near Indianapolis, Ind., on the one hand, and, on the other, points in Fulton County, Ind.), for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, MI 48121. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Penn. Street, Indianapolis, IN 46204.

No. MC 95876 (Sub-No. 107 TA), filed November 30, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Arthur A. Budde (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs, tile and panels, and related materials, parts, supplies, and accessories*, from Cornell, Wis., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Tennessee, West Virginia, and the District of Columbia, and *damaged and rejected shipments* on return, for 180 days. Supporting shipper: Fireproof Products, Inc., Cornell, Wis. 54732. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 98964 (Sub-No. 9 TA) (Correction), filed October 15, 1970, published FEDERAL REGISTER, issue of October 30, 1970, and republished as corrected this issue. Applicant: PALMER BROTHERS, INCORPORATED, 1434 South Third West Street, Salt Lake City, UT 84115. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. NOTE: The purpose of this republication is to show that applicant proposes to interline at Salt Lake City, Provo, and Kanab, Utah. Such information was inadvertently omitted from the previous publication. The rest of the notice of filing remains as previously published.

No. MC 109689 (Sub-No. 219 TA), filed November 30, 1970. Applicant: W. S. HATCH CO., 643 South 800 West Street, Office: Woods Cross, UT 84087. Mail: Post Office Box 1825, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude ground clay*, in bulk, from Aurora, Utah, to Rodeo, Calif., for 180 days. Supporting shipper: Los Angeles Chemical Co., 4545 Ardine Street, South Gate, CA 90280. (W. W. Broughton, Sales Department). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 115524 (Sub-No. 15 TA), filed November 30, 1970. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, 415 Rankin Road NE., Albuquerque, NM 87107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resin and wax emulsion*, in shipper-owned containers, for account of Mexwood Products, Inc., between points in Arkansas and New Mexico. Supporting shipper: Mexwood Products, Inc., Post Office Box 813, Albuquerque, N. Mex. 87103. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, NM 87101.

No. MC 116935 (Sub-No. 10 TA), filed November 27, 1970. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 1000 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in containers, from the facilities of Commercial Furniture Distributors, Inc., at Kearny, N.J., to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in New Jersey. Restricted to shipments having a prior movement via rail or motor carrier, for 150 days. Supporting shippers: Krebs, Stengel & Co. Inc., 200 Lexington Avenue, New York, NY 10016. Stephen Edwards East Co., 9 Elkins Road, East Brunswick, NJ 08816. Baumritter Corp., 205 Lexington Avenue, New York, NY 10016. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 119012 (Sub-No. 9 TA), filed November 27, 1970. Applicant: RIVER TERMINALS TRANSPORT, INC., 208 Broadway, Post Office Box 176, Aurora, IN 47001. Applicant's representative: Don J. Meyer, 104 Morrison Street, Aurora, IN 47001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in specialized equipment, from Aurora, Ind., to Vancoram, Ohio, for 180 days. Supporting shipper: Miller-Adick Co., Suite 311, 35 East Seventh

