

# FEDERAL REGISTER

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Part I

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Agencies in this issue—

Agricultural Stabilization and  
Conservation Service  
Atomic Energy Commission  
Civil Aeronautics Board  
Coast Guard  
Commodity Exchange Authority  
Consumer and Marketing Service  
Emergency Preparedness Office  
Environmental Quality Council  
Federal Aviation Administration  
Federal Communications Commission  
Federal Home Loan Bank Board  
Federal Maritime Commission  
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Interstate Commerce Commission  
Land Management Bureau  
Maritime Administration  
National Oceanic and Atmospheric  
Administration  
Patent Office  
Small Business Administration  
Tariff Commission

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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 in-

cluded 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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# Rules and Regulations

## Title 7—AGRICULTURE

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

#### SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES [S.D. 857.20]

#### PART 857—SUGARCANE; PUERTO RICO

##### Proportionate Shares for Farms; 1971-72 Crop

The following regulation is issued pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended.

§ 857.20 Proportionate shares for the 1971-72 crop of sugarcane not required.

It is determined for the 1971-72 crop of sugarcane that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1972, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and to provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in Puerto Rico for the 1971-72 crop of sugarcane.

*Statement of bases and considerations.* Section 302 of the Sugar Act, as amended, provides, in part that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

In accordance with this provision of the Act, an informal public hearing was held in Washington, D.C., on December 22, 1970. Interested persons were invited to submit views and recommendations concerning the possible establishment of proportionate shares for the 1971-72 crop of sugarcane.

The spokesman for the Association of Sugar Producers of Puerto Rico recommended that proportionate shares not be established for the 1971-72 crop. He stated that sugar production from the 1969-70 crop totaled only 460,000 tons, as compared to a marketing opportunity of 1,275,000 tons, and resulted in a declared deficit of 780,000 tons for the calendar year 1970. He said that prospects for the 1970-71 crop are not significantly better, so that sugar production

will again fall substantially short of marketing opportunities, and that there is not reason to establish proportionate shares for the 1971-72 crop of Puerto Rican sugarcane. No other interested persons offered testimony.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of this Act.

(Sec. 403, 61 Stat. 932 (7 U.S.C. 1153); sec. 301, 61 Stat. 929, 930, as amended (7 U.S.C. 1131, 1132))

Effective date: Date of publication (1-28-71).

Signed at Washington, D.C., on January 22, 1971.

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

[FR Doc. 71-1171 Filed 1-27-71; 8:47 am]

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

[Navel Orange Reg. 223]

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

##### Limitation of Handling

##### § 907.523 Navel Orange Regulation 223.

(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 per-

mitted, 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 January 26, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 29, 1971, through February 4, 1971, are hereby fixed as follows:

- (i) District 1: 730,000 Cartons.
- (ii) District 2: 270,000 Cartons.
- (iii) District 3: Unlimited.

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

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

Dated: January 27, 1971.

Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

FLOYD F. HEDLUND,

[FR Doc. 71-1280 Filed 1-27-71; 11:14 am]

#### PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

##### Subpart—Rules and Regulations

##### MISCELLANEOUS AMENDMENTS

Notice of rule making regarding a proposed amendment of the rules and regulations (Subpart—Rules and Regulations, 7 CFR 947.100-947.133) effective under amended Marketing Agreement

No. 114 and Order No. 947, as amended (7 CFR Part 947; 35 F.R. 6653), regulating the handling of Irish potatoes grown in Modoc and Siskiyou counties in California and in all counties in Oregon except Malheur County, was published in the December 16, 1970, issue of the FEDERAL REGISTER (35 F.R. 19024).

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

In respect to the applications for Special Purpose Certificates, the amendment of § 947.130 as proposed would have required under paragraph (e), *inter alia*, that each application contain the quantity of potatoes to be shipped, the name of the consignee and destination. Inasmuch as it appears unduly burdensome to require each application to include such information, § 947.130 as herein-after amended does not so require.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, the following amendment of Subpart—Rules and Regulations is hereby approved.

In § 947.120, paragraphs (b)(3) and (c)(3) are revised to read, respectively, as follows:

#### § 947.120 Application.

(b) \* \* \*

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to § 947.52 or § 947.54, or any combination thereof, stated in terms of varieties, grades, and sizes; and,

(c) \* \* \*

(3) An estimate of the percentage of applicant's holdings of ungraded potatoes which cannot be shipped because of regulations issued and in effect pursuant to § 947.52 or § 947.54, or any combination thereof, stated in terms of varieties, grades, and sizes.

In § 947.122, paragraphs (a) and (b) are revised to read as follows:

#### § 947.122 Issuance of certificate.

(a) Whenever the committee finds satisfactory proof that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes, which may fail to meet the minimum grade, size and quality requirements in effect at the time thereof, as is authorized by §§ 947.65 through 947.68, inclusive. Provided that the committee shall first determine the need and the "average proportions" or percentages referred to in § 947.66.

(b) The issuance of an exemption certificate by the committee shall be evidenced by a written instrument signed for and in behalf of the committee by either the manager of the committee or some other duly authorized employee of the committee.

Section 947.130 is revised to read as follows:

#### § 947.130 Application for Special Purpose Certificate.

(a) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to §§ 947.40-947.41 or §§ 947.50-947.60, inclusive, or any combination thereof, obtain from the committee prior to initiating such shipments, a Special Purpose Certificate permitting such shipments:

- (1) Charity;
- (2) Exports;
- (3) Prepeeling;
- (4) Canning and freezing;
- (5) Processing into other products including "other processing" pursuant to Public Law 91-196, 91st Congress, second session (Feb. 20, 1970).

(b) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Special Purpose Certificate, or Certificates, permitting such shipments.

(c) Handlers desiring to make shipments of potatoes, for the purpose of grading and storing from District 5 to the States of Idaho, Washington, or Malheur County in the State of Oregon pursuant to § 947.54, shall apply in writing to the committee on forms furnished by it. Upon receiving such application, the committee shall promptly assure itself that the facilities at destination are adequate to accommodate the anticipated volume of potatoes and that none of the potatoes so moved will be diverted to markets in a form different from that prescribed by the regulations issued pursuant to §§ 947.52 and 947.54. Thereupon, the committee shall authorize such shipments under Special Purpose Certificate number and diversion report procedure.

(d)(1) Handlers desiring to make shipments of potatoes for livestock feed from one district to another or from the production area to Malheur County in the State of Oregon or to the States of Washington or Idaho, shall apply in writing to the committee on forms furnished by it. The application shall state the anticipated tonnage of such potatoes to be moved, the total acreage from which such potatoes will be derived, and the approximate dates of starting and completion of such movement.

(2) Upon receiving an application from a handler for movement of potatoes for livestock feed, the committee or its duly authorized agent shall make a physical examination of the premises upon which the livestock are to be fed. If, as a result of such examination, the committee considers that the number of live-

stock to be fed is reasonably compatible with the volume of potatoes to be moved during the period specified in the application, it shall issue a Special Purpose Certificate for the shipment.

(e) Applications for Special Purpose Certificates shall be made on forms furnished by the committee. Each application shall contain the name and the address of the handler, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information and be accompanied by such other documents as the committee may require in safeguard against the entry of such potatoes into trade channels other than those for which the Special Purpose Certificates were granted.

Section 947.131 is revised to read as follows:

#### § 947.131 Issuance.

The committee shall give prompt consideration to each applicant for a Special Purpose Certificate. Approval of an application shall be evidenced by the issuance of a Special Purpose Certificate authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

Section 947.132 is revised to read as follows:

#### § 947.132 Reports.

Each handler shipping potatoes under, and pursuant to, a Special Purpose Certificate shall supply to the committee, upon request, a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination and consignee.

Section 947.133 is revised to read as follows:

#### § 947.133 Denial and appeals.

The committee may rescind a Special Purpose Certificate issued to a handler pursuant to this part, or deny Special Purpose Certificates to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to provisions of this part. Such committee action denying or rescinding a Special Purpose Certificate shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Special Purpose Certificate or who has had a Special Purpose Certificate rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

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

Dated January 22, 1971, to become effective March 1, 1971.

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

[FR Doc. 71-1173 Filed 1-27-71; 8:47 am]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

(Airspace Docket No. 70-WE-94)

### PART 73—SPECIAL USE AIRSPACE

#### Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of the Yakima, Wash., Restricted Area R-6714.

The Department of the Army has concurred in the modification of the boundaries to accommodate instrument approach procedures to the Yakima Municipal Airport, Wash.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication (1-28-71), as hereinafter set forth.

In § 73.67 (36 F.R. 2364), R-6714 Yakima, Wash., all between "Latitude 46°33'00" N, Longitude 119°55'30" W;" and to "Latitude 46°40'35" N, Longitude 120°26'35" W;" is deleted and "Latitude 46°33'00" N, Longitude 120°09'00" W; Latitude 46°36'22" N, Longitude 120°18'50" W;" is substituted therefor.

(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 January 21, 1971.

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

[FR Doc. 71-1183 Filed 1-27-71; 8:48 am]

# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER C—DRUGS

#### PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

##### PART 149q—ROLITETRACYCLINE

###### Rolitetraeycline Nitrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 141 is amended and Part 149q is established as follows to provide for certification of the antibiotic drug rolitetraeycline nitrate, as follows:

1. Section 141.5(b) is amended by alphabetically inserting a new item in the table to read as follows:

#### § 141.5 Safety test.

(b) \* \* \*

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Test dose		Route of administration as described in paragraph (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
Rolitetraeycline nitrate	3	2 mg	.5	Do.

2. Section 141.7(c) is amended by alphabetically inserting a new item in the table to read as follows:

#### § 141.7 Histamine test.

(c) \* \* \*

Antibiotic	Diluent (diluent number as listed in § 141.3(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
Rolitetraeycline nitrate	4	5.0	.6

3. The following new Part 149q is added to Title 21, Chapter I:

Sec.  
149q.1a Rolitetraeycline nitrate.  
149q.4 Rolitetraeycline nitrate for intravenous use.  
149q.5 Rolitetraeycline nitrate for intramuscular use.

AUTHORITY: The provisions of this Part 149q issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

##### § 149q.1a Rolitetraeycline nitrate.

(a) Requirements for certification—(1) Standards of identity, strength, quality, and purity. Rolitetraeycline nitrate is the nitrate salt of N-(pyrrolidino-methyl) tetracycline. It is so purified and dried that:

- It contains not less than 765 micrograms of rolitetraeycline per milligram on an "as is" basis.
- It is sterile.
- It passes the safety test.
- It is nonpyrogenic.
- It contains no histamine nor histamine-like substances.
- Its moisture content is not more than 5.0 percent.
- Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 5.5.
- It is crystalline.

(ix) When calculated on an anhydrous basis, its absorptivity at 380 mμ is 89.2±4.0 percent of that of the rolitetraeycline standard similarly treated and corrected for potency.

(x) It gives a positive result to the identity tests for rolitetraeycline nitrate.

(2) Labeling. It shall be labeled in accordance with the requirements of § 148.3 (b) of this chapter.

(3) Requests for certification; samples. In addition to complying with the

requirements of § 146.2 of this chapter, each such request shall contain:

- Results of tests and assays on the batch for potency, sterility, safety, pyrogens, histamine, moisture, pH, crystallinity, absorptivity, and identity.
- Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) Tests and methods of assay—(1) Potency. Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetraeycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of rolitetraeycline per milliliter (estimated).

(2) Sterility. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) Safety. Proceed as directed in § 141.5 of this chapter.

(4) Pyrogens. Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5.0 milligrams of rolitetraeycline per milliliter.

(5) Histamine. Proceed as directed in § 141.7 of this chapter.

(6) Moisture. Proceed as directed in § 141.502 of this chapter.

(7) pH. Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) Crystallinity. Proceed as directed in § 141.504 of this chapter.

(9) Absorptivity. Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to representative 100-milliliter volumetric flasks. Add about 75 milliliters of distilled water and 5.0 milliliters of 5N NaOH to each and then make to mark with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each

solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the per-

cent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{milligrams standard} \times \text{Potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{milligrams sample} \times (100 - m)}$$

where:

$m$  = percent moisture in the sample.

(10) *Identity*—(i) *Rolitetracycline*. Place approximately 100 milligrams of the sample to be tested in a test tube, add 5 milliliters of 1N NaOH, and heat gently to boiling for about 15 seconds. (The musty, amine-like odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(ii) *Nitrate identity*. Transfer approximately 1 gram of sample to a 250-milliliter beaker, add 100 milliliters of water, and acidify with 1 milliliter of acetic acid. Heat to boiling and, with constant stirring, add 10 milliliters of a 10-percent solution of nitron (1,4-diphenyl-3,5-endo-anilino-4,5-dihydro-1,2,4-triazole)  $C_{20}H_{16}N_4$  in 1N acetic acid. Allow to cool. A heavy precipitate indicates the presence of nitrate.

#### § 149q.4 Rolitetracycline nitrate for intravenous use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Rolitetracycline nitrate for intravenous use is a dry mixture of rolitetracycline nitrate and one or more suitable buffer substances. Each vial contains the equivalent of 350 milligrams of rolitetracycline. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 149q.1a.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline nitrate used in making the batch for potency, moisture, pH, crystallinity, identity, and absorptivity.

(b) The batch for potency, sterility, safety, pyrogens, histamine, loss on drying, and pH.

(ii) *Samples required*:

(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing 500 milligrams.

(b) *The batch*:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Safety*. Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens*. Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(5) *Histamine*. Proceed as directed in § 141.7 of this chapter.

(6) *Loss on drying*. Proceed as directed in § 141.501(b) of this chapter.

(7) *pH*. Proceed as directed in § 141.503 of this chapter, using a solution prepared as directed in the labeling.

#### § 149q.5 Rolitetracycline nitrate for intramuscular use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Rolitetracycline nitrate for intramuscular use is a dry mixture of rolitetracycline nitrate, one or more suitable buffer substances, and lidocaine hydrochloride. Each vial contains the equivalent of 150 or 350 milligrams of rolitetracycline and 40 milligrams of lidocaine hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 149q.1a.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The rolitetracycline nitrate used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) *Samples required*:

(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing 500 milligrams.

(b) *The batch*:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying*. Proceed as directed in § 141.501(b) of this chapter.

(5) *pH*. Proceed as directed in § 141.503 of this chapter, using a solution prepared as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

*Effective date*. This order shall be effective upon publication in the FEDERAL REGISTER (1-28-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 12, 1971.

H. E. SIMMONS,  
Director, Bureau of Drugs.

[FR Doc. 71-1129 Filed 1-27-71; 8:45 am]

<sup>1</sup> Notron is available from J. T. Baker Laboratory Chemicals, North Phillipsburg, N.J.

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

### PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

#### Cellulose Sponges of Irregular Dimensions; Confirmation of Effective Date

In the matter of amending Part 501 by the addition of a new § 501.6 which exempts cellulose sponges of irregular dimensions from the requirements of § 500.25 of this chapter:

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), notice is given that no objections were filed in the above-identified matter published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18510). Accordingly, the January 4, 1971, effective date of § 501.6 is confirmed.

Issued: January 21, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc. 71-1178 Filed 1-27-71; 8:48 am]

# Title 32—NATIONAL DEFENSE

## Chapter XVII—Office of Emergency Preparedness

### PART 1709—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

Part 1709 of this chapter is revised to read as follows:

- Sec.
- 1709.1 Purpose.
  - 1709.2 Eligibility of certain expenditures for reimbursement.
  - 1709.3 Expenditures not eligible for reimbursement.
  - 1709.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.
  - 1709.5 Procedures for requesting reimbursement.

**AUTHORITY:** The provisions of this Part 1709 issued under Public Law 91-606, 84 Stat. 1744; E.O. 11575, 36 F.R. 37; E.O. 11051, 27 F.R. 9683, 3 CFR, 1959-1963 Comp.

#### § 1709.1 Purpose.

The regulations in this part prescribe the policies and procedures governing the reimbursement, under Public Law 91-606, 91st Congress, of any Federal agency, for any of its authorized ex-

penditures determined to be eligible for reimbursement.

#### § 1709.2 Eligibility of certain expenditures for reimbursement.

Reimbursement to other Federal agencies for expenditures in providing disaster assistance, at the direction or request of the office of Emergency Preparedness' Director or Regional Director, may be approved by the OEP Director for the following:

(a) Overtime, travel, and per diem of regular Federal agency civilian personnel diverted from their normal duties. In addition, regular salary, including employee benefits, may be approved only for employees detailed directly to and under the supervision of OEP.

(b) Wages, travel, and per diem of temporary Federal personnel assigned to disaster work (in the major disaster area designated by the Director).