Street, Cincinnati, OH 45202. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 119573 (Sub-No. 13 TA), filed November 30, 1970. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, OH 44683. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick*, from the plantsite of H. K. Porter Co., Buckeye Works in Yellow Creek Township, Columbiana County, Ohio, to points in Indiana, Illinois, Michigan, Kentucky, Tennessee, Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, and West Virginia, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Refractories Division, Porter Building, 601 Grant Street, Pittsburgh, PA 15219. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 119632 (Sub-No. 42 TA), filed November 30, 1970. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer material, fertilizer ingredients, fungicides, herbicides, and insecticides* (except commodities in bulk) between Orrville, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, IL 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 119789 (Sub-No. 47 TA), filed November 27, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Hoopeston, Streator, and Princeville, Ill., Fowler, Ind., and Mayville, Wis., to points in California, Arizona, New Mexico, Nevada, and Colorado, for 180 days. NOTE: Carrier does not intend to tack its authority. Supporting shipper: Joan of Arc Co., Post Office Drawer 490, St. Francisville, LA 70775. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 124154 (Sub-No. 41 TA), filed November 30, 1970. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, 1004 21st Avenue, Albany, GA 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer axles, running gear assemblies, and component parts therefor*, on flatbed trailers (excluding commodities which because of size or weight require the use of special equipment) between the plantsites of Foreman Manufacturing Co., Inc., in Turner County, Ga., and Chicago Ridge, Ill., and from the plantsite of Foreman Maufacturing Co. in Turner County, Ga., to Newton, Kans., for 150 days. Supporting shipper: Foreman Manufacturing Co., Ashburn, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 126243 (Sub-No. 6 TA), filed November 27, 1970. Applicant: ROBERTS TRUCKING CO., INC., 111 North McKenna Street, Poteau, OK 74953. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112. 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 Fort Towson, Okla., and Heavener, Okla., over Highway 70 from Fort Towson to Broken Bow, Okla., and Highway 259 from Broken Bow to Heavener, Okla., and (2) between Valliant, Okla., and Broken Bow, Okla., over Highway 98 from Valliant to its intersection with Highway 198, thence over 198 to Wright City, Okla., thence from Wright City over Highway 198 to its junction with Highway 98, thence over Highway 98 to its junction with Highway 7, thence over Highway 7 to Broken Bow and return over the same routes, serving all intermediate points on said routes: NOTE: Roberts would tack with its base authority MC 126243 and its Sub 5. Traffic would be interlined at Hugo, Okla., McAlester, Okla., and Fort Smith, Ark., for 180 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 126283 (Sub-No. 4 TA), filed November 27, 1970. Applicant: BERGEN-PASSAIC AIR EXPRESS, INC., 124 East Columbia Avenue, Palisades Park, NJ 07650. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *General commodities, except commodities in bulk*, from the facilities of Minnesota Mining and Manufacturing Co., at West Caldwell, N.J., to points in New York, N.Y., Rockland and Westchester Counties, N.Y., and points in Connecticut, with no transportation for compensation on return except as otherwise authorized. Under continuing contract with Minnesota Mining and Manufacturing Co., West Caldwell, N.J., for 150 days. Supporting shipper: Minnesota Mining and Manufacturing Co., General Offices, 3M Center, St. Paul, Minn. 55101. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 128685 (Sub-No. 11 TA), filed November 30, 1970. Applicant: DIXON BROS., Post Office Box 636, Newcastle, WY 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Newcastle, Wyo., to points in Colorado, Iowa, Kansas, Minnesota, North Dakota, and Wisconsin, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers Inc. Knightsbridge Drive, Hamilton, Ohio. Send protests to: District Supervisor Paul A. Naughton Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 133333 (Sub-No. 3 TA), filed November 27, 1970. Applicant: JACK A. HART, doing business as PARTS LOCATOR SERVICE, 5501 Northwest Walnut Street, Vancouver, WA 98663. Applicant's representative: Lawrence V. Smart, 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Automobile* and *truck parts*, between points in Idaho, on the one hand, and points in Oregon and Washington, on the other hand, for 180 days. Supporting shippers: Shaw Auto Parts, Inc., First and Gould, Pocatello, ID 83201; Jansson Auto Salvage, St. Leon Road, Idaho Falls, ID 83401; B & B Auto Parts, 4290 Chinden Boulevard, Boise, ID 83704; Dale's Auto Salvage, Inc., 5500 South Fifth Avenue, Pocatello, ID 83201; Dillon Auto Salvage, Route 3, Caldwell, ID 83605; For-Mark, Inc., Barber Road, Boise, ID 83706. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 133470 (Sub-No. 3 TA), filed November 30, 1970. Applicant: S. J. DURRANCE COMPANY, INC., Room 207, Administration Building, State Farmers Market, Forest Park (Atlanta), GA 30050. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen hush puppies and frozen onion rings*, when moving in the same vehicle with frozen

seafood and frozen seafood dinners or either of such commodities and (2) *Frozen seafood and frozen seafood dinners*, when moving in the same vehicle with frozen hush puppies or frozen onion rings or either of such commodities, between the plantsites and warehouse facilities of Sea Pak Division of W. R. Grace & Co., Golden Shores Seafoods, Inc., and King Shrimp Co. in Glynn and Chatham Counties, Ga. and the facilities of the Georgia State docks at Brunswick and Savannah, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: King Shrimp Co., Inc., Brunswick, Ga., and Sea Pak Division of W. R. Grace & Co., Savannah, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 134645 (Sub-No. 1 TA), filed November 30, 1970. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, St. Cloud, MN 56301. Applicant's representative: Andrew J. Neutzling (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles and hides, from the plant and warehouse facilities of Needham Packing Co., Inc., West Fargo and Fargo, N. Dak., 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, for 180 days. Supporting shipper: Needham Packing Co., Inc., Sioux City, Iowa 51101. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134182 (Sub-No. 3 TA), filed November 30, 1970. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Post Office Box 505, Lawrence, KS 66044. 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: *Canned goods*, from Rossville, Ill.; Elwood, Galveston, Geneva, Portland, Swayzee, and Vincennes, Ind.; Coloma and Hartford, Mich.; Glencoe and Owatonna, Minn.; Biglerville, Pa., and Clyman, Hillsboro, Lomira, and New Richmond, Wis., to Springfield, Mo., for 150 days. NOTE: Carrier does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Associated Wholesale Grocers, Inc., 1601 Fairfax Trafficway, Kansas City, KS 66115. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 135045 (Sub-No. 1 TA) (Correction), filed November 11, 1970, published FEDERAL REGISTER, issue of November 21, 1970, and republished as corrected this issue. Applicant: BERTSCH TRUCKING, INC., Box 15, Hillsboro, ND 58045. Applicant's representative: Philip W. Getts, 630 Osborn Building, St. Paul, MN 55102. NOTE: The purpose of this republication is to show that Pembina is located in the State of South Dakota and not in Nova Scotia as was published in error, in previous publication. The rest of the notice remains as previously published.

No. MC 135120 TA, filed November 30, 1970. Applicant: C. W. HAMMOCK, doing business as HAMMOCK MOVING & STORAGE COMPANY, 248 East Lathrop Avenue, Savannah, GA 31401. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, G9 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and unaccompanied baggage and personal effects, between points in Georgia, and Aiken, Allendale, Edgefield, Hampton, McCormick, Barnwell, Jasper, and Beaufort Counties, S.C. Restriction: The operations authorized herein are subject to the following conditions; said operations are restricted to the transportation of traffic having a subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135121 TA, filed November 30, 1970. Applicant: DODSWORTH, INCORPORATED, doing business as GENERAL PARCEL SERVICE, 324 Short Street, Post Office Box 366, Erie, PA 16512. Applicant's representative: Robert C. Dodsworth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and commodities requiring special equipment), from points in Erie and Crawford Counties, Pa., to Cleveland-Hopkins Airport, Cleveland, Ohio and from Cleveland-Hopkins Airport to points in Erie and Crawford Counties, Pa., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supported by: There are approximately 34 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John J. England, District Supervisor, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135122 TA, filed November 27, 1970. Applicant: CARL C. BEESLEY, doing busines as INDUSTRIAL INVESTMENT & CONSTRUCTION CO., Post Office Box 14044, Phoenix, Ariz. 85019. 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: *Equipment, materials, supplies, and commodities* used by telephone companies in or incidental to the construction, servicing and operation of a telephone system, and on return, *used, damaged or defective telephone equipment, materials and supplies and bookkeeping records and coin*, from Phoenix, Ariz., to points in New Mexico and points in El Paso County, Tex., for the Mountain States Telephone and Telegraph Co. only, for 180 days. Supporting shipper: Mountain States Telephone, 15 West McDowell Road, Phoenix, AZ. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 230 North First Avenue, Phoenix, AZ 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16611; Filed, Dec. 9, 1970; 8:48 a.m.]