(c) Travel and per diem for Federal military personnel assigned to disaster work (in the major disaster area designated by the Director).

(d) For those projects, approved by the OEP Director, which are undertaken by a Federal agency with its own forces and costed on a project basis, reimbursement of full project costs, including all wages and salaries of regular employees.

(e) In those cases where field labor and supervisory costs are not readily identifiable, current costing practice of the agency level performing the work, substituted for paragraph (a) of this section, when approved by the Director.

(f) All costs paid from a trust fund, revolving fund, or other fund, where reimbursement of such fund is required by law.

(g) Work, services, and materials contracted for by other Federal agencies for assistance performed on a specific disaster project.

(h) Materials, equipment, and supplies (including transportation, repair, and maintenance) from regular inventory stocks utilized or consumed.

(i) Work performed at the specific direction of the Director when a major disaster is imminent: *Provided*, That such work would be otherwise eligible upon the declaration of a major disaster: *And provided further*, That such costs shall not include funds expended or supplies and materials including medical stockpiles delegated under E.O. 10958, August 14, 1961, used by Federal agencies performing disaster work under their own authority where funds therefor may be otherwise available or may be made available.

(j) Work performed at the request of the Director or Regional Director to investigate potential disaster situations: *Provided*, That work would be otherwise eligible if a major disaster were declared.

(k) Other direct costs that can be specifically identified with a directive or request from the Director or Regional Director.

(l) Such other costs or expenditures not otherwise provided herein, as the Director may approve, based upon the written justification submitted to the Director by the agency concerned, or as agreed to in writing between the Director and other Federal agencies.

#### § 1709.3 Expenditures not eligible for reimbursement.

- (a) Administrative overhead costs.
- (b) Costs incurred while performing work under a Federal agency's own authority.

#### § 1709.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.

(a) The Director, in determining the nature and extent of Federal assistance to be rendered to a State in alleviating the damages resulting from a major disaster, will take into consideration the type of assistance available from other Federal agencies. He, or the Regional Director, will direct or request other Federal agencies to provide such available assistance as he may determine necessary.

(b) All such directives or requests authorizing the performance of work and the expenditure of funds shall be in writing, or, if oral, shall be confirmed in writing, and contain a clause regarding funding.

#### § 1709.5 Procedures for requesting reimbursement.

(a) Requests for reimbursement of authorized expenditures should normally be submitted quarterly; except, however, final accounting for expenditures should be submitted within 90 days after completion of work for each specific disaster. Billings totaling less than \$1,000 are not to be submitted more often than quarterly.

(b) Requests for reimbursement shall be in sufficient detail to identify and segregate: (1) Personal services, (2) travel, and (3) all other expenses. Supporting documentation shall include a breakdown of eligible personal services, list of contracts and an explanation of other costs. The reimbursement request shall cite the specific directive or request for assistance, issued by the Director or Regional Director, under which costs were incurred, the State and location in which the work was performed, and the disaster identification number.

(c) All requests for reimbursement shall be submitted to the Regional Director of the Region for which costs were incurred.

**Effective date.** The regulations in this part shall become effective for all disasters declared subsequent to publication of this part.

Dated: January 22, 1971.

G. A. LINCOLN,  
Director, Office of  
Emergency Preparedness.

[FR Doc. 71-1176 Filed 1-27-71; 8:48 am]

# **PART 1710—FEDERAL DISASTER ASSISTANCE**

## **PART 1711—FEDERAL DISASTER ASSISTANCE FOR PROJECTS UNDER CONSTRUCTION**

## **PART 1715—FEDERAL DISASTER ASSISTANCE UNDER THE DISASTER RELIEF ACT OF 1969**

Pursuant to the authority vested in me by Public Law 91-606 and Executive Order 11575 of December 31, 1970, the present Parts 1710, 1711, and 1715 of Title 32 of the Code of Federal Regulations are hereby combined in a new Part 1710 to read as follows:

### **Subpart A—General**

- Sec.  
1710.1 Purpose.  
1710.2 Definitions.  
1710.3 Policy.
- Subpart B—Major Disasters**
- 1710.4 Requests for Federal assistance.  
1710.5 Processing the request of a Governor for a declaration of a "major disaster."  
1710.6 Initiation of Federal assistance.  
1710.7 Federal-State Disaster Assistance Agreements.  
1710.8 Project applications.  
1710.9 Debris and wreckage clearance.  
1710.10 Protective work.  
1710.11 Repair and replacement of public facilities.  
1710.12 Emergency shelter.  
1710.13 Temporary housing.  
1710.14 Lease and mortgage payments.  
1710.15 Grants for removing timber from privately owned land.  
1710.16 Assistance to unemployed individuals.  
1710.17 Federal assistance for projects under construction.  
1710.18 Emergency support teams.  
1710.19 Use of local firms and individuals.  
1710.20 Relief agencies.  
1710.21 Duplication of benefits.  
1710.22 Nondiscrimination.  
1710.23 Emergency communications.  
1710.24 Emergency public transportation.  
1710.25 Legal services.  
1710.26 State action.  
1710.27 Assistance by Federal agencies.  
1710.28 Surplus property.  
1710.29 The American National Red Cross.  
1710.30 Private relief organizations.  
1710.31 Minimum State and local expenditures.  
1710.32 Time limits.  
1710.33 Grants to local governments suffering loss of property tax revenue.  
1710.34 Retroactive provisions.

### **Subpart C—Disaster Planning**

- 1710.35 Grants for developing, improving, maintaining, and updating State disaster plans.

### **Subpart D—Reduction of Threat of Major Disasters**

- 1710.36 Predisaster assistance.  
1710.37 Fire suppression.

**AUTHORITY:** The provisions of this Part 1710 issued under Public Law 91-606, 84 Stat. 1744; E.O. 11575, 36 F.R. 37; E.O. 11051, 27 F.R. 9683, 3 CFR, 1959-1963 Comp.

### **Subpart A—General**

#### **§ 1710.1 Purpose.**

The purpose of this part is to prescribe the standards and procedures to be fol-

lowed in implementing those sections of Public Law 91-606 assigned to the Director by the Act or delegated to him by Executive Order 11575 dated December 31, 1970.

#### **§ 1710.2 Definitions.**

As used in the Act:

(a) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(b) "United States" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(c) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross;

(g) "Director" means the Director of the Office of Emergency Preparedness;

(h) "Public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes;

(i) "Regional Director" means a director of a regional office of the Office of Emergency Preparedness;

(j) "Federal Coordinating Officer" is the person appointed by the Director to operate under the Regional Director to coordinate Federal assistance in a major disaster;

(k) "State Coordinating Officer" is the person appointed by the Governor in the Federal-State Disaster Assistance Agreement as his authorized representative to act in cooperation with the Federal Coordinating Officer appointed under section 201 of the Act;

(l) "Contractor" is any individual, partnership, corporation, agency, or other entity, public or private (other than an organization engaged in the business of insurance) performing work for a State or local agency;

(m) "Damages" include suffering and hardship and physical destruction or deterioration;

(n) "Federal assistance" includes aid to disaster victims or State or local governments under provisions of the Act by Federal agencies;

(o) "Termination" as used in this part, means completion of eligible work to be accomplished and therefore the end of the need for Federal assistance;

(p) "Projects under construction" are those projects on which work has physically been initiated but not yet completed to the extent that the project has been accepted by the applicant;

(q) "Changed conditions" means changed physical conditions as differentiated from financial or administrative conditions;

(r) "Applicant" is the State or local government submitting a project application under the Act.

#### **§ 1710.3 Policy.**

(a) It is the policy of the Office of Emergency Preparedness to provide an orderly and continuing means of supplemental assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering, hardship and damage resulting from major disasters.

(b) It is also the policy of OEP to foster the development of State and local government organizations and plans for coping with major disasters, and to provide advice and guidance to Federal agencies and States and local governments on organization and preparedness in order to meet the effects of major disasters.

(c) It is further a policy of OEP to insure that the individual disaster victims are apprised of Federal assistance available and to assist the individual victim in obtaining the Federal assistance to which he is entitled.

### **Subpart B—Major Disasters**

#### **§ 1710.4 Requests for Federal assistance.**

(a) Upon the occurrence or threat of a catastrophe within a State which, in the opinion of its Governor constitutes, or threatens, a major disaster requiring supplementary Federal assistance, the Governor may present to the Director, through the Regional Director, a request for Federal assistance. The request shall include the Governor's verification of the need for Federal assistance and his assurance of reasonable State and local government expenditures to prevent or alleviate damage from such disaster. In

certain circumstances, the Governor may request a major disaster declaration for limited types of assistance. The request shall include the following:

(1) The Governor's certification as prescribed in § 1710.31(c).

(2) An estimate of the amount and severity of damage broken down by type, such as private (nonagricultural), agricultural, and public.

(3) A statement of actions pending or taken by the State legislative or local legislative and governing authorities with regard to the disaster.

(4) An estimate of the extent and nature of Federal assistance needed by each county and the State broken down by category of public or individual assistance, including an estimate of the Federal funds necessary to supplement the efforts and available resources of the State in alleviating the damage.

(5) As appropriate, other justification in support of the request.

#### § 1710.5 Processing the request of a Governor for a declaration of a "major disaster".

(a) The Regional Director shall acknowledge and forward the Governor's request, together with his report and recommendations, to the Director.

(b) The Director shall forward the Governor's request to the President, together with his recommendation regarding Presidential action thereon.

#### § 1710.6 Initiation of Federal assistance.

Upon a declaration of a major disaster by the President, the Director will immediately initiate action to provide Federal assistance in accordance with such declaration, applicable laws, and regulations. The determination of the President, with respect to the declaration of a major disaster, will be promptly transmitted to the Governor of the State concerned. Areas eligible for Federal assistance will be determined by the Director. The Director will appoint a Federal Coordinating Officer (FCO) to operate under the Regional Director in each major disaster. Such officer may be the Regional Director, a member of the regional staff or other Federal official. He shall be responsible for the coordination of Federal disaster relief and assistance. He shall establish and staff such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled. The FCO may also exercise any additional authorities as the Regional Director may prescribe.

#### § 1710.7 Federal-State Disaster Assistance Agreements.

(a) Upon the declaration of a major disaster, a Federal-State Disaster Assistance Agreement will be executed by the Governor (or the Acting Governor) acting for the State and the appropriate Regional Director, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and

contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of applicable laws, executive orders, and regulations, as the Director may require.

(b) In the event a declaration is made only for limited assistance, the Agreement will so specify.

(c) In the event funds are to be transferred to a State for disaster relief purposes, every Federal-State Disaster Assistance Agreement, by reference to this part, shall contain, and the State and its political subdivisions will agree to, the following provision:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Director will notify the State of said violation and the necessary corrective measures, and will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided*, That if the Director, after such notice to the State is not satisfied with the corrective measures taken to comply with his notification, the Director will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations and the Act.

(d) By reference to this part, the following provisions shall be included in every Federal-State Disaster Assistance Agreement:

During the performance of any contract entered into under this agreement, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, age, economic status, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, age, economic status or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous

places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the U.S. Equal Employment Opportunity Commission.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) Contractor noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, may result in action whereby the contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965. Such other sanctions may be imposed and remedial measures invoked as provided in the said Executive order or by rule, regulation, or order of the U.S. Equal Employment Opportunity Commission or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the U.S. Equal Employment Opportunity Commission issued pursuant to section 303 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(e) By reference to this part, the following provision shall be included in every Federal-State Disaster Assistance Agreement entered into:

No member of or Delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon: *Provided, however*, This provision shall not be construed to extend to any contract made with a corporation for its general benefit.

#### § 1710.8 Project applications.

(a) Federal financial assistance shall be provided on the basis of project applications submitted by the State or local governments and approved by the State and Regional Director or his authorized representative, pursuant to the Federal-State Disaster Assistance Agreement and in accordance with this part. The approved project application will provide the basis of a request for an advance of funds and reimbursement for expenditure.

(b) Project applications shall be submitted within 90 days, or a lesser period if so prescribed by the Regional Director, following the date of the President's

declaration of a major disaster. If the circumstances of the disaster are such as to make immediate detailed damage surveys and reports by local/State/Federal agencies impractical, the Regional Director may, if the State so requests, extend this period.

(c) Every project application shall contain a certification by the Governor, or his authorized representative, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

(d) If a project application is approved without change, signed copies thereof evidencing such approval shall be returned to the State.

(e) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(f) If the approval is made subject to revisions, additional conditions, or partial disapproval, signed copies thereof evidencing such approval, together with a full explanation of the revisions or additional conditions, shall be returned to the State.

(g) If the project application is disapproved in whole or in part, by the Regional Director, because of inadequacy of information, the disapproved items may be resubmitted by the State within 30 days of the date of the return to the State: *Provided, however,* That if again disapproved by the Regional Director, or if there is no additional information, the disapproved items may be resubmitted, in writing, within 30 days of such disapproval through the Regional Director, with any further justification for consideration by the Director. The same appeal procedures shall apply to the approval of vouchers for final payment.

#### § 1710.9 Debris and wreckage clearance.

(a) General: No authority under this section for debris clearance through the use of Federal agencies shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris, or wreckage from public and private property, and shall agree to indemnify the Federal Government against any claim arising from such removal. All emergency debris and wreckage clearance shall be performed immediately. Other debris clearance is to be completed as rapidly as possible.

(b) Emergency debris clearance is work necessary for preservation of life and property. Priority shall be given to restoring essential public services including reopening of roads and access to public facilities, and to removing immediate threats to life and property.

(c) Recovery work supplements the emergency work under paragraph (b) of this section. The Regional Director, whenever he determines it to be in the public interest, may:

(1) Through the use of Federal agencies, clear debris and wreckage from publicly and privately owned lands, waters, and drainage sources, and

(2) Make reimbursements to any State or local government for the removal of such debris or wreckage.

(d) Consideration in determining public interest under this section shall include:

(1) Whether removal of debris and wreckage is necessary to eliminate threats to life and property.

(2) Whether removal of debris and wreckage is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community.

(e) No provision is made in the Act for reimbursing an individual or non-governmental entity for the cost of removing debris from his own property. However, an individual may be reimbursed for the cost of debris removal from his property in those instances where applications were received by the Federal Government prior to January 1, 1971.

#### § 1710.10 Protective work.

Federal financial assistance may be provided for performing on public or private lands, protective and other emergency work necessary because of the disaster, for the protection of life and property.

#### § 1710.11 Repair and replacement of public facilities.

Repair and replacement of public facilities may be eligible in two phases, dependent on the extent of damage and the circumstances under which repairs are to be made.

(a) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that repair or replacement can be delayed until repair or replacement can be performed to predisaster conditions or if no alternative is practical, eligible work will be considered only under paragraph (b) of this section.

(b) Permanent repair or replacement to predisaster condition, based on the design of the facility as it existed prior to the disaster, but in conformity with current codes, specifications or standards may be approved using the following criteria:

(1) The Federal contribution therefore shall not exceed the net eligible cost of restoring each such facility.

(2) Such net cost shall be based on the codes, specifications and standards currently being used by the applicant for similar facilities in the locality.

(3) Written codes, specifications and standards shall have been in use prior to the disaster to be applicable. If not in writing, the applicant must identify, and a Federal inspector shall verify that

the standards, to be applicable, have been in use prior to the disaster. If no codes, specifications or standards are applicable as prescribed above, repair or replacement will be limited to returning the facility to predisaster condition, based on then existing design.

(4) If damages to a facility are not extensive and the facility is economically repairable, as determined by the Regional Director, repairs only will be approved.

(5) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement toward the repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost of eligible work.

(6) In every major Federal action or project, involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Director or his staff to arrange for compliance with section 102, National Environmental Policy Act, Public Law 91-190.

(7) The minimum policy objective in restoring public facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged public facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a public facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site provided that overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore public facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(c) For the purposes of this section, functional furnishings and equipment will be considered as part of a facility: *Provided, however,* That used or surplus equipment shall be utilized to the extent practicable.

(d) Consumable supplies damaged or lost in a disaster, will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced.

#### § 1710.12 Emergency shelter.

Emergency shelter such as mass shelter or other shelter during the emergency period during and immediately following the disaster may be furnished by the Red Cross or other private organization or by local, State, or Federal Government. If furnished by government agencies, and not reimbursable by such private organization, eligible costs may be paid.

§ 1710.13 Temporary housing.

In providing assistance under this section for temporary housing for persons requiring such housing as a result of the disaster, the following criteria shall apply:

(a) Prior to provision of temporary housing a determination of the need for same will be made by the Regional Director based on a recommendation by the State Coordinating Officer, and after a survey of available facilities by private, local, State, and Federal agencies, as appropriate.