[Notice 205]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 7, 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 26739 (Sub-No. 65 TA), filed December 1, 1970. Applicant: CROUCH BROS, INC., Post Office Box 1059, St. Joseph, MO 64502. Applicant's representative: George W. Keefer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); and (2) *Attachments for and equipment designed for use with the articles described* in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. Restriction: restricted to traffic originating at Eau Claire, Wis., for 150 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 41240 (Sub-No. 12 TA), filed December 1, 1970. Applicant: NELSON TRUCKING SERVICE, INC., Box 161, Mediapolis, IA 52637. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from South Bend, Ind., to Burlington and Muscatine, Iowa; *empty containers* on return, for 180 days. Supporting shippers: White Distributing Co., 1109 East Fifth Street, Post Office Box 755, Muscatine, IA 52761; Don Pease Co., 413 Valley Street, Burlington, IA 52601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 65916 (Sub-No. 13 TA), filed November 30, 1970. Applicant: WARD TRUCKING CORP., Second Avenue and Seventh Street, Greenwood, Altoona, PA 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Brookville, Pa., and Greenville, Pa., from Brookville over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Sandy Lake, Pa., thence over Pennsylvania Highway 358 to Greenville, and return over the same route, between Brookville, Pa., and Sharon, Pa., from Brookville over U.S. Highway 322 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with Pennsylvania Highway 518, thence over Pennsylvania Highway 518 to Sharon, and return over the same route, serving all intermediate points on the above described routes and points in Clarion, Mercer, and Venango Counties, Pa., as off-route points. Applicant seeks the right to tack the authority sought at Brookville with applicant's present routes. Supported by: There are approximately 46 statements of support attached to the application, which may be examined at the Interstate Commerce Commission Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 97357 (Sub-No. 36 TA), filed November 30, 1970. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: C. T. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydroxide* (caustic soda) liquid, in bulk, in tank vehicles, from points in Los Angeles County, Calif., to points in California located on the international boundary between the United States and the Republic of Mexico, and to points in Maricopa and Pima Counties, Ariz., for 180 days. Supporting shipper: Hooker Industrial Chemicals Division, 605 Alexander Avenue, Post Office Box 1646, Tacoma, WA 98401, PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 111045 (Sub-No. 74 TA), filed December 1, 1970. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7801 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Jay, Fla., to LeMoyne, Ala., for 180 days. Supporting shipper: Enjay Chemical Co., Post Office Box 201, Florham Park, NJ 07932. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 113410 (Sub-No. 70 TA), filed December 1, 1970. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Robert W. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Oostburg, Wis., to points in Upper Michigan, for 120 days. Supporting shipper: Northern Propane Gas Co., Minneapolis, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 114457 (Sub-No. 95 TA), filed December 1, 1970. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Donald G. Oren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from St. Paul, Minn., to Omaha, Nebr., for 180 days. Supporting shipper: American Can Co., Greenwich, Conn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 116273 (Sub-No. 134 TA), filed December 1, 1970. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Rochelle, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Joseph Mize, president, Mize Bros., 1423 110th Street, Kenosha, WI 53140. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 123075 (Sub-No. 20 TA), filed December 1, 1970. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, Post Office Box 1123, Greeley, CO 80631. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, UT 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products and animal and poultry feed mixtures*, when moving in mixed loads with salt and salt products, from the plantsite of Utah Salt Inc., at Silsbee, Utah, to points in Colorado, Wyoming, and Kansas, and to points in South Dakota and Nebraska located west of U.S. Highway 83. Under a continuing contract with Utah Salt Inc., of Salt Lake City, Utah, for 180 days. Supporting shipper: Utah Salt Co., Inc., 2150 South Second W., Suite 1-D, Salt Lake City, UT 84115. Send protests to: District Supervisor Roger L. Buchanan, 2022 Federal Building, Denver, CO 80202.

No. MC 123233 (Sub-No. 31 TA), filed December 1, 1970. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 437, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, fuel oils and gasoline*, in bulk, in tank vehicles, from ports of entry on the U.S.A./Canada boundary lines at or near Alexandria Bay, Ogdensburg, Rooseveltown, Trout River, and Champlain, N.Y., Highgate

Springs, Derby Line, and Norton, Vt., and points in New York, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shipper: Shell Canada Ltd., Box 430, Station B, Montreal, PQ, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Montpelier, VT 05602.

No. MC 123685 (Sub-No. 7 TA), filed December 1, 1970. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, OH 44646. Applicant's representative: James Muldoon, 250 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, fungicides, herbicides, and insecticides*, in bags, from the plantsite of Swift Agricultural Chemicals Corp., at Orrville, Ohio, to points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, New York, and West Virginia, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside, Chicago, IL 60606. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 126149 (Sub-No. 13 TA), filed December 1, 1970. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, IN 47150. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), and (2) *Attachments* for, and equipment designed for use with the articles described in (1) above and *parts* for (1) and (2) above when moving in mixed loads with the articles described in (1) and (2) above; from Eau Claire, Wis., to points in Illinois, Indiana, Ohio, Kentucky, Michigan, West Virginia, and Wisconsin. Restriction: Restricted to traffic originating at Eau Claire, Wis., for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 127871 (Sub-No. 2 TA), filed December 1, 1970. Applicant: TRANS-SUPPLY, INC., Post Office Box 210, 207 North Main Street Mercersburg, PA 17236. Applicant's representative: Christain V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, (1) from points in Fayette, Somerset, and Westmoreland Counties, Pa., and Preston County, W. Va., to Clearbrook, Va., and (2) from points in Preston County, W. Va., to Williamsport and Hagerstown (Washington County), Md.; Woodsboro Frederick County), Md.; Union Bridge (Carroll County), Md.; and Chambersburg (Franklin County), Pa. Restricted to transportation to be performed under a continuing contract with PBS Coals, Inc., of Mercersburg, Pa. Supporting shipper: PBS Coals, Inc., 207 North Main Street, Mercersburg, PA 17236. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 129335 (Sub-No. 3 TA), filed November 30, 1970. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, VA 24015. Applicant's representative: John R. Simms, Jr., 711 Fourteenth Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Roanoke County, Va., on the one hand, and, on the other, points in McDowell, Mercer, Summers, and Monroe Counties, W. Va., and points in Buchanan County, Va. Restriction: The operations described herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and containerization, or unpacking, uncrating, and decontainerization of such traffic. Applicant intends to tack the authority here applied for to authority held by it in MC 129335 Sub-No. 2, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 134323 (Sub-No. 8 TA), filed December 1, 1970. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Jay Trammell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Florida, North Carolina, South Carolina, Alabama, and Georgia, for 180 days. Supporting shipper: Norman L. Cummins, Director of Physical Distributors, Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 134915 (Sub-No. 1 TA), filed December 1, 1970. Applicant: SOUTHWEST REFRIGERATED DIST., INC., doing business as REFRIGERATED DISTRIBUTING, 6000 Prescott Avenue, St. Louis, MO 63147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products, and articles distributed by meat packinghouses* as set forth in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209–766, and *frozen foods* in mixed shipments with meat and meat products, between St. Louis, Mo., on the one hand, and, on the other, points in Missouri and Illinois within the following described area including all points on the boundaries thereof: From the Missouri-Illinois line beginning at the Mississippi River over U.S. Highway 24 to its junction with Missouri Highway 151, thence over Missouri Highway 151 to its junction with Missouri Highway 22, thence over Missouri Highway 22 to its junction with U.S. Highway 63, thence over U.S. Highway 63 to its junction with Missouri Highway 72, thence over Missouri Highway 72 to its junction with Interstate 55, thence over Interstate 55 to its junction with U.S. Highway 61 at Scott City, Mo., thence over U.S. Highway 61 across the Mississippi River at Cape Girardeau, Mo., where it joins Illinois Highway 146, thence over Illinois Highway 146 to its junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with Illinois Highway 142, thence over Illinois Highway 142 to its junction with U.S. Highway 460, thence over U.S. Highway 460 to its junction with Interstate 57, thence over Interstate 57 to its junction with Illinois Highway 32, thence over U.S. Highway 32 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to its junction with Illinois Highway 125, thence over Illinois Highway 125 to its junction with U.S. Highway 67, thence over U.S. Highway 67 to its junction with U.S. Highway 24, thence over U.S. Highway 24 across the Mississippi River to the point of beginning, for 180 days. Supporting shippers: Tom-Boy, Inc., 4353 Clayton Avenue, St. Louis, MO 63110; Wilson & Co., Inc., 25 South Second Street, Kansas City, KS 66118; General Grocer Co., 8514 Eager Road, St. Louis, MO 63144; and Geo. A. Hormel & Co., Post Office Box 1377, Maryland Heights, MO 63043. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 135123 TA, filed December 1, 1970. Applicant: MARVIN E. YATES, YATES TRUCKING CO., Route 1, Box 131B, Klamath Falls, OR 97601. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from Lakeview, Bly, and Klamath Falls, Oreg., to Dorris, Calif., from Burney and Weed, Calif., to White City, Oreg., for 180 days. Supporting shippers: Dorris Lumber Co., Dorris, CA 96023; Mountain Valley Moulding Co., Post Office Box 517, Dorris, CA 96023; and Oregon Cutstock & Moulding Corp., Post Office Box 2368, White City, OR 97501. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 135124 TA, filed December 1, 1970. Applicant: CHARLES MURRAY,