(b) Assistance for temporary housing with respect to a particular major disaster shall be limited to the minimum required to provide shelter within a reasonable commuting distance during such period of time, as determined by the Director, as would be necessary to permit the construction or repair of permanent housing in the area, or relocation of displaced persons into other adequate housing.

(c) Temporary housing accommodations may be furnished by, but not limited to:

(1) Using any unoccupied and readily usable housing owned by the United States under any program of the Federal Government.

(2) Arranging with a local public housing agency for using unoccupied and readily usable public housing units, or

(3) Acquiring existing dwellings by lease.

(4) Acquiring mobile homes, or other readily fabricated dwellings by purchase or lease.

(5) Any mobile home or readily fabricated dwelling shall be placed on a developed site, complete with necessary improvements and utilities to the location of each such dwelling as provided without charge to the Federal Government by State or local government, or by the owner or occupant of a site who was displaced by the major disaster. In such cases, the Federal responsibility shall be limited to connection costs to the furnished utilities. Failure to provide such facilities on sites proposed for use by owners or occupants, shall constitute a basis for rejection of such sites. If the Regional Director determines it is in the public interest to use more economical and accessible sites, such sites, including utilities and improvements, may be provided at Federal expense.

(d) The occupant shall be responsible for paying directly all utility use charges, or shall be responsible for paying a monthly allowance for utilities used if he occupies a mobile home or prefabricated home located in a park or other dwelling for which utilities are not metered separately.

(e) No rentals shall be established for any temporary housing for the first 12 months of occupancy. Thereafter, rentals shall be as established by the Regional Director and shall be based on the fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant: *Provided, however, That oc-*

cupants of temporary housing may be evicted on 30 days notice for reasons including, but not limited to, the following:

(1) Alternate housing, determined to be adequate by the Federal Coordinating Officer or his representative is now available.

(2) The occupants' predisaster housing is now ready for occupancy.

(3) Failure to pay rent or utility charges.

(4) Failure to utilize and maintain the housing in a manner normally expected of tenants of rental housing.

(f) Temporary housing shall not be made available to any displaced individual or family with insurance coverage which provides the full cost of alternate living arrangements. An exception may be made if adequate housing for the individual or family is not available.

(g) Any mobile home or other dwelling provided under this part shall normally be the minimum size required to accommodate the individual or family occupant.

(h) Temporary housing (including but not limited to, mobile homes or other readily fabricated dwellings) acquired by purchase as a result of the major disaster may be sold directly to individuals and families occupying Federal furnished temporary disaster housing at prices that are fair and equitable.

(i) A disaster victim is expected to accept the first adequate housing offered. If, because of personal preference he refuses such housing, his request shall be returned to the State Coordinating Officer.

(j) Temporary housing shall not be made available to any person or family for use as a vacation or other secondary residence.

(k) Temporary housing will not be provided when mass shelter or typical transient accommodations are sufficient and when the nature or duration of the housing requirement does not justify more stable arrangements as determined by the Regional Director or his representative.

§ 1710.14 Lease and mortgage payments.

The director or his designee shall provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage of lien, cancellation of any contract of sale, or termination of any lease entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed 1 year or for the duration of the period of financial hardship, whichever is the lesser.

§ 1710.15 Grants for removing timber from privately owned lands.

Removal of timber damaged by a major disaster from privately owned lands may be eligible for Federal assistance.

(a) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(1) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(2) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(3) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(b) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include a complete description of the land to be cleared and of the eligible work and an estimate of the salvage value as well as the estimated cost of such work.

(c) Considerations in determining public interest under this section shall include threats to life and property, and possible flood hazards.

(d) Considerations in determining eligible costs under this section shall include:

(1) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(2) Any applicable insurance recoveries and any salvage value of all timber removed or to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage shall be established by the State and Federal representatives. If they cannot agree, the OEP Regional Director shall make the determination, and his decision will be final.

(3) Costs for construction of temporary roads approved by the OEP Regional Director, as necessary for access to or salvage of damaged timber are eligible.

§ 1710.16 Assistance to unemployed individuals.

Based on delegation authority by the Director dated January 8, 1971, the Secretary of Labor will (a) under section 240 of the Act, provide assistance to individuals unemployed as a result of a major disaster, and (b) under section 226(b) of the Act, provide reemployment assistance services under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster and to issue such rules and regulations as may be necessary and appropriate. Such regulations are provided in Title 20, Chapter V, Part 625, of the Code of Federal Regulations (34 F.R. 19656, Dec. 13, 1969), as amended.

### § 1710.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility, which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement therefore shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs determined by the Regional Director as incurred or to be incurred in:

(i) Restoring a public facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence.

(d) No payment will be made for any work which is not the responsibility of the applicant to perform.

### § 1710.18 Emergency support teams.

The Director or Regional Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal Coordinating Officer in carrying out his responsibilities pursuant to section 201(b) of this Act. Upon request of the Director, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Director, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Director may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

### § 1710.19 Use of local firms and individuals.

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent

feasible and practicable, to those organizations, firms and individuals who reside or do business primarily in the affected political subdivisions in the disaster area. The Regional Director shall monitor such Federal expenditures to assure compliance.

### § 1710.20 Relief agencies.

(a) In providing relief and assistance following a major disaster, the Director or Regional Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Director or Regional Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal Coordinating Officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the Federal Coordinating Officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of the Act, and such other regulations as the Director may require.

### § 1710.21 Duplication of benefits.

(a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such Federal financial assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources

exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

### § 1710.22 Nondiscrimination.

(a) Federal financial assistance to the States or their political subdivisions is conditioned on full compliance with OEP Regulation 5 issued pursuant to Title VI of the Civil Rights Act of 1964, 30 F.R. 321, January 9, 1965.

(b) The Director shall issue, and may alter and amend, such additional regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, religion, sex, color, age, economic status, or national origin.

(c) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

### § 1710.23 Emergency communications.

The Director is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

### § 1710.24 Emergency public transportation.

The Director or Regional Director may provide emergency public transportation service in a major disaster area to meet the emergency needs of communities. Such service shall be devised to meet the needs of persons who, because of the disaster, have lost ready access to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible. Any transportation provided under this section is intended to supplement but not replace normally available transportation facilities and is to be discontinued as rapidly as possible as ready access to the above facilities becomes available.

### § 1710.25 Legal services.

Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the

programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and States and local bar associations.

§ 1710.26 State action.

(a) The Governor of the State shall designate a State Coordinating Officer who shall review all project applications. In addition, the Governor (or his designee) shall certify that the project applications meet all the requirements and conditions of the Agreement and such other terms established by the Director and shall recommend approval or disapproval.

(b) Federal funds shall be controlled in accordance with accepted or prescribed methods of accounting, identification and administrative responsibilities. Representatives of the Office of Emergency Preparedness and the General Accounting Office shall have access during normal business hours to the books and records of the State, local governments, contractors, and other agencies relating to Federal financial assistance. Such records shall be maintained for a period of 3 years after payment.

(c) Procurement of work and services under project applications hereunder must comply with § 1710.7 and with State or local statutes, regulations and ordinances covering procurement of such supplies and services by such State or the political subdivision thereof.

(d) No contract entered into by an applicant for disaster work or services under the Act shall contain a provision which makes the payment for such work contingent upon reimbursement under the Act.

§ 1710.27 Assistance by Federal agencies.

(a) Upon the declaration of a major disaster, the Director or Regional Director may direct any Federal agency, to provide assistance to State and local governments, with or without reimbursement to the Federal agency as prescribed in the Act and as deemed appropriate by the Director or Regional Director under the provisions of Federal reimbursement regulations, Part 1709 of this chapter.

(b) The Regional Director is authorized to coordinate all activities of Federal agencies in providing disaster assistance.

(c) The Regional Director is authorized to request that other Federal agencies shall provide any reports or information relating to disaster assistance deemed necessary.

(d) Assistance to be furnished by any Federal agency under paragraph (a) of this section shall be subject to the criteria of eligibility provided for under this part and such other instructions as may be issued from time to time by the Director.

(e) Assistance under paragraph (a) of this section, when directed by the Director or Regional Director, shall not affect the authority of any Federal agency to provide disaster relief assistance

independent of the Act: *Provided*, Such disaster relief assistance by other Federal agencies is subject to the coordination of the Regional Director/Federal Coordinating Officer.

(f) In carrying out disaster relief assistance under the Act and this part, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of such State or local agency in connection with the disaster: *Provided, however*, Such utilization shall not be considered to make such services, materials, or facilities, Federal in nature or to make the State, local governments, or agencies thereof an arm or agent of the Federal Government.

§ 1710.28 Surplus property.

(a) The States shall make maximum utilization of available Federal surplus property.

(b) The Federal Government will donate equipment and supplies determined in accordance with applicable laws and regulations to be surplus to the needs and responsibilities of the Federal Government, to States for use by them for the purposes of the Act. The donation of such surplus property shall be made to the States upon the basis of a certification by the State that such property is usable and necessary for disaster relief purposes, and will be made in accordance with the procedures prescribed by the General Services Administration.

(c) The States may obtain information on the availability of surplus property from the State surplus property agency; or the State agency designated for such purposes under State law.

§ 1710.29 The American National Red Cross.

The disaster relief capabilities of the American National Red Cross shall be utilized to the maximum extent in accordance with the Memorandum of Understanding between the Office of Emergency Preparedness and the American National Red Cross. Nothing contained herein shall be construed to limit or in any way effect the responsibilities of the American National Red Cross as stated in Public Law 58-4 approved January 5, 1905 (33 Stat. 599).

§ 1710.30 Private relief organizations.

The disaster relief capabilities of private organizations shall be utilized as provided in Federal agreements of such organizations with the Office of Emergency Preparedness, or as authorized by the Regional Director.

§ 1710.31 Minimum State and local expenditures.

(a) Federal disaster assistance under the Act in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published by the

Director as the minimum for that State in that disaster and for all disasters during the 12-month period immediately preceding the request for assistance.

(b) The Director, in unusual circumstances, or in disasters in which exceptional destruction and/or suffering and hardship have occurred, may waive in whole or in part this requirement.

(c) The certification by the Governor of total State and local expenditures and obligations shall contain the following provisions:

Pursuant to § 1710.32, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the State of \_\_\_\_\_, for disaster relief purposes for all disasters during the 12-month period immediately preceding this request, and for which no Federal reimbursement has been or will be received, exceeds \$\_\_\_\_\_.

Disaster relief expenditures for this disaster for which no Federal reimbursement will be requested are expected to exceed \$\_\_\_\_\_ in accordance with the following table:

Category of assistance	Amount	
	State	Local
Individual assistance:		
Temporary housing	.....	.....
Health	.....	.....
Welfare	.....	.....
Other (specify) _____	.....	.....
Total	.....	.....
Public assistance:		
Debris and wreckage clearance	.....	.....
Protective work	.....	.....
Restoration of public facilities	.....	.....
Public safety	.....	.....
Other (specify) _____	.....	.....
Total	.....	.....
Grand total	.....	.....

§ 1710.32 Time limits.

Federal assistance provided under the Act shall terminate upon notice by the Director to the Governor of the State or upon the expiration of the time periods specified below from the date of the President's determination that a major disaster exists, whichever is first, except that under paragraphs (a) and (b) of this section, the Regional Director may extend the time a maximum of 3 additional months. Upon a showing of unusual requirements, the Director may extend these periods.

	Start	Complete
(a) Emergency debris clearance	.....	3 months.
(b) Other emergency measures	3 months..	6 months.
(c) Relief and rehabilitation	6 months..	1 year.
(d) Long term permanent projects	do.....	18 months (The Regional Director on basis of approved construction schedule shall establish the completion deadline within these

Failure to start a project within the specified time limits may result in cancellation of the project unless the late start is approved by the Regional Director. The Regional Director shall set lesser time limits under paragraphs (a), (b), and

(c) of this section if considered appropriate.

**§ 1710.33 Grants to local governments suffering loss of property tax revenue.**

(a) To obtain Federal assistance under section 241 of the Act, an applicant shall submit a project application through normal channels not later than 30 days after filing and certifying the annual tax roll covering the disaster period. The Director or Regional Director may accept a late application for processing when properly justified by the applicant.

(b) A Federal financial contribution may be authorized only for the tax year in which the disaster occurred and for each of the following 2 tax years. Grants will be approved on an annual basis for each of the 3 tax-year periods provided that the applications for the second and third years will reflect the current certified tax rolls.

(c) The Federal financial contribution authorized for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the 3 tax-year periods immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the 2 tax years following the major disaster: *Provided, That:* If there has been a reduction in the tax rates or the tax assessment valuation then for the purpose of determining the amount of a grant under this part for the year or years when such reduction is in effect, the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction shall be used, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

(d) Advances may be made on the basis of the estimated loss of revenue and payment of such advances may be made as of the date that tax revenues are due and payable.

(e) Each year to be considered will be treated as a separate project and the annual final payment for each year will be adjusted based on the actual loss experienced at the close of such tax year. As a part of the Project Applications, applicants will be required to submit to the State a certification of the annual revenues received by the applicant during the 3 tax-year periods immediately preceding the tax year in which the disaster occurred.

**§ 1710.34 Retroactive provisions.**

Sections 226(b), 237, 241, 252(a), and 254 of the Act take effect as of August 1, 1969, and sections 231, 232, and 233 take effect as of April 1, 1970.

**Subpart C—Disaster Planning**

**§ 1710.35 Grants for developing, improving, maintaining, and updating State disaster plans.**

(a) A Federal contribution up to a maximum of \$250,000 for any one State, and not to exceed 50 percent of the cost of developing a plan and program, may be provided on the basis of the following:

(1) A State desiring assistance under this section shall designate or create an agency which is qualified to plan, and administer or coordinate a program to combat and mitigate the effects of major disasters, and for relief and assistance to individuals, businesses, and local governments, suffering losses as a result of a major disaster.

(2) The Governor shall then submit a letter of application for assistance under this part to the OEP Regional Director. Such application shall include the following:

- (i) Estimated total cost.
- (ii) Contribution requested from the Federal Government.
- (iii) Work schedule or timetable.
- (iv) Proposed staffing, including qualification standards for planning staff and work that will be contracted.
- (v) Name of the State agency responsible under subparagraph (1) of this paragraph.

(3) Within 1 year following the date the Regional Director approves the application, the State agency shall submit a plan which will:

(i) Set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster including provisions for emergency and long-term assistance to individuals, businesses, and local governments suffering losses as a result of a major disaster showing the role of State and local governments in the coordination and execution of the program, including maintenance of effective liaison and cooperation with appropriate charitable organizations which provide food, shelter, and other disaster relief, and

(ii) Make provision for the appointment of a State Coordinating Officer to act in cooperation with the Federal Coordinating Officer required by section 201 of the Act.

(b) A Federal contribution up to a maximum of \$25,000 per annum for any one State in an amount not to exceed 50 percent of the cost for the purpose of improving, maintaining, and updating that State's disaster assistance plan, may be provided on the basis of an application similar to that required in paragraph (a) of this section.

(c) To be eligible for improving, maintaining, and updating under paragraph (a)(2) of this section a State disaster assistance plan must:

(1) Have been developed in accordance with the provisions of the Disaster Act of 1969 or 1970; or

(2) Be determined by the Director as sufficiently comprehensive and adequate to justify improving, maintaining, and updating.

**Subpart D—Reduction of Threat of Major Disasters**

**§ 1710.36 Predisaster assistance.**

Upon the request of a Governor, through the OEP Regional Director, the Director may direct the use of Federal departments, agencies, instrumentalities, and other resources of the Federal Government, to assist a State or any local government thereof and to use their available resources to avert or lessen the effects of a disaster which threatens to become a major disaster. The Governor's request shall specify the location and extent of the area that will be affected; the conditions existing which clearly indicate the imminent occurrence of a major disaster and the assistance required from the Federal Government. Normally such assistance will consist of mobilizing personnel, equipment and supplies at the scene of an imminent disaster and of providing advice and guidance to State and local authorities. This authority shall not be used in substitution for existing authorities of any other Federal agency or for the authority contained in section 205 of the Act.

**§ 1710.37 Fire suppression.**

Upon the request of a Governor or his authorized representative, if one is named in the Federal-State Agreement, through the Regional Director, the Director may provide funds to assist a State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. The Governor's request shall specify the location of the fire, the conditions existing which make the threat imminent, and the assistance required from the Federal Government.

*Effective date.* This part shall take effect the date of publication in the *FEDERAL REGISTER* (1-28-71).