1058 Garfield Street, Fremont, OH 43420. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing* (including mayonnaise and tartar sauce), from Wilson, N.Y., to points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, and Florida, for 180 days. Supporting shipper: Pfeiffer's Foods, Inc., 683 Lake Street, Wilson, NY 14172. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 135125 TA, filed December 1, 1970. Applicant: D. TAYLOR FREIGHTWAYS LTD., 6062 10th Avenue, Burnaby 3, BC, Canada. Applicant's representative: J. Stewart Black, 103–7342 Government Road, Burnaby 2, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes*, from international boundary at or near Blaine, Wash., to points in Washington, Oregon, and California, for 180 days. Supporting shipper: Bodell Prefab Ltd., 7883 Edmonds, Burnaby, BC Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135126 TA, filed December 1, 1970. Applicant: KENNETH R. COOPER, doing business as C & H BODY SHOP, West Highway 20, South Sioux City, NE 68776. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks, truck-tractors and trailers*, from points in Missouri, Oklahoma, Kansas, Wyoming, Colorado, Montana, South Dakota, Illinois, Indiana, Iowa, North Dakota, Minnesota, Wisconsin, and Nebraska, to Omaha, South Sioux City, Nebr., and Sioux City, Iowa, for 180 days. Supporting shipper: Great West Casualty Co., Post Office Box 277, South Sioux City, NE 68776. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70–16612; Filed, Dec. 9, 1970; 8:48 a.m.]

[Notice 624]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 7, 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–72231. By order of December 1, 1970, the Motor Carrier Board approved the transfer to Westbury & Sons, Inc., 1127 West Main Street, Richmond, VA 23220, of the operating rights in certificate No. MC–44401 issued June 8, 1962, to Patch Transfer & Storage Co., a corporation (formerly Maitland Brothers Transfer, Inc.), 254 East Bank Street, Petersburg, VA 23803, authorizing the transportation of numerous specified commodities, including lumber, cottonseed meal, tobacco, oil and grease, meats, fresh fruit, canned goods, household goods, and general commodities from and to, and between, named points in Virginia, North Carolina, Maryland, Delaware, New Jersey, New York, Pennsylvania, and the District of Columbia.

No. MC–FC–72351. By order of December 1, 1970, the Motor Carrier Board approved the transfer to Womick Transfer, Inc., R.F.D. No. 2, Anna, IL 62906, of certificate of registration No. MC–98896 (Sub-No. 1), issued June 17, 1965, to W. E. Momick, doing business as W. E. Momick General Transfer & Coal, R.F.D. No. 2, Anna, IL 62906, authorizing the transportation in interstate and foreign commerce pursuant to certificate No. MC–4210, dated July 26, 1954, issued by the Illinois Commerce Commission.

No. MC–FC–72470. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Bright Belt Motor Lines, Inc., Grifton, N.C., of certificate of registration No. MC–102478 (Sub-No. 4) issued April 8, 1964, to J. H. Wade, doing business as Bright Belt Motor Lines, Grifton, N.C., evidencing a right to engage in transportation in interstate commerce as described in common carrier certificate No. C–104 dated May 27, 1954, issued by the North Carolina Utilities Commission. Sam O. Worthington, Box 691, Greenville, NC 27834, attorney for applicants.

No. MC–FC–72502. By order of November 30, 1970, the Motor Carrier Board approved the transfer to Sam W. Carroll, doing business as Carroll Trucking, Rural Route 1, Box 1018, Umatilla, FL 32784, of the operating rights in permit No. MC–128893 issued February 25, 1969, to Sam W. Carroll and Grover C. Carroll, a partnership, doing business as Carroll Brothers Trucking, Rural Delivery Box 1058, Umatilla, FL 32784, authorizing the transportation of glass containers, from Alton, Ill., and Ada, Okmulgee, and Sand Springs, Okla., to Lima, Ohio, and Sioux City, Iowa, and from Huntington, W. Va., to Lima, Ohio; cans, from Conneaut, Ohio, to points in Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, and drums, plastic containers, materials, equipment, and supplies used in processing, storing, and distributing honey, and honey and beeswax when moving in mixed loads with materials, equipment, and supplies used in processing, storing, and distributing honey, from and to, or between points as specified in 25 States, restricted to a transportation service to be performed under continuing contract with the Sioux Honey Association of Sioux City, Iowa.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70–16613; Filed, Dec. 9, 1970; 8:48 a.m.]

[Notice No. 113]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

DECEMBER 7, 1970.

The following applications are governed by the Interstate Commerce Commission's special rules governing property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11041. Authority sought for merger into ARROW MOTOR TRANSIT, INC., 4600 West 34th Street, Chicago, IL 60650, of the operating rights and property of COREY & EVANS, INC., Route 23, Electric Park, Sycamore, IL 60178, and for acquisition by ALBERT J. WILKINS, 2328 Iroquois Road, Wilmette, IL, of control of such rights and property through the transaction. Applicants' attorney: William M. Ward, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Rochelle, Ill., serving all intermediate points, and the off-route points of Elva, Kaneville, and Steward, Ill., except that service to and from Chicago is restricted to that portion of the Chicago Commercial zone which is within the State of Illinois, between Marengo, Ill., and Chicago, Ill., serving all intermediate points and the off-route point of Union, Ill., except that service to and from Chicago is restricted to that portion of the Chicago commercial zone which is within the State of Illinois; and under a certificate of registration in Docket No. MC–9285 Sub-6, covering the transportation of commodities general, as a common carrier, in interstate commerce, within the State of Illinois. ARROW MOTOR TRANSIT, INC., is authorized to operate as a *common carrier* in Illinois and Indiana. Application has not been filed for temporary authority under section 210 a(b). NOTE: No. MC–F–9610—ARROW MOTOR TRANSIT, INC. — Control — COREY & EVANS, INC. Consummated December 31, 1968, certificate not yet issued. Reason for limiting protest period to 15 days from publication is to permit handling of application if uncontested during the current year.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70–16610; Filed, Dec. 9, 1970; 8:48 a.m.]

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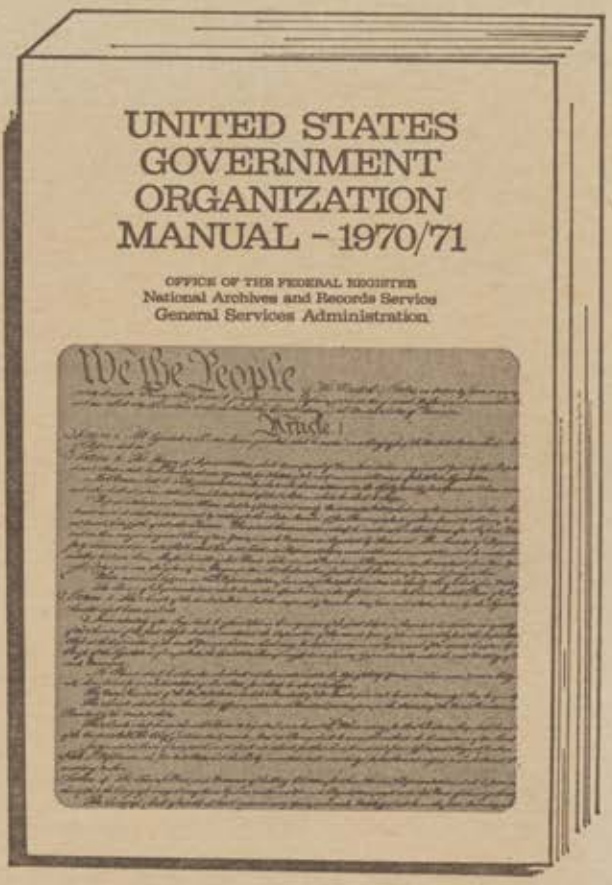

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