Dated: January 22, 1971.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.  
[FR Doc.71-1177 Filed 1-27-71; 8:48 am]

**Title 46—SHIPPING**

**Chapter II—Maritime Administration,  
Department of Commerce**

**SUBCHAPTER G—EMERGENCY OPERATIONS**  
[General Order 75, 2d Rev., Amdt. 21]

**PART 308—WAR RISK INSURANCE**

**Miscellaneous Amendments**

Effective as of 4 p.m. October 21, 1970. G.m.t. (noon, e.d.s.t.), Part 308 is hereby

amended to reflect the following changes:

§ 308.6 [Amended]

1. Amend § 308.6 *Period of interim binders and renewal procedure* by changing the expiration date contained in paragraph (d) to read "midnight, May 7, 1971, G.m.t."

§ 308.7 [Amended]

2. Amend § 308.7 *Premiums and payment thereof* by deleting the following words and figures:

American Institute War Risks and Strikes and Automatic Termination and Cancellation Clauses (Time)—Hulls—(March 7, 1961).

and inserting in lieu thereof the following words and figures:

American Institute Hull War Risks and Strikes Clauses (including Automatic Termination and Cancellation Provisions) for attachment to American Institute Hull Clauses January 18, 1970.

§§ 308.106, 308.206, 308.305 [Amended]

3. Amend § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, as follows:

(a) By deleting the paragraphs reading:

Attaching automatically upon and simultaneously with the outbreak of war (whether there be a declaration of war or not) between any of the following countries: United States of America, United Kingdom, France, the Union of Soviet Socialist Republics, the People's Republic of China; upon the occurrence of any prior hostile act or acts by any of the said countries resulting in such outbreak of war and occurring within a period of 90 days preceding such outbreak of war.

Terminating thirty (30) days after the outbreak of war (whether there be a declaration of war or not) between any of the afore-said countries.

and inserting in lieu thereof the following paragraphs:

Attaching automatically (a) upon and simultaneously with the outbreak of war, whether there be a declaration of war or not, between any of the following countries: United States of America, United Kingdom, France, the Union of Soviet Socialist Republics, or the People's Republic of China; or (b) upon and simultaneously with the occurrence of any hostile detonation of any nuclear weapon of war (including any weapon of war employing atomic or nuclear fission and/or fusion or other like reaction or radioactive force or matter) wheresoever or whensoever such detonation may occur and whether or not the vessel may be involved.

Terminating thirty (30) days after attachment.

(b) By deleting the paragraph reading:

This binder shall automatically expire at midnight, September 7, 1970, G.m.t. unless insurance hereunder has attached prior to that date.

and inserting in lieu thereof the following:

This binder shall automatically expire at midnight, May 7, 1971, G.m.t. unless insurance hereunder has attached prior to that date.

(c) By deleting the following words and figures wherever they appear:

American Institute War Risks and Strikes and Automatic Termination and Cancellation Clauses (Time)—Hulls—(March 7, 1961).

and inserting in lieu thereof the following words and figures:

American Institute Hull War Risks and Strikes Clauses (including Automatic Termination and Cancellation Provisions) for attachment to American Institute Hull Clauses January 18, 1970.

4. Add a new section reading as follows:

§ 308.553 Amendment of binders.

All interim binders heretofore issued and now in effect shall be deemed to have been amended effective as of the date of issuance or as of 4 p.m. October 21, 1970, G.m.t. (noon, e.d.s.t.), whichever is the later date, to conform with the standard forms of binders prescribed in §§ 308.106, 308.206, and 308.305, as amended.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: January 25, 1971.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.71-1206 Filed 1-27-71; 8:50 am]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 68-9; General Order 26, Amdt. 1]

PART 541—FREE TIME AND DEMURRAGE CHARGES ON EXPORT CARGO

Ports of New York and Philadelphia

On April 17, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 6276) rules and regulations prescribed in Docket No. 68-9, General Order 26, Part 541, Free Time and Demurrage Charges on Export Cargo.

Section 541.1(e) (4) of these rules specifically lists the "Journal of Commerce" and the "Shipping Digest" as publications of general circulation which may be consulted for determining announced dates of sailing. We are now advised that "Brandon's Shipper and Forwarder" is a publication of similar general circulation and warrants specific inclusion in the list.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the Commission's authority under section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), Title 46, Part 541, § 541.1(e) (4) is amended as follows:

Insert the words "Brandon's Shipper and Forwarder" after the word "Digest." As amended, § 541.1(e) (4) reads as follows:

§ 541.1 Free time, consolidation time, and demurrage at the Ports of New York and Philadelphia.

(e) \* \* \*

(4) The announced date of sailing shall be that date(s) appearing in the Journal of Commerce, the Shipping Digest, Brandon's Shipper and Forwarder, or any other appropriate publication of general circulation, as designated in the appropriate tariff.

Notice, public procedure, and delayed effective date are unnecessary for the promulgation of this order inasmuch as it merely accomplishes a specific listing of an acceptable publication which would otherwise be included in the existing general description of acceptable publications.

*Effective date.* This amendment shall become effective upon publication in the FEDERAL REGISTER (1-28-71).

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1186 Filed 1-27-71; 8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-150]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

General Description

Correction

In F.R. Doc. 71-791 appearing at page 909 in the issue of Wednesday, January 20, 1971, the phrase "Cugach Islands" in the penultimate line of § 3.85-55(b) should read "Chugach Islands".

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-3358]

PART 1055—DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR COMMON CARRIERS OF PASSENGERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of January 1971.

It appearing, that, by report (86 M.C.C. 743) and order entered September 22, 1961, this Commission amended Title 49 of the Code of Federal Regulations by adding thereto Part 180a entitled "Regulations Governing Discrimination in Operations of Interstate Motor Carriers of Passengers" (which part has been subsequently redesignated as Part 1055) setting forth regulations which became effective on November 1, 1961, and which continue to remain in effect;

It further appearing, that the said Part 180a was published in the FEDERAL REGISTER at 26 F.R. 9166, on September 29, 1961, and republished under its redesignation as Part 1055 at 32 F.R. 20051, on December 20, 1967;

And it further appearing, that former § 180a.2 [now § 1055.2], not having been further extended, ceased to be effective by its terms on January 1, 1963 that the final sentence of § 180a.3 [now § 1055.3] which made that particular regulation applicable to all tickets sold on or after January 1, 1963, is no longer needed inasmuch as that section now stands equally applicable with the other effective regulations set forth in Part 1055; that, inasmuch as § 1055.5 of the same part requires a notice to be posted at terminal facilities "containing the full text of the regulations" in Part 1055, it is in the public interest to delete from the regulations all unnecessary language so as to shorten, without any substantive change, and make more clear and readable, the Public Notice which must be posted at terminal facilities; that the deletion of § 1055.2 requires corresponding redesignations of certain sections following it in Part 1055, and all listings or cross-references to them; and that these technical changes can be made without altering in any way the continuing applicability of all effective regulations contained in Part 1055:

Wherefore, and good cause appearing therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, reopened, on our own motion, solely for the purpose of deleting from the regulations the above-indicated language, and restating the regulations governing "Discrimination in Operations of Interstate Motor Carriers of Passengers" in a more concise form.

It is further ordered, That Part 1055 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

- Sec.
- 1055.1 Discrimination prohibited.
- 1055.2 Notice to be printed on tickets.
- 1055.3 Discrimination in terminal facilities.
- 1055.4 Notice to be posted at terminal facilities.
- 1055.5 Carriers not relieved of existing obligations.

- Sec.
- 1055.6 Reports of interference with regulations.
- 1055.10 Definitions.

AUTHORITY: The provisions of this Part 1055 issued under 52 Stat. 1237, 49 U.S.C. sec. 304.

#### § 1055.1 Discrimination prohibited.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall operate a motor vehicle in interstate or foreign commerce on which the seating of passengers is based upon race, color, creed, or national origin.

#### § 1055.2 Notice to be printed on tickets.

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin."

NOTE: The following interpretation of the provisions of § 1055.2 appears at 27 F.R. 230, Jan. 9, 1962:

The words, "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin", should appear on the face of every ticket coming within the purview of the section. If the ticket is in parts or consists of additional elements, such as coupons, identification stubs, or checks, it shall be sufficient for the purposes of § 1055.2 that the notice appear only once on the ticket and be placed on the face of that portion of the ticket which is held by the passenger.

#### § 1055.3 Discrimination in terminal facilities.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availability of, any terminal facilities which are so operated, arranged, or maintained as to involve any separation of any portion thereof, or in the use thereof on the basis of race, color, creed, or national origin.

#### § 1055.4 Notice to be posted at terminal facilities.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce utilize any terminal facility in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of these regulations. Such sign or placard shall

be captioned: "Public Notice: Regulations Applicable to Vehicles and Terminal Facilities of Interstate Motor Common Carriers of Passengers, by order of the Interstate Commerce Commission."

#### § 1055.5 Carriers not relieved of existing obligations.

Nothing in this regulation shall be construed to relieve any interstate motor common carrier of passengers subject to section 216 of the Interstate Commerce Act of any of its obligations under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

#### § 1055.6 Reports of interference with regulations.

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act operating vehicles in interstate or foreign commerce shall report to the Secretary of the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, State, or body politic with its observance of the requirements of these regulations in this part. Such report shall include a statement of the action that such carrier may have taken to eliminate any such interference.

#### § 1055.10 Definitions.

For the purpose of these regulations the following terms and phrases are defined:

(a) *Terminal facilities.* As used in these regulations the term "terminal facilities" means all facilities, including waiting room, rest room, eating, drinking, and ticket sales facilities which a motor common carrier makes available to passengers of a motor vehicle operated in interstate or foreign commerce as a regular part of their transportation.

(b) *Separation.* As used in § 1055.3, the term "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated, allocated, restricted, provided, available, used, or otherwise distinguished on the basis of race, color, creed, or national origin.

It is further ordered, That this order shall be effective immediately and remain in effect until modified or revoked in whole or in part by further order of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1195 Filed 1-27-71;8:50 am]

# Title 50—WILDLIFE AND FISHERIES

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

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-28-71).

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

#### MASSACHUSETTS

#### GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Entry by foot or bicycle during daylight hours is permitted on travel routes designated by signs for the purpose of nature study, photography, hiking, or skating. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,300 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations,

Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1153 Filed 1-27-71;8:46 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Elizabeth Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-28-71).

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

#### NEW YORK

#### ELIZABETH MORTON NATIONAL WILDLIFE REFUGE

Entry to the refuge area on foot or bicycles is permitted, from 8 a.m. to 5 p.m. daily, for the purpose of bird watching, photography, nature study, hiking, picnicking, and fishing. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, Rural Delivery Box 359, Noyac Road, Sag Harbor, NY and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1154 Filed 1-27-71;8:46 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Target Rock National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-28-71).

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

#### NEW YORK

#### TARGET ROCK NATIONAL WILDLIFE REFUGE

Entrance on the refuge is permitted, by advanced reservation only, for the purpose of photography, nature study, and hiking on roads, trails, and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits for specific dates are issued by mail upon request. Motor vehicles are limited to the designated parking area. Pets are permitted in the parking area only.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, NY 11743 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1155 Filed 1-27-71;8:46 am]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Commodity Exchange Authority

#### [17 CFR Part 150]

[Hearing Docket CE-P 16]

### CORN AND SOYBEANS

#### Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued orders under section 4a of the Commodity Exchange Act (7 U.S.C. 6a), establishing maximum limits on position and daily trading in corn and in soybeans for future delivery on any one market, at 2 million bushels in any one future or in all futures combined, except that for positions shown to represent spreading between markets, and for purchases and sales shown to represent spreading or the closing of spreads, between markets, in corn, such limits were established at 3 million bushels in all futures combined or 2 million bushels in any one future.

Since the establishment of speculative limits in corn and soybeans, production of both commodities has increased substantially. The volume of futures trading and open contracts in corn and soybeans also have reached record levels during those periods.

Limits fixed by the 1938 and 1951 orders were based on the principle that the larger the net trades by large speculators, the more certain it becomes that prices will respond directly to trading. An analysis by the Commodity Exchange Authority of speculative trading for the 4 years 1966-69 did not show that undue price fluctuations resulted from speculative trading as the trading by individual traders grew larger. Although there was some indication that prices tended to move in the direction of the larger trades by speculators, the analysis did not show a sufficiently high probability of this occurring to indicate that the limits should be retained at the present 2-million-bushel level in these commodities.

The administrative officials of the Commodity Exchange Authority believe that the orders should be amended to provide that the limits should be established at 3 million bushels in any one future or in all futures combined.

Since § 150.1 of such orders applies to other commodities in addition to corn, and no amendment is proposed with respect to such other commodities, the administrative officials believe that corn should be removed from the provisions of § 150.1 and that a new order should be issued for corn.

Accordingly, notice is hereby given that the Commodity Exchange Authority

proposes that the Commodity Exchange Commission revise §§ 150.1(e) and 150.4 (a) and (b) and issue a new order designated as § 150.11, to read as follows:

#### § 150.1 Limits on position and daily trading in grain for future delivery.

(e) *Definitions.* As used in this part the word "grain" includes wheat, oats, barley, and flaxseed, and the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

#### § 150.4 Limits on position and daily trading in soybeans for future delivery.

The following limits on the amount of trading under contracts of sale of soybeans for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after \_\_\_\_\_:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in soybeans on or subject to the rules of any one contract market is 3 million bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of soybeans which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3 million bushels in any one future or in all futures combined.

#### § 150.11 Limits on position and daily trading in corn for future delivery.

The following limits on the amount of trading under contracts of sale of corn for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after \_\_\_\_\_:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in corn on or subject to the rules of any one contract market is 3 million bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of corn, on or subject to the rules of any one contract market during any one business day is 3 million bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as de-

fined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

If any interested person desires an oral hearing with reference to the proposed amendment to the orders on limits on position and daily trading in corn and in soybeans and notifies the Administrator of the Commodity Exchange Authority to that effect, as directed below, on or before March 1, 1971, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for such an oral hearing should be addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250. No oral hearing will be held in the absence of such a request received on or before March 1, 1971.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to March 1, 1971.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Issued this 25th day of January 1971.

ALEX C. CALDWELL,  
Administrator,  
Commodity Exchange Authority.

[FR Doc. 71-1172 Filed 1-27-71; 8:47 am]

## Consumer and Marketing Service

## [ 7 CFR Part 928 ]

[Docket No. AO-371]

## PAPAYAS GROWN IN HAWAII

## Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of papayas grown in Hawaii, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act". Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the thirtieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

**Preliminary statement.** The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Hilo, Hawaii, September 21, 1970, and continued at Honolulu, Hawaii, on September 24, 1970, pursuant to a notice thereof which was published in the August 27, 1970, issue of the FEDERAL REGISTER (35 F.R. 13653). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Hawaii Papaya Industry Association and 36 growers of papayas in Hawaii, with a petition for a hearing thereon.

**Material issues.** The material issues presented on the record of the hearing are as follows:

- (1) The existence of the right to exercise Federal jurisdiction in this instance;
- (2) The need for the proposed regulatory program to effectuate the declared purposes of the act;
- (3) The definition of the commodity and determination of the production area to be affected by the order;
- (4) The identity of the persons and transactions to be regulated; and
- (5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the adminis-

trative agency for assisting the Secretary in the administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish production research, marketing research, and development projects;

(e) The method for regulating the handling of papayas grown in the production area;

(f) The granting of exemption from regulation of papayas, including papayas used for such special purpose as the committee, with the approval of the Secretary, may specify;

(g) The establishment of reporting and related recordkeeping requirements upon handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in §§ 928.61 through 928.71 and published in the FEDERAL REGISTER (35 F.R. 13653) on August 27, 1970, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 928.72 through 928.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

**Findings and conclusions.** The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Except for a limited production in the States of Florida and Texas, the commercial crop of papayas in the United States is produced within the State of Hawaii. About 85 percent of the 1969 production was disposed of through fresh sales. The remaining percentage was processed into products.

Markets in Hawaii, the continental United States and Japan are important outlets for papayas grown in Hawaii. There have been some sales to European markets. The outlook for future market growth in this area is good.

Because of the distance from market, papayas for export markets are usually a little less mature at the time of picking than are the papayas sold within Hawaii. However, with the advent of air transportation at more reasonable rates, there is less need for this difference in maturity. It presently takes about the same amount of time to deliver papayas from the island of Hawaii to Honolulu as it takes to deliver the fruit to the mainland by direct jet air transportation.

Shipments of papayas, grown in the production area, are made each month of the year. More papayas are available for marketing during the summer months due to the warmer temperatures and longer periods of daylight. This condition favors plant and fruit growth. It is during this period that papaya shipments to the mainland, primarily to California, receive the stiffest competition. At this season melons and soft fruits from California are in abundant supply and are being marketed in competition with papayas grown in Hawaii.

A good marketing climate on the mainland, primarily in California, encourages the shipment of greater quantities to that market. Conversely, a declining or dull market on the mainland would result in greater quantities being offered in the Honolulu market. The same situation prevails with respect to export sales to other destination, such as Japan.

The Solo variety of papayas is the only variety commercially produced in the State. Papayas from any island may be sold within the State or for export depending upon the marketing situation at the time of harvest. At the present time most of the papayas that are sold in export, as that term is defined in the order, are produced on the island of Hawaii. Most of the papayas produced on the other islands within the State are sold in Honolulu. However, papayas from any part of State may be sold within the State or for export disposition depending upon marketing conditions at the time of harvest.

All handling of papayas, grown in the production area, in fresh fruit channels exert an influence on all other handling of such papayas in fresh form. Sellers of papayas, as of other commodities, endeavor to transact their business so as to secure maximum returns for the papayas they have for sale. The sellers of papayas continually survey all accessible markets so as to take advantage of the best possible opportunity to market the fruit. Markets within Hawaii provide opportunities to dispose of papayas the same as export markets. The sale of a quantity of papayas within Hawaii exerts an influence on all other sales of papayas. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used when bargaining for papayas in another market. Hence, it is concluded that any movement and sale of papayas, grown in the production area, whether to a market within the State of Hawaii or outside thereof, affect prices for all papayas grown in the production area.

Therefore, it is found that all handling of papayas, grown in the production area, is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce; and except as hereinafter otherwise provided, all handling of papayas grown in the production area should be subject to the act and the order.

(2) Although there has been considerable variation in the annual production of papayas produced in Hawaii, the trend has been upward. In the 5-year period, 1960-64, production averaged 16,297,000 pounds. In the 5-year period, 1965-69, production averaged 20,738,000 pounds. In 1966 production was 18,680,000 pounds. Production increased to 22,845,000 pounds in 1967, and 23,550,000 pounds in 1968. Due to adverse weather and the replant problem production declined in 1969 to 19,235,000 pounds. Increased plantings are being made and there is much research in progress dealing with the replant problem, fumigation, harvesting, plant breeding, and grading and packaging practices which,

if successful, should result in a greater volume of papayas being available for marketing each year.

Prices for papayas sold by some handlers have ranged, during a recent season, from a high of 16 cents per pound to a low of 5 cents per pound. Fresh sales offer the greatest marketing opportunity for papaya growers. Sales to the fresh market averaged 14 cents per pound during the 1969 season and accounted for about 85 percent of the total production. Processed sales averaged 3.6 cents per pound, and accounted for approximately 15 percent of the total production. It was testified that production costs on the average, are about 7 cents per pound.

Record evidence shows that there are periods during each marketing season when sales of papayas do not return cost of production to the producers. Prices for papayas are usually high at the beginning and ending of each calendar year. Handlers tend to ship heavily to the market when prices are at a high level. This often results in a glut due to the shipment of low quality fruit or fruit of undesirable sizes. It is particularly important in view of the prospective increase in production, that the papayas consumers receive are of desirable grade, quality, size and maturity. Papayas of undesirable sizes, lower grades, and poor quality do not receive consumers acceptance. Shipments of such papayas depress the price for all papayas and contribute to disorderly marketing conditions for the desired sizes and qualities of such fruit. The establishment of regulations with respect to grade, size, quality, and maturity, such as are contemplated under the order, would provide a method whereby orderly marketing could be promoted. This would tend to effectuate the declared policy of the act.

Presently, only two containers are authorized for use for shipments of papayas within the State of Hawaii. However, there is no restriction on the containers that may be used for export shipments. It was testified at the hearing that most export shipments are in cartons with a net fill weight of 10 pounds. Also, record evidence shows that containers used for such shipments do not now present serious problems in marketing. However, to insure that undesirable containers are not used the order should contain authority for the committee to recommend and the Secretary to issue regulations prescribing the size, capacity, weight, dimensions, or pack of the containers that may be used in the handling of papayas within the production area and for export.

It would not be in the public interest to cease all regulations should grower prices exceed the parity level. To cease all regulations may result in the dissipation of all the benefits derived from the program and result in disorderly marketing. Therefore, the order should provide that the Secretary be authorized, during periods when producer prices exceed the parity level, to limit shipments of papayas by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity as will be

in the public interest. In the State of Hawaii Department of Agriculture wholesale standards for Hawaii grown papayas, each papaya must meet the size requirement set forth for that grade. For example, to be classified, as Hawaii Fancy, each papaya must weigh not less than 16 ounces. The minimum weight prescribed for Hawaii No. 1 grade is 14 ounces. Thus, there is a definite correlation between the size of the papaya and the quality of such fruit.

As hereinbefore discussed, markets within Hawaii are an important outlet for papayas. Because of the close proximity of some of the fields to market in Hawaii, it may not be in the best interest of the papaya industry to require papayas for sale within Hawaii to meet the same requirements applicable to shipments of papayas to export markets. The order should authorize the Secretary, on the basis of a committee recommendation or other available information, to prescribe requirements applicable to exports of papayas which are different from those applicable to the handling to other destinations.

Therefore, it is concluded that the establishment of the order, providing for regulation of grade, size, quality, and maturity of shipments of papayas produced in Hawaii, and for regulation of the containers, and pack that may be used for such shipments, is necessary to effectuate the declared policy of the act. Also the establishment and maintenance in effect of minimum standards of quality and maturity, when prices are above the parity level, will effectuate such orderly marketing of papayas as will be in the public interest. The objective under such order is the tailoring of the supply of papayas available for sale in fresh market channels to the demand in such outlets so that the fruit thus made available to buyers will be packaged uniformly and be of desirable grade, size, quality, and maturity. Such limitations on shipments of papayas grown in Hawaii should contribute to the establishment of more orderly marketing conditions for such fruit and tend to increase the demand therefor.

(3) The term "papayas" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all variations of papaya classified botanically as related to the species *Carcia*. Presently, most of the papaya production is classified botanically as *Carcia papaya variety solo*. However, the definition of papaya should include other varieties that may be developed and produced in the production area. Papayas are readily distinguishable from other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute in the receiving markets papayas grown in the production area.

A definition of the term "production area" should be incorporated in the order to designate the specific area in which the papayas to be regulated are grown. Such area should embrace all of the ter-

ritory within the State of Hawaii. Presently most of papaya production is located in the Puna area of the island of Hawaii. There are fields where papayas are produced commercially on the islands of Kauai, Maui, Molokai, and Oahu. In addition to this acreage, there are areas on each island within the State of Hawaii having soil, water conditions, and weather patterns of such nature to be potential producing acreages and all such acreage should be included in the production area. It is well established that there are areas throughout the production area, because of soil, water, or weather conditions, where papayas are not now or are not likely to be grown. However, it would not be practicable to exclude areas not producing papayas which are within or adjacent to the commercial papaya producing area.

If such areas were excluded, it is very likely that papaya fields would be established extensively in such excluded areas. The production from such fields would not be subject to regulation and would impede the effectiveness of the order. Hence, it is concluded that the production area, as hereinafter defined, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of papayas that is regulated, the term "handler" should apply to all persons who place papayas in commerce by performing any of the activities within the scope of the term "handle", as hereinafter described. In other words, any person who is responsible for the sale, consignment, or transportation of papayas, or who in any other way places papayas in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of papayas owned by another person should not be considered as making such a carrier a "handler" as, in such instances, the carrier is performing a service for hire, and is not responsible for the quality or pack of the commodity. Of course, if the carrier is the owner of the papayas being transported, such carrier would be a handler the same as any other person who may primarily be engaged in another business—such as a producer or retailer—but at times is also a handler.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place papayas in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of papayas begins at the time the fruit is picked from the tree and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these

activities, such as selling, consigning, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of papayas to fruit which conforms to the applicable regulations under the order.

It is usual for papayas, after picking, to be sorted, graded, packed, or otherwise prepared for market at a packing facility in the production area. Such preparation for market may be performed at the field where the fruit is grown, or the papayas may be transported to the packing facility prior to sorting, grading, and packing. The grower, in such instance, properly relies on the person preparing the papayas for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the papayas in commerce. It would not be practical and would unnecessarily complicate the administration of the order to require persons engaged in the preparation of papayas for market to meet the requirements of regulation under the program until after such preparation. Therefore, activities in connection with the preparation of papayas for market should be excluded from the definition of "handle."

Testimony at the hearing established that packing facilities are generally located in or near the area where the fruit is produced. It is the activity which determines who is a handler and not the location within the production area of the packing facility. Facilities located in "out of the way" places may present problems of administration but such should be resolved by the administrative committee through rules and regulations to make sure that the regulations in effect are not circumvented.

Papayas are sometimes sold, after picking, at the field where grown, at a roadside stand, or at a packinghouse to brokers and others who transport the papayas or cause the transportation thereof from such points to markets within and without the State. The sale or delivery of papayas to such persons, and the subsequent movement to market, are each handling transactions. Any person who is engaged in any such transaction, whether grower, packinghouse operator, broker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the papayas he handles meets all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading or otherwise preparing the papayas for market. The primary responsibility for obtaining inspection and certification to determine whether a particular lot of papayas conforms to the applicable regulations should rest with the person who places such lot in the

current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the papayas for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the papayas are met at the time such person handles the papayas. This can readily be ascertained by determining that the papayas have been inspected and certified as meeting such regulations or by having them inspected. As all handling of papayas is in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, or transportation of papayas within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meaning whenever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employees of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" should follow the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal year" should be defined to set forth the period with respect to which financial records of the Papaya Administrative Committee, the administration committee established by the order, are to be maintained.

Papayas are produced and marketed each month of the year. The records of most industry members are maintained on a calendar year basis. Record evidence shows that it would not be difficult for those persons whose records are maintained on a basis other than the calendar year to comply with the reporting requirements of the order. Also, the Hawaii Crop and Livestock Reporting Service issues its reports on the basis of the calendar year. Therefore, it is concluded that the fiscal year should be the 12-month period beginning January 1 of each year.

Due to the increased interest in papayas, it is probable that new varieties

may be developed or new marketing practices may be adopted or for some other reason, a different fiscal year would be desirable. Therefore, the order should authorize the Secretary, on the basis of a committee recommendation, to change the beginning and ending dates of the fiscal year whenever it is appropriate to do so.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is used.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged in the production area, in the production of papayas for market. A definition of the term "grower" is necessary to determine eligibility to vote for nominees for, and serve as, grower members or alternate members of the Papaya Administrative Committee. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the grower members of the committee. The districts (i.e., the geographical divisions of the production area) as hereinafter set forth represent a reasonable basis for providing a fair, adequate and equitable representation on the committee. The provisions for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

"Export" should be defined in the order to mean to ship papayas to any destination outside the State of Hawaii. Presently, the industry considers all shipments to destinations outside of Hawaii as export shipments. It is desirable to define "export" in the order to clearly set forth what shipments are covered when the term "export" is used. The order should contain provisions which would permit the committee to recommend and the Secretary to issue regulations prescribing requirements for export shipments which are different from the requirements applicable to shipments within Hawaii. Such requirements may include grade, size, quality, maturity, pack or containers or any combination thereof. The need for this provision stems from the differences in market demand as between domestic and other markets, the method of shipment employed, and the amount of time involved from time of harvest until the papayas reach the consumers in the various markets. Thus, to effectively market papayas, the requirements applicable to these two market outlets, domestic and export, may need be different. When certain marketing conditions prevail it may be desirable to impose restrictions to one such outlet and apply no restrictions to the other outlet. Therefore, "export" should be defined, as hereinafter set forth, to

mean to ship papayas to any point outside the State of Hawaii.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purpose of the order and the declared policy of the act. The term "Papaya Administrative Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 13 members, of whom 10 should represent growers and three should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of papaya shipments.

Seven of the 10 grower members and their respective alternates should be producers in District 1. The other three grower members and their alternates should be allocated to Districts 2, 3, and 4, on the basis of one member and his alternate per district. Such representation represents to the extent practicable the relationship of the volume of production in the four districts. It also recognizes the division of the State of Hawaii that has been made for other purposes. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

The three handler members and their alternates should be selected from the production area at large. This is appropriate since most of the papayas are handled by handlers whose operations encompass the production area.

Each grower member of the committee, and his alternate should be a grower, or an officer or employee of a grower. There are growers in the production area which are companies, either incorporated or otherwise, and a company, as such, would be precluded from having representation on the committee unless officers and employees of growers were permitted to vote for and serve as grower members of the committee. A person who is a grower or an officer or employee of a grower should be acquainted with the problems of producing papayas in the District where such person produces papayas.

Each handler member of the committee and his alternate should be a handler,

or an officer or employee of a handler. There are handlers in the production area which are companies, either incorporated or otherwise, and a company, as such, would be precluded from having representation on the committee unless officers and employees of handlers were permitted to serve as handler members of the committee. People who are handlers or officers or employees of a handler should be acquainted with the problems of handling papayas grown in the production area.

The term of office of committee members and alternates under the proposed program should be for 2 years beginning on the first day of January and continuing until December 31 of the succeeding year. This will establish an orderly procedure for changing the membership on the committee. The term of office should be for 2 years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of heaviest shipments during each marketing season and hence will allow adequate time for the committee to organize and start operating.

Provision should be made in the order for the Secretary to change the term of office pursuant to a recommendation from the committee. The order contains provisions for changing the fiscal year. If the fiscal year is changed, it will probably be desirable for the term of office of committee members to be changed to coincide with the then fiscal year.

It is probable that the order, if made effective, will not become effective until about the spring of 1971—a date well past the starting date of the 1971 fiscal year. Therefore, the order should provide that the initial term of office shall begin on the effective date of the order and end December 31, 1972. Successor members and alternates should be appointed for 2-year terms as herein provided. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members on the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that

the industry desires that names of the nominees for appointment to the initial committee be obtained from nominations made at meetings of growers and handlers, or from lists submitted by individual growers and handlers. As a practical matter such nominations must be available to the Secretary not later than the effective date of the order, if the order is to operate in an effective way for the 1971 marketing season. If such nominations are not made available to the Secretary by the effective date of the order, the Secretary should be free to appoint the committee without the formal nomination procedure. It was testified at the hearing that there are organizations, such as the Hawaii Papaya Industry Association, the Big Island Papaya Growers Association, and others, which will be holding meetings in the production area and which papaya growers would normally attend, which may be utilized for obtaining the names of the initial nominees and such meetings would afford larger grower and handler participation than if meetings were called solely for the purpose of obtaining the names of nominees. Thus, the nomination of prospective members and alternate members at such meetings of growers in the respective districts and handlers from the production area at large is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the initial committee.

Elections for the purpose of designating nominees for successor members of the committee and their alternates whose term of office expire on the last day of December of such year should be held during such year by the committee. Such meetings should be held prior to November 15, and at such places that may be designated by the committee so that the names and addresses of the nominees can be submitted to the Secretary in time for the committee to be appointed and functioning by the beginning of the fiscal year, January 1.

The order should provide that only growers, including duly authorized officers or employees of growers who are present at nomination meetings, may participate in the nomination and election of grower members and their alternates because it is proper that growers nominate the persons who are to represent them. Each grower should be permitted only one vote for each nominee to be elected in the district in which he produces papayas as this is a democratic method of voting. To prevent growers who produce papayas in more than one district from having a greater voice in nominating representatives than do growers who produce papayas in only one district, no grower should be permitted to participate in the election of grower nominees in more than one district in any one fiscal year.

The order should provide that no grower organization should be permitted to have more than a total of three members and three alternate members on the committee. This requirement would tend to assure wider distribution of the membership on the committee among the

growers that would likely result without such limitation. Representation from many grower segments of the industry is desirable. Such would tend to assure that there would be full discussion on all matters requiring the attention of the committee and that all views would be expressed before a decision is reached.

Only eligible handlers, including duly authorized officers and employees of such handlers, who are present at nomination meetings should be permitted to participate in the nomination and election of handler members and their alternates since the handlers should be the ones to indicate the persons they desire to represent them on the committee. Also, handlers should be eligible to cast only one vote for each nominee to be elected. Such provisions are necessary and desirable in order to assure that each handler is given an equal voice in the selection of the nominees for handler membership.

Consistent with a modification introduced at the hearing, the order, as hereinafter set forth, should provide that in the nomination of persons to fill handler positions the vote of each handler should be weighted by the volume of papayas he handled during the then current fiscal year. Presently, there are three major handlers of papayas. These handlers market approximately 90 percent of the total volume of papayas marketed by all handlers. The inclusion of the requirement that handler votes be weighted by the volume of papayas handled would tend to insure that the persons nominated for handler member positions, including alternate handler members, would have knowledge of the handling and marketing problems that confront the industry.

However, to prevent any handler organization from having more representation on the committee than is appropriate and thus being in a position to unduly influence the actions of the committee, the order should provide that no handler organization should be permitted to have more than one member and one alternate member on the committee.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternate members without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after notification of appointment so that

the composition of the committee will not be delayed unduly.

Provision should be as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nomination where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

It was testified at the hearing that, at times, it may be desirable to fill vacancies from the list of persons who were nominated at the previous nomination meeting but who were not appointed because they did not receive a sufficient number of votes. By keeping a record of such voting, the industry could indicate who it desires to be appointed to the committee without holding a meeting for that purpose.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district will generally have grower representation and handler representation from the production area at large at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member be absent, die, resign, be removed from office, or be disqualified, the representation on the committee will remain unchanged. The alternate should serve until a successor to such member has been appointed and has qualified.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

A majority of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make decisions; and any committee action should require a minimum affirmative vote of at least seven of the members present. Actions taken by the committee are of such importance that a majority should be required for a quorum and any actions of the committee should receive at least seven favorable votes.

The committee should be authorized to vote by telephone, telegraph, or other means of communications when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting. Any votes cast in this

fashion should be confirmed promptly in writing to provide a written record of the votes cast. In the case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that members and alternates of the committee be reimbursed for actual out-of-pocket reasonable expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all papaya growers and handlers in the production area.

In order for a grower alternate adequately to represent his district or an alternate handler member to serve at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussion leading up to action that may be taken at the meeting. Likewise, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although, only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer and handler attitudes towards a proposed regulation or other matters. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective member, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

Provision should be made whereby the committee will be authorized to prepare an annual report as soon as is practicable after the close of each fiscal period. Handler reports and records for any fiscal year could not be completed and submitted to the committee until after the close of the fiscal period. Hence, it would not be possible to prepare an accurate annual report until after the fiscal year had ended. It should not be mandatory that the committee prepare an annual report each fiscal year. It may be that the committee determines that there is insufficient money available to defray the cost of preparing and distributing an annual report. There may be other reasons why it would not be desirable to prepare an annual report and the committee should not be required to issue such a report when it determines that such a report is not warranted. However, should the Secretary request an annual report, the committee should prepare a report. Annual reports would provide the committee, the Secretary, and the industry with a record of the operations under the program. Such report would also provide a means for evaluation of the program and the need for any changes therein. When consideration is being

given as to whether to issue an annual report, considerable weight should be given to the value of such report. It is anticipated that value of the report will far exceed the cost involved in its preparation and distribution. On this basis it is anticipated that the committee will issue a report each year.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessment should be required even if particular provisions of the order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to papayas handled by him as the first handler thereof his pro rata share of such expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. Each handler's share of such expenses should be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal year and the total quantity of papayas so handled by all handlers during the same fiscal year. In this way, payments by handlers of assessments would be proportionate to the respective quantities of papayas handled by each handler and assessments would be levied on the same papayas only once.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal year, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means of repaying any loans.

Should it develop that assessment income, during a fiscal year, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of as-

essment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all papayas handled during the particular fiscal year so that the total payments by each handler during each fiscal year will be proportional to the total volume of papayas handled during that period.

Should the provisions of the order be suspended during any portion or all of a fiscal year it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will continue to have duties to perform and incur expenses each fiscal year even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods, it would be necessary to eliminate the payment of any salaries, rent, or utilities. Since such expenses will not always cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, in the absence of a reserve it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

It would be equitable, and far less burdensome, for handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay an excessively high rate of assessment during a year when the crop is materially reduced. The reserve fund should be built up to the desirable amount rather slowly, over a period of time, as funds in excess of expenses may be available. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately 1 fiscal year's operational expenses should be provided. A reserve of that amount should be adequate to meet any foreseeable need. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a fiscal year, after first offsetting any amounts due from the handler.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquida-

tion should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal moneys to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth authority for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of papayas.

The proponents testimony attests that there are no specific projects which the proponents recommend to pursue at this time. However, record evidence shows there are many areas where research on an industry basis is needed. For example, it was testified at the hearing that there is not a sufficient byproduct outlet for papayas. This has resulted in growers having to dump fruit. Presently, the industry faces the problem of increasing consumer consumption of papayas. Consumers must be made aware of papayas. Research could be undertaken which would introduce papayas through hotels and restaurants by means of menu cards, fruit samples and other means of inducing such establishments to use papayas. Also, research could be instituted at the retail store level which may utilize point of sale material, samples, and other methods to introduce the respective customer to papayas. It was also pointed out at the hearing that research is badly needed to improve the handling operations. Under the present methods, papayas are handled a great number of times. Research may lead to new methods where fewer handlings of the fruit is required.

Production research might be undertaken on methods which would retard the growth of the tree so that there would be a longer period of time during which papayas may be harvested before the fruit bearing area becomes so high that harvesting the fruit is difficult. Also, research leading to a tree which will start fruiting at a lower height should reduce harvesting costs. These

are but a few of the kinds of research that the committee may want to undertake. It is desirable for the order to contain authority for the committee to engage in research projects, either production or marketing research or both, and development projects which are designed to assist, improve production or promote the marketing, distribution and consumption of papayas.

The order should contain authority for the committee to engage in promotional activities, including paid advertising, as a means to strengthen the competitive position of papayas in the marketplace. As hereinbefore stated, consumers must be made aware of papayas. The employment of paid advertising and other advertising techniques, as proposed to be authorized under the order, would provide the committee with a means whereby sales may be stimulated and returns to producers enhanced. Such promotional techniques designed to increase the consumer knowledge and awareness relative to papayas and its uses should be authorized to be employed as the occasion requires to achieve a more favorable balance between supply and demand. It is not possible at this time to visualize the exact type of promotional program that would be required to meet the needs of the industry. Therefore, the authority for the committee to establish promotional and advertising projects should be broad and flexible, and available to the extent permitted under the act to facilitate timely development of programs suitable to the circumstances.

Prior to engaging in any research or development projects, the committee should, of course, submit to the Secretary for his approval the plans for each project. When considering any research or development project, the committee should give consideration to all those factors set forth in the order. It is only good business to consider the cost, the objectives to be accomplished, the time required to complete the project and other factors in order to arrive at a sound decision as to whether the project is justified. Of course, the costs of any such projects should be included in the budget submitted for approval, and such costs should be defrayed by the use of assessment funds as authorized by the act.

(c) The declared policy of the act is to establish and maintain such orderly marketing conditions for papayas, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of papayas, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to papayas produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of papayas. The policy so estab-

lished would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, herein-after set forth in the order, affecting marketing conditions for papayas since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known market conditions when changes in such conditions are sufficient to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such grade, size, and quality regulations, as well as any other regulations and amendments thereto, authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for papayas. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulation will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend such amendment, modification, suspension, or termination of such regulations as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for papayas. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee

for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The order provides for grade, size, quality or maturity regulations. It seems logical that the committee will recommend one of the grades set forth in the Wholesale-Retail Grade Standards promulgated by the Hawaii Department of Agriculture or modifications thereof or variations based thereon. For example, if the committee recommends and the Secretary issues a regulation providing that papayas shall meet the requirements of the Hawaii No. 1 grade except that the papayas shall each weigh at least 10 ounces, such would be a proper modification of the Hawaii No. 1 grade. In this instance, the papayas could be labeled Hawaii No. 1.

The grade, size, and quality of papayas which are shipped at any particular time have a direct effect on returns to growers. The poorer grades and less desirable sizes of papayas marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of papayas of lower grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of the poor quality papayas.

Handlers sometimes have shipped in fresh fruit channels papayas of low quality and of undesirable sizes. Such papayas may be sold only at discount, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the price for the entire crop, for the particular year, below the level which otherwise would have existed if only papayas of suitable grades, size, and quality, had been available in the markets.

The demand for particular grades, sizes, and qualities of papayas varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for papayas are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the papaya crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of papayas harvested in the production area and available for shipment in fresh market outlets so that the market demands could generally be met without shipment of the poorer grades, sizes, and quality papayas to such market outlets. The shipment of excessively

small and poor quality papayas has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by grade, size, and quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the papaya crop will be marketed.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimension, or pack of the containers which may be used in the packaging or handling of papayas.

Most shipments of papayas to the export markets are in cartons having a net fill weight of 10 pounds. The number of fruit in the containers may vary. Presently, only two containers are authorized for use for shipments in Hawaii. As the export market for papayas is expected to expand, and as the size and type of containers which will satisfactorily deliver papayas to such destination is not known at the present time it may be appropriate for the committee to recommend and the Secretary to prescribe the containers which may be used for such shipments. This action would be predicated upon the results obtained through research or based on information resulting from shipments by handlers or as dictated by the desires or demands of the people at destination.

The order should contain authority to regulate the packs of containers. The regulation of the packs of containers would assist the papaya industry in the production area in its merchandizing efforts to provide the most acceptable packs to enhance trade acceptance. It is essential that authority be included in the order for prescribing pack limitations designed to protect the reputation of packs known or found to be superior, including any for which a demand has been built through research and development. If it is found that the demand for papayas is enhanced in certain containers when a particular manner of arrangement, grade, or size is used, it may be desirable to prescribe the grade, sizes, and methods of arrangement which may be used in specified packages. Therefore, it is concluded that the order should contain authorization to so prescribe.

It is not in the public interest to cease regulations when the season average price of papayas exceeds parity. The committee should be authorized to rec-

ommend, and the Secretary to establish, such minimum standards of quality, in terms of grades and sizes, or both; and such grading and inspection requirements, during any and all periods when the season average price for papayas may be above parity, as will effectuate such orderly marketing of papayas as will be in the public interest. Some papayas do not give consumer satisfaction regardless of the price level. Papayas harvested at a time when they are insufficiently mature to ripen properly, offgrade papayas, and papayas of very small sizes are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of such immature papayas or fruit lacking in the quality necessary to assure delivery in satisfactory condition cause an adverse buyer reaction and tend to demoralize the market for later shipments of all papayas. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulations when the season average price is above parity. Hence, the discontinuance of regulations during seasons when the average price exceeds parity could adversely affect consumers and producers alike, and also result in dissipation of all benefits from prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. Such developments depend on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendation of the committee or other available information made after review of the existing conditions that year.

(f) The order should provide for the exemption from its provisions of such handling of papayas which it is not necessary to regulate in order to effectuate the declared policy of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Papayas which are handled for consumption within certain charitable institutions, or for distribution by some relief agencies, or for commercial processing into products have, except as hereinafter discussed, little influence on the level of prices for fresh papayas sold in the domestic and export markets. Hence, papayas handled for such purposes could be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of papayas, in such specified small quantities, or types of shipments, including gift fruit shipments, or ship-

ments made for such specified purpose as it is not necessary to regulate in order to effectuate the declared policy of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate because of the small volume and the cost involved and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of papayas in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether papayas which are handled for consumption within charitable institutions, for distribution to relief agencies or whether small quantities or types of shipments, or shipments made for special purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemption should be in effect.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent papayas handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objectives of the program. For example, should it be found that a portion of the papayas moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such papayas do not have to comply with grade, size, quality, or other requirements. These procedures might include such requirements as filing application for authorization to move papayas in exempted channels and certification by the receiver that such papayas would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(g) Provision should be made in the order requiring all papayas handled, during any period when handling limitations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all papayas handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with regulation issued under the program can be ascertained only through inspection and certification of all papayas handled during the effective period of such regulation. As a handler of papayas is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of papayas

handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal and the Federal-State Inspection Service, and the certification of papayas in the production area.

Responsibility for obtaining inspection and certification should fall on each person who handles papayas. In this way, not only will the handler who first ships or handles papayas be required to obtain inspection and certification thereof, but also no subsequent handler may handle papayas unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of papayas previously inspected is regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such papayas should be required to be inspected following such preparation and certified as meeting the requirements of the applicable regulations before such papayas are handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

The committee should be authorized to enter into an agreement with the appropriate inspection service with respect to the costs of inspection required under the order and to collect from handlers their pro rata shares of such costs. As hereinafter discussed, there are growers who are located in out-of-the-way places that are considerable distances from established inspection points. Other handlers inspection cost may be high because of the limited volume handled. Through such an agreement, the costs, per package, for the required inspection and certification will be uniform to all handlers and the industry will pay only the actual cost of such service. A representative of the Hawaii Department of Agriculture indicated that such an agreement could be satisfactorily arranged. Through such an arrangement inspection costs are likely to be lower than would be possible without such an arrangement. The collection of inspection fees by the committee is desirable since two bills—inspection and assessment cost—could be consolidated into one payment. Separate accounting of these costs should be maintained however.

It was testified at the hearing that there are papaya fields, such as some of those located on the island of Oahu, and on the island of Maui, that are considerable distance from established inspection points, thus making inspection not readily available to such handlers. It would be expensive and impractical to make the inspection at the point where such papayas are prepared for market and thus become subject to regulations. Inspection fees are the chief source of income for the Federal-State Inspection Service. For that reason, it is generally not the policy to maintain a year-round

staff of the size required for peak load periods. The use of inspection personnel for such isolated inspections, where a large percentage of the time involved is spent in travel, would not utilize such personnel in an effective manner. Record evidence shows that the committee should have the authority to conclude an arrangement with the inspection organization whereby the committee could issue waivers-of-inspection to growers for fruit produced at locations not having inspection service readily available. The committee should also be authorized with the approval of the Secretary to prescribe such safeguards as are necessary to prevent papayas handled pursuant to any such procedure from being marketed without complying with the provisions of the order.

(h) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the Secretary and the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is anticipated that much of the information needed from handlers will be obtained from the inspection certificates. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposi-

tion of papayas. Such records should be retained for not less than 2 years after the termination of the fiscal year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose.

(i) Except as provided in the order, no handler should be permitted to handle papayas, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle papayas except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 928.62 through 928.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 928.72 through 928.74, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

These provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 928.62 *Right of the Secretary*; § 928.63 *Effective time*; § 928.64 *Termination*; § 928.65 *Proceedings after termination*; § 928.66 *Effect of termination or amendment*; § 928.67 *Duration of immunities*; § 928.68 *Agents*; § 928.69 *Delegation*; § 928.70 *Personal liability* and § 928.71 *Separability*.

With respect to § 928.64 *Termination*, record evidence shows that it is the wish of the industry, and the order so provides, that the Secretary conduct a referendum among growers to ascertain if continuance of the order is desired by growers when so recommended by the committee. Any committee recommendation for a referendum should be received not later than October of an even-numbered year. This would provide a sufficient time so that he could conduct the referendum prior to December 1 of that year, as required by the order.

The order cannot be made effective until about the spring or summer of 1971. Thus, October 1, 1972, would permit the committee to initially appraise the operation of the program for two seasons when it considers whether to recommend that a referendum be conducted with respect to continuance.

The provisions of the order with respect to committee recommendation for a referendum on continuance should not preclude the Secretary from conducting a referendum at such other times as he may determine to be appropriate. Such authority is contained in § 928.64(c) of the order.

These provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 928.72 Counterparts; § 928.73 Additional parties; and § 928.74 Order with marketing agreement.

*Rulings on proposed findings and conclusions.* October 30, 1970, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

*General findings.* Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of papayas grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of papayas grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of papayas grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Recommended marketing agreement and order.* The following marketing agreement and order<sup>1</sup> are recommended as the detailed means by which the foregoing conclusions may be carried out:

#### DEFINITIONS

##### § 928.1 Secretary.

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

##### § 928.2 Act.

"Act" means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the

Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

##### § 928.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

##### § 928.4 Papayas.

"Papayas" means any and all varieties of papayas grown in the production area.

##### § 928.5 Production area.

"Production area" means the State of Hawaii.

##### § 928.6 Fiscal year.

"Fiscal year" means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided*, That the initial fiscal year shall begin on the effective date of this part.

##### § 928.7 Committee.

"Committee" means the Papaya Administrative Committee established pursuant to § 928.20.

##### § 928.8 Grower.

"Grower" is synonymous with "producer" and means any person who produces papayas for market, and who has a proprietary interest therein.

##### § 928.9 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

##### § 928.10 Handle.

"Handle" or "ship" are synonymous and mean to sell, consign, deliver, or transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include: (a) The sale of papayas on the tree; (b) the transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or (c) the sale of papayas at retail by a person in his capacity as a retailer.

##### § 928.11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(n):

(a) District 1 shall include the island of Hawaii.

(b) District 2 shall include the county of Maui which consists of the islands of Maui, Molokai, Lanai, and Kahoolawe, and Kalawao County.

(c) District 3 shall include the county of Kauai which consists of the islands of Kauai and Niihau.

(d) District 4 shall include the county of Honolulu which includes all of the island of Oahu.

##### § 928.12 Export.

"Export" means to ship papayas to any point outside the State of Hawaii.

#### ADMINISTRATIVE BODY

##### § 928.20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of thirteen (13) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten (10) of the members and their respective alternates shall be growers and are referred to as "growers" members of the committee. Seven of the ten grower members and their respective alternates shall be producers of papayas in District 1, one grower member and his alternate shall be producers of papayas in District 2, one grower member and his alternate shall be producers of papayas in District 3, and one grower member and his alternate shall be producers of papayas in District 4. No grower organization shall be permitted to have more than three (3) members on the committee. The three (3) handler members and their respective alternates shall be selected from the production area at large. No handler organization shall be permitted to have more than (1) handler member on the committee.

##### § 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning January 1 and ending on the second succeeding December 31 or such other dates as the Secretary may establish pursuant to a recommendation of the committee: *Provided*, That the term of office of the initial members and their alternates shall end December 31, 1972. Members and alternates members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

##### § 928.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nomination may be made by means of a meeting of handlers, and group meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for the initial members are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selection shall be on the basis of the representation provided for in § 928.23.

<sup>1</sup> The provisions identified with asterisks (\*\*\*) apply only to the proposed marketing agreement and not to the proposed order.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than November 15 of each even numbered year, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate member of the committee, which shall be publicized and open to all growers and handlers. At each grower meeting, a chairman and a secretary shall be selected by growers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary. At each handler meeting, a chairman and a secretary may be selected by the handlers eligible to participate therein. If a chairman is elected he shall announce the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a report concerning such meeting. If a chairman is not elected some person shall be designated to file a report with the committee concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces papayas. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote, which vote shall be weighted by the volume of papayas handled by such handler during the then current fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

#### § 928.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 928.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 928.20.

(b) *Successor members.* From the nominations made pursuant to § 928.22, or from other qualified persons, the Secretary shall select the 10 grower members of the committee, the three handler

members of the committee, and an alternate for each such member.

#### § 928.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 928.22 the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 928.20.

#### § 928.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

#### § 928.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.22 and 928.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 928.20.

#### § 928.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

#### § 928.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

#### § 928.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers; and to select sub-committees, advisory committees or other committees and define the duties of each;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the

compensation and to define the duties and procedures of each;

(c) To submit to the Secretary prior to each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To require adequate fidelity bonds for all persons handling funds;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(h) To act as intermediary between the Secretary and any grower or handler;

(i) To provide an adequate system for estimating the total season crop of papayas and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this marketing order;

(j) To investigate the growing, handling, and marketing conditions with respect to papayas, and to assemble data in connection therewith;

(k) To engage in such research relating to the determination of maturity and grade standards for papayas as may be approved by the Secretary;

(l) To submit to the Secretary such available information, including verified reports, as he may request;

(m) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(n) To investigate compliance with the provisions of this meeting order; and

(o) With the approval of the Secretary to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in papaya production within the districts and the production area.

#### § 928.32 Procedure.

(a) A majority of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require at least seven concurring votes;

(b) The committee may vote by telegraph, telephone, or other means of communication, and any vote so cast shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(c) All meetings of the committee held for the purpose of formulating a marketing policy, for formulating recommendations for regulations, or for

consideration of matters pertaining to production research, marketing research and development projects, including paid advertising shall be open to the growers and handlers. The committee shall give notice to each grower and handler who has requested such notice and has filed his name and address with the committee.

#### § 928.33 Expenses and compensation.

The members of the committee and alternates when acting as members, or when requested by the committee to attend a committee meeting or to perform another committee function, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

#### § 928.34 Annual report.

The committee may, as soon as practicable after the end of the fiscal year, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the papaya industry; and (c) any recommendations for changes in the program.

#### EXPENSES AND ASSESSMENTS

#### § 928.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 928.41.

#### § 928.41 Assessments.

(a) Each person who first handles papayas shall, with respect to the papayas so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal period and the total quantity of papayas so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses

which may be incurred. Such expenses shall be applied to all papayas handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

#### § 928.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such expenses shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands payment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of this pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years, an operating monetary reserve in an amount not to exceed approximately 1 fiscal year's operational expense. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses pursuant to § 928.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

#### RESEARCH

#### § 928.45 Production research, marketing research and development.

(a) The committee, with the approval of the Secretary may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the production, marketing, distribution, and consumption of papayas. Such projects may provide for any form of marketing promotion including paid advertising. The expense of such projects shall be paid by funds collected pursuant to § 928.41.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of papayas in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The need for production or marketing research with respect to any production or marketing development activity.

(c) If the committee should conclude that a program of production or marketing research or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any production research or marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

#### REGULATION

#### § 928.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 928.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of papayas within the production area;

(2) The estimated utilization of the crop, showing the quantity and percentages of the crop expected to be marketed through fresh fruit channels within the State of Hawaii, within the continent of North America, and within the balance of the markets of the world; and showing the quantity and percent of the crop expected to be marketed through byproduct channels, together with quantities otherwise to be disposed of;

(3) Available supplies of competitive papayas in all producing areas of the United States and other competitive producing areas;

(4) Trend and level of consumer income;

(5) Other factors having a bearing on the marketing of papayas; and

(6) The type of regulations expected to be recommended during the season.

(b) In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section. The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers. The committee shall announce the contents of each marketing policy report, including each revised marketing policy report.

**§ 928.51 Recommendations for regulation.**

(a) Whenever the committee deems it advisable to regulate the handling of papayas in the manner provided in § 928.52 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for papayas during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

**§ 928.52 Issuance of regulations.**

(a) The Secretary shall regulate, in the manner specified in this section, the handling of papayas whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area;

(2) Limit the shipment of papayas by establishing, in term of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of papayas;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of papayas which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof, to growers and handlers.

**§ 928.53 Modification, suspension, or termination of regulations.**

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 928.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of papayas in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

**§ 928.54 Special purpose and minimum quantity shipments.**

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 928.41, 928.52, 928.53 and 928.55, and the regulations issued thereunder, handle papayas (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 928.41, 928.52, 928.53, and 928.55, the handling of papayas in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle papayas pursuant to this section, and that such application be accompanied by certification by the intended purchaser or receiver that the papayas will not be used for any purpose not authorized by this section.

**§ 928.55 Inspection and certification.**

(a) Whenever the handling of any variety of papayas is regulated pursuant to § 928.52 or § 928.53, each handler who handles papayas shall, prior thereto, cause such papayas to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for papayas which previously have been so inspected and certified only if such papayas have been regraded, resorted, repackaged, or

in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such papayas.

(b) The committee may enter into an agreement with the inspection agency with respect to the costs of inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

**REPORTS**

**§ 928.60 Reports.**

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of papayas received and disposed of and such other information as may be necessary for the committee to perform its duties under this part.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records of the papayas received and of papayas disposed of by such handler as may be necessary to verify reports pursuant to this section.

(d) Verification of reports: For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the Committee, through its duly authorized agents, shall have access to any fumises where applicable records are maintained, where papayas are handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

**MISCELLANEOUS PROVISIONS**

**§ 928.61 Compliance.**

Except as provided in this part, no person shall handle papayas, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle papayas except in conformity with the provisions and the regulations issued under this part.

**§ 928.62 Right of the Secretary.**

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time.

Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

#### § 928.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 928.64.

#### § 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of papayas for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of papayas produced for fresh market in the production area; but such termination shall be effective only if announced on or before December 15 of the then current fiscal period.

(d) Upon recommendation of the committee, received not later than October 1 of an even-numbered year, the Secretary shall conduct a referendum prior to December 1 of such year to ascertain whether continuance of this part is favored by the growers.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

#### § 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims

vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

#### § 928.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which may thereafter arise in connection with any provisions of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any violation.

#### § 928.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

#### § 928.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

#### § 928.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

#### § 928.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

#### § 928.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

#### § 928.72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. \* \* \*

#### § 928.73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. \* \* \*

#### § 928.74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of papayas in the same manner as is provided for in this agreement. \* \* \*

Dated: January 22, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-1175 Filed 1-27-71; 8:48 am]

### [ 7 CFR Part 999 ]

## IMPORTATION OF DATES

### Grade Requirements

Notice is hereby given that the Department is proposing a revision to become effective during March 1971, of the present grade requirements (7 CFR 999.1(b)(1)) for imported dates, other than dates for processing, from a modified U.S. Grade C of the U.S. Standards for Grades of Dates (7 CFR 52.1001-52.1011) to a grade comparable to the modified U.S. Grade B grade applicable to the handling of domestic dates. The requirements governing the importation of dates (7 CFR 999.1) are effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The current grade requirements for the handling of domestic dates (whether whole or pitted) under Order No. 987, as amended (7 CFR Part 987), are contained in paragraph (a) of § 987.203 Additional grade regulation (7 CFR 987.203) and became effective November 14, 1970 (34 F.R. 17528). They reflect a revision of the preceding requirements from a modified U.S. Grade C to U.S. Grade B, with a tolerance for dates packed for handling of not more than 25 percent, by weight, for dates possessing semidry or dry calyx ends, except that not more than 5 percent, by weight, of the dates may possess dry calyx ends.

Section 8e of the act provides that whenever the Secretary of Agriculture finds that the application of the restrictions under a marketing order to imported dates, other than dates for processing, is not practicable because of variations in characteristics between domestic and imported dates he shall establish with respect to imported dates, other than dates for processing, such appropriate grade, size, quality, and maturity restrictions as he finds will be equivalent to or comparable to those imposed upon domestic dates under the order.

Following the revision in November of the grade requirements for the handling of domestic dates under the marketing order, the Department considered information derived from the inspection of imported dates in relation to information pertaining to domestic dates. It found that imported dates may dry out to such a degree prior to importation that they vary in color more and are drier in texture (character) than permitted by U.S. Grade B for the handling of domestic dates under the current grade requirements of the marketing order. However, it found also that upon hydration of such dates in accordance with good commercial practice, the dates most generally met the color and texture (character) requirements of U.S. Grade B.

To recognize and provide for such possible differences with respect to color and texture (character), the proposed grade restrictions require imported dates to be of such quality and condition that: (1) Upon inspection on the basis of a representative sample thereof without hydration of the sample the dates meet the color and texture (character) requirements of U.S. Grade B; or (2) upon inspection on the basis of such a sample with hydration of the sample in accordance with good commercial practice, the dates meet such requirements. The proposal, as hereinafter set forth, also modifies the present import grade requirements by prescribing for the importation of dates, other than dates for processing, the requirements of U.S. Grade B which under the marketing order are applicable to the handling of domestic dates, and the increased tolerances allowed for calyx ends.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:  
Amend § 999.1 Regulation governing the importation of dates (7 CFR 999.1) by revising paragraph (b) (1) thereof to read as follows:

§ 999.1 Regulation governing the importation of dates.

(b) *Grade requirements.* (1) Except as provided in paragraph (d) of this section, no lot of dates for packaging and dates in retail packages shall be imported into the United States unless the dates are wholesome and unadulterated and meet the following grade requirements which are determined to be comparable to those imposed upon domestic dates handled pursuant to Order No. 987, as amended (Part 987 of this chapter): The whole or pitted dates in the lot of one variety, and are of such quality and condition that upon inspection on the basis of a representative sample thereof, with hydration (of the sample) in accordance with good commercial practice or without any hydration, the dates possess a reasonably good color, are reasonably uniform in size, are reasonably free from defects, possess a reasonably good character, and score not less 80 points when scored in accordance with the scoring system applicable to U.S. Grade B dates: *Provided*, That not more than 25 percent, by weight, of the dates may possess semidry or dry calyx ends except that not more than 5 percent, by weight, of the dates may possess dry calyx ends: *And provided further*, That in determining the grade for pitted dates, the pitted dates shall not be scored as damaged because of the longitudinal slit caused by removing the pit or the mashing resulting therefrom unless the flesh is seriously torn or mangled.

Dated: January 25, 1971.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing Service.

[FR Doc.71-1205 Filed 1-27-71;8:50 am]

[7 CFR Part 1062]

MILK IN ST. LOUIS-OZARKS  
MARKETING AREA

Notice of Proposed Suspension of  
Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the St. Louis-Ozarks marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the

Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is contained in § 1062.53(d) and consists of: "Barry, Douglas, Greene, Howell, Lawrence, Ozark, Stone, Taney, Webster, Wright."

With suspension, § 1062.53(d) would read as follows:

§ 1062.53 Location differentials to handlers.

(d) In Zone A (the Missouri counties of Christian, Laclede, and Texas), for any plant which does not dispose of fluid milk products in consumer type packages and which is qualified as a pool plant pursuant to § 1062.12 (b) or (c) or a supply plant which qualifies pursuant to § 1062.12(d) shall be the price pursuant to § 1062.51(a) less 27 cents.

*Statement of consideration.* The proposed suspension would remove the 27-cent location credit on Class I milk at supply plants located in 10 southwestern Missouri counties. The 27-cent credit would remain applicable at plant locations in the three counties of: Christian, Laclede, and Texas.

Suspension was requested by the cooperative association representing more than two-thirds of the producers for the market. A suspension order was in effect for the months of October through December 1970. That suspension resulted in application of the same Class I price at both supply plants and distributing plants located in 13 southwestern Missouri counties. The effect of the proposed suspension is to continue this action in 10 of the 13 counties. In the counties of Christian, Laclede, and Texas, the 27-cent Class I price location credit would remain in effect at three present pool supply plants under the order located at Cabool, Lebanon, and Ozark, which are operated by the major cooperative.

The cooperative states that these three plants are used primarily to supply supplemental milk to distributors located in the St. Louis portion of the St. Louis-Ozarks marketing area. Allowance of the credit would tend to compensate for the cost of transporting milk from the three supply plants to the St. Louis area.

The cooperative contends that suspension on the proposed basis is to be preferred over continuing the suspension in the form in which it existed for the latter 3 months of 1970 in that net prices, after transportation costs, for milk of producer members of the cooperative at their supply plants in southwestern Missouri were reduced as a result of that suspension action in relation to the uniform price available to other producers in the southwestern Missouri area.

Signed at Washington, D.C., on January 22, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-1174 Filed 1-27-71;8:47 am]

# DEPARTMENT OF COMMERCE

## Patent Office

### [ 37 CFR Part 1 ]

#### AFTER FINAL REJECTION PRACTICE

##### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.116, 1.191, 1.192, and 1.193, and by adding § 1.130.

All persons interested in presenting their views and objections and recommendations in connection with the proposed changes are invited to do so on or before March 23, 1971, on which day a hearing will be held at 2 p.m., e.s.t., in Room 8 C 06, Building 2, 2011 Jefferson Davis Highway, Arlington, Va. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

The proposed changes, if adopted, will provide a basis for a revised procedure for treating amendments filed after a final rejection. A proposed additional section is added to incorporate the existing practice relative to affidavits.

The proposed procedure will provide that all timely filed first amendments after final rejection be entered as a matter of right, subject to the limitation that additional claims will not be entered beyond the number that would result in the total number of claims under prosecution equalling the number of claims finally rejected. Only those second and subsequent amendments which cancel claims will be entered as a matter of right. The entry and treatment of any other amendments filed at this stage will be entirely within the discretion of the examiner.

A distinction will be made between first amendments after final rejection filed within 2 months from the date of the final rejection and those filed after that period.

A first amendment after final rejection filed within 2 months of the final rejection will receive a full and complete advisory action as soon as possible after its receipt in the Patent Office. Under these circumstances, the revised procedure would permit the filing of an appeal within the period for response to the final rejection or within 1 month from the date of the advisory action, whichever is later. However, if an appeal had been filed before the mailing of the advisory action, the appeal brief would not be due until 2 months after the date of the advisory action.

Amendments filed later than 2 months after the date of the final rejection in nonappealed cases may be answered at

the examiner's discretion, but no additional time will be allowed for appeal. However, if an appeal is filed in these cases, a full and complete advisory action will be rendered and the time for filing the brief will be extended to expire 2 months from the date of the advisory action.

After jurisdiction of an application transfers to the Board of Appeals, no amendments will be considered for entry except those restricted to cancellation of claims or copying claims for purposes of interference.

If new issues are presented in the claims as amended or presented after final rejection, they will be rejected in the advisory action on the ground of being drawn to new issues. These rejections will be reviewable by the Board of Appeals as "adverse decisions of examiners" (35 U.S.C. 7).

The current practice of normally making the second action on the merits final and setting of a 3-month period for response will continue. However, the practice of granting an automatic 1-month extension of time if an amendment is filed (notices of Aug. 7, 1967; 841 O.G. 1411 and of Sept. 26, 1968; 855 O.G. 1109) will be terminated, and extensions of time at this stage of the prosecution will not be encouraged. Further, any extension of time granted after a final rejection will not affect the 2-month period and the privilege of an advisory action.

The present policy concerning consideration of affidavits, declarations, and exhibits will remain unchanged.

Holding of interviews after final rejection will be at the primary examiner's discretion.

This procedure will also allow the examiner to prepare examiner's answers which simply refer to the final rejection or the advisory action in most instances.

The sections, if amended as proposed, would read as follows:

#### § 1.116 Amendments after final action.

(b) A first amendment presented after final rejection will be entered and considered, but the total number of claims under prosecution may not exceed the total number finally rejected. Entry of second and subsequent amendments after final rejection will normally be limited to only those which cancel claims.

(c) A first amendment filed within 2 months after the date of the final rejection, or after appeal, will receive a full and complete advisory action. If not previously filed, an appeal may be filed in such cases within the period for response to the final rejection or within 1 month from the date of the advisory action, whichever is later. In those cases where an appeal was filed before the date of the advisory action, the appeal brief is due 2 months after the date of the advisory action.

(d) After jurisdiction of an appealed case passes to the Board of Appeals no amendments may normally be made (see § 1.191(d)). After decision on appeal, amendments can only be made as pro-

vided in § 1.198, or to carry into effect a recommendation under § 1.196.

(e) Amendments after final rejection shall not introduce new issues into the prosecution.

#### § 1.130 Affidavits, declarations, or exhibits after final rejection.

Affidavits, declarations, or exhibits submitted with a first reply after final rejection for the purpose of overcoming a new ground of rejection or requirement made in the final rejection, shall be admitted and considered. No other affidavit, declaration, or exhibit presented after final rejection will be admitted and considered without a showing of good and sufficient reasons why they were not earlier presented.

#### § 1.191 Appeal to Board of Appeals.

(a) Every applicant for a patent or for reissue of a patent, any of the claims of which have been twice rejected, or who has been given a final rejection (§ 1.113) may, upon the payment of the fee required by law, appeal from the decision of the primary examiner to the Board of Appeals within the time allowed for response. (See § 1.116(c).)

(d) The jurisdiction of an appealed case is retained by the primary examiner until the time for filing a reply to the examiner's answer (§ 1.193(b)) has expired, at which time the Board of Appeals will take jurisdiction of the same.

#### § 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the appeal, or within the time allowed for response to the action appealed from, or within the time allowed in an advisory action (§ 1.116(b)), whichever is later, file a brief, accompanied by the requisite fee. Said brief shall include all of the authorities and arguments on which he will rely to maintain his appeal, including a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved, at the same time indicating if he desires an oral hearing. Two extra copies of the brief are required if an oral hearing is requested. Upon a showing of sufficient cause the time for filing the brief may be extended to a date not later than 2 months after the original expiration date. Any longer or further extensions must be sought from the Commissioner. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

#### § 1.193 Examiner's answer.

(b) The appellant may file a reply brief directed only to such new points of argument as may be raised in the examiner's answer, within 1 month from the date of such answer. However, if the examiner's answer states a new ground of rejection appellant may file a reply thereto within 2 months from the date of such answer; such reply may include

any amendment or material appropriate to the new ground.

WILLIAM E. SCHUYLER, Jr.,  
Commissioner of Patents.

Approved: January 22, 1971.

RICHARD O. SIMPSON,  
Acting Assistant Secretary for  
Science and Technology.

[FR Doc. 71-1167 Filed 1-27-71; 8:47 am]

[ 37 CFR Parts 1, 3 ]

DIVISION-CONTINUATION PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.41 and 1.75, adding §§ 1.60 and 3.54, and by revoking § 1.147.

All persons interested in presenting their views and objections and recommendations in connection with the proposed changes are invited to do so on or before March 23, 1971, on which day a hearing will be held at 1 p.m., e.s.t., in Room 8 C 06, Building 2, 2011 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

The proposed program is intended to replace the current Rule 147 divisional and streamline continuation programs (notices of Feb. 11, 1966, 824 O.G. 1 and Oct. 14, 1969, 869 O.G. 1). The proposed program follows generally the present Rule 147 practice and expands its use to include continuations. No new specification, claims or oath would be required under the proposed practice since a copy of the original application papers would be made by the Patent Office.

Title 35 U.S.C. 121 specifically allows filing of a divisional application without signing by the inventor.

In regularly filed continuation or divisional applications, the only statement in the oath or declaration of the continuing case (37 CFR 3.17, 3.17(a)) which is not sworn to in the original application is that the continuing application discloses and claims only subject matter disclosed in his original application. Since the continuing application as filed is an exact duplicate of the original application, the additional statement is superfluous. Acceptance of a continuing application without a new execution by the applicant is, therefore, within the broad authority conferred by 35 U.S.C. 6 and 120.

The proposed changes follow:

§ 1.41 [Amended]

1. Section 1.41 is proposed to be amended by revising the parenthetical

expression at the end of paragraph (a) to read "(See § 1.60)".

2. A new § 1.60 is proposed to be added, the full text of which reads as follows:

§ 1.60 Continuing application for invention disclosed and claimed in a prior application.

A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121), which discloses and claims only subject matter disclosed in a prior application may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application. If the application papers comprise a copy of the prior application as filed, prepared and certified by the Patent Office, signing and execution by the applicant may be omitted. Certification may be omitted if the copy does not leave the custody of the Patent Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting of the filing date.

3. Section 1.75 is proposed to be amended by revising paragraph (d) (2) to read as follows:

§ 1.75 Claim(s).

(d) \* \* \*

(2) See §§ 1.141 to 1.146 as to claiming different inventions in one application.

§ 1.147 [Revoked]

4. Section 1.147 is proposed to be revoked.

5. A new § 3.54 is proposed to be added to read as follows:

§ 3.54 Division-continuation program application transmittal form.

IN THE UNITED STATES PATENT OFFICE

THE COMMISSIONER OF PATENTS,  
Washington, D.C. 20231

SIR: This is a request for filing a

☐ Continuation application under 37 CFR 1.60.

☐ Divisional of pending original application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ of \_\_\_\_\_ (date) \_\_\_\_\_ (inventor) \_\_\_\_\_ (title of invention)

1. ☐ The filing fee is calculated below:  
CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY AMENDMENT

For	Number filed	Number extra	Rate	Basic fee \$65
Total claims....	-10=	X	\$2 =	
Independent claims.	-1=	X	10 =	
Total filing fee.	_____			

2. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.

3. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

4. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

5. ☐ Cancel claims \_\_\_\_\_

6. ☐ Amend the specification by inserting before the first line the sentence: —This is a ☐ Continuation ☐ Division of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

7. ☐ The original application is assigned to \_\_\_\_\_

8. ☐ The power of attorney in the original application is to \_\_\_\_\_

a. ☐ The power appears in the original papers of the original application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the original application is enclosed.

(Signature)

☐ Inventor(s)  
☐ Assignee of Complete Interest  
☐ Attorney or agent of record in original application

WILLIAM E. SCHUYLER, Jr.,  
Commissioner of Patents.

Approved: January 22, 1971.

RICHARD O. SIMPSON,  
Acting Assistant Secretary  
for Science and Technology.

[FR Doc. 71-1168 Filed 1-27-71; 8:47 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-90]

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 Yakima, Wash., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received with 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.

Two new approach procedures have been developed for Yakima Municipal Airport utilizing the 115° T (094° M) radial of the Yakima VORTAC (VOR-VOR/DME Rwy-27) and the ILS localizer west course (LOC/DME Rwy-9) as final approach courses. These procedures were developed utilizing the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). The proposed additional airspace is required to provide controlled airspace protection for aircraft executing the prescribed instrument procedures.

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

In § 71.171 (36 F.R. 2055) the description of the Yakima, Wash., control zone is amended to read as follows:

#### YAKIMA, WASH.

Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

In § 71.181 (36 F.R. 2140) the description of the Yakima, Wash., transition area is amended to read as follows:

#### YAKIMA, WASH.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° radial, extending from 9 miles south to 13 miles north of the INT of the Ellensburg VORTAC 191° and the Yakima VORTAC 305° radials, within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; that airspace northeast and east of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the east edge of V-25 to the northeast edge of V-4, within a 21-mile radius of the Yakima VORTAC, extending clockwise from the southwest edge of V-4 to the northwest edge of V-448, and within a 23-mile radius of the Yakima VORTAC extending clockwise from the northwest edge of V-448 to the south edge of V-204; that

airspace extending upward from 7,500 feet MSL within 11 miles northwest and 16 miles southeast of the Yakima VORTAC 242° radial, extending from 8 miles southwest to 52 miles southwest of the VORTAC.

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

Issued in Los Angeles, Calif., on January 21, 1971.

ARVIN O. BASNIGHT,  
Director, Western Region.

[FR Doc. 71-1199 Filed 1-27-71; 8:50 am]

### [ 14 CFR Part 71 ]

[Airspace Docket No. 71-SO-4]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 21 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No 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 Branch. 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Nashville control zone described in § 71.171 (35 F.R. 2054 and 4257) would be redesignated as:

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 3 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer; within 3 miles each side of Nashville VORTAC 103° radial, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM.

The Nashville transition area described in § 71.181 (35 F.R. 2134 and 17535) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 9.5

miles east and 4.5 miles west of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer; within 9.5 miles north and 4.5 miles south of Nashville VORTAC 103° radial, extending from the 14-mile radius area to 18.5 miles east of the VORTAC; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from the 14-mile radius area to 18.5 miles south of the LOM; within an 8.5-mile radius of the Smyrna Airport (lat. 36°00'33" N., long. 86°31'13" W.); within 7 miles northeast and 4.5 miles southwest of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 35.5 miles southeast of the VORTAC; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to new instrument approach procedures to Nashville Metropolitan and Smyrna Airports, predicated on the relocation of the Nashville VORTAC, requires the following actions:

**Control zone.** 1. Revoke the 1-mile exclusion predicated on Cornelia Fort Airpark.

2. Revoke the extension predicated on Nashville VORTAC 315° radial.

3. Redesignate the extension predicated on Nashville ILS localizer north course.

4. Designate an extension predicated on Nashville VORTAC 103° radial 6 miles in width and 8.5 miles in length.

**Transition area.** 1. Revoke the extension predicated on Nashville VORTAC 135° radial.

2. Designate an extension predicated on Nashville VORTAC 103° radial 14 miles in width and 18.5 miles in length.

3. Designate an extension predicated on Nashville VORTAC 131° radial 11.5 miles in width and 16 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Nashville terminal area.

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

Issued in East Point, Ga., on January 19, 1971.

GORDON A. WILLIAMS, JR.,  
Acting Director, Southern Region.

[FR Doc. 71-1200 Filed 1-27-71; 8:50 am]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 221 ]

[Docket No. 21625; EDR-195A]

## CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

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

JANUARY 25, 1971.

The Board, by advance notice of proposed rule making EDR-195 dated December 4, 1970, and published at 35

F.R. 18749, gave notice that it had under consideration rule making action to amend Part 221 of the economic regulations of the Board (14 CFR Part 221) to assure that carriers may not unjustly discriminate among shippers in terms of capacity offered to cargo charterers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before January 25, 1971. Subsequent to the issuance of the advance notice, counsel representing Deutsche Lufthansa Aktiengesellschaft

(Lufthansa German Airlines) and the Airline of Switzerland (SWISSAIR) requested a 2-week extension of time for filing comments on the proposed rule making action, on the ground that the named foreign air carriers had not received timely notice of the proposed rule making action through regular mailing.

The undersigned finds that good cause has been shown for an extension as requested by counsel for the named foreign air carriers. The extension requested will provide a broader range of comments and will assist the Board in developing

all considerations relevant to the proposed rule making action.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to February 5, 1971. (Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CHARLES A. HASKINS,  
Acting Associate General Counsel,  
Rules and Rates.

[FR Doc.71-1204 Filed 1-27-71; 8:50 am]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[I-3868]

### IDAHO

### Notice of Offer of Lands

JANUARY 20, 1971.

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, IDAHO

T. 5 N., R. 39 E.,

Sec. 18, lot 8 (portion lying southwest of dike centerline), 1 acre.

Sec. 19, lot 19 (portion lying southwest of dike centerline), 9 acres.

Lots 20, 21, portions of each, lying south of major slough, described as: Beginning at angle point 23 on the original meander line for the left bank of the river; thence northwesterly along original meander line to intersection with left bank of slough; thence east along left bank of slough for approximately 18 chains to intersection with original meander line; thence westerly along original meander line to angle point 23, the point of beginning. Containing approximately 4 acres.

Sec. 19, lots 21, 22, portions of each, lying southeast of major slough, described as: Beginning at angle point 20 on the original meander line for the left bank of the river; thence westerly along fence line for approximately 2 chains to intersection with left bank of major slough; thence southwesterly along left bank of slough for approximately 7 chains to intersection with original meander line; thence northeasterly along original meander line to angle point 20, the point of beginning. Containing approximately 1 acre.

Sec. 20, lot 14, portion, described as: Beginning at intersection of original meander line and centerline of dike between angle points 1 and 2 for the left bank of the river; thence westerly along original meander line to angle point 3; thence westerly along original meander line for approximately 2 chains to intersection with existing N-S fence line at west edge of cultivated field, thence northerly along fence line to intersection with centerline of dike; thence southeasterly along centerline of dike to intersection with original meander line, the point of beginning. Containing approximately 2.5 acres.

Sec. 27, lot 2; 2.86 acres.

Sec. 28, lot 16 (portion lying southwest of dike centerline), 12 acres.

Lot 17 (portion lying southwest of dike centerline), 0.20 acre.

Lot 24 (portion lying southwest of dike centerline), 3.53 acres.

Lot 25 (portion lying southwest of dike centerline), 30 acres.

Lot 26, portion, described as: Beginning at a point which lies S. 61°40' E. and 1.96 chains from angle point 4 (monument incorrectly stamped AP2) on the original meander line for the left bank of the river; thence S. 25°22' E., 3.67 chains; thence S. 32°42' E., 2.09 chains; thence S. 26°50' E., 1.67 chains; thence S. 14°03' E., 2.22 chains; thence S. 86°15' W., 3.01 chains; thence N. 58°16' W., 5.16 chains; thence N. 28°37' E., 7.07 chains to the point of beginning. Containing 3.32 acres, more or less.

Sec. 29, lot 17 (portion lying southwest of dike centerline), 6 acres.

Lot 18 (portion lying southwest of dike centerline), 31 acres.

Lot 19, 13.95 acres.

Lot 20, 32.78 acres.

Lot 21 (portion lying southwest of dike centerline), 19 acres.

Sec. 33, lots 9, 10, portions described as: Beginning at angle point 3 on the original meander line for the left bank in sec. 33; thence due east approximately 2 chains to left bank of Snake River; thence southeasterly along left bank of river approximately 7 chains to the meander corner of secs. 33 and 34; thence south along section line common to secs. 33 and 34 to original meander corner of secs. 33 and 34 on the left bank of the river; thence northwesterly along original meander line to angle point 3, the point of beginning. Containing approximately 16.87 acres.

Sec. 34, lot 9, portion, described as: Beginning at the original meander corner of secs. 27 and 34 for the right bank of the river; thence west along the section line common to secs. 27 and 34 for approximately 7 chains to the meander corner of secs. 28 and 37 on the right bank of the river; thence southeasterly along the right bank of the river approximately 5 chains to intersection with right bank of high water channel; thence southeasterly along right bank of high water channel for approximately 10 chains to its intersection with the original meander line; thence northwesterly along original meander line to original meander corner of secs. 27 and 34, the point of beginning. Containing approximately 5 acres.

Sec. 34, lots 9, 13, 14, portions of each, described as: Beginning at angle point 3 on the original meander line for the right bank of river in sec. 34; thence northwesterly along original meander line for approximately 14 chains to intersection with right bank of high water channel; thence southerly along right bank of this high water channel for approximately 14 chains to intersection with right bank of another high water channel of the river; thence easterly along right bank of second high water channel for approximately 4 chains; thence due north approximately 1 chain to angle point 3, the point of beginning. Containing approximately 4 acres.

Sec. 34, lots 11, 17, 19, portions of each, described as: Beginning at the original meander corner of secs. 33 and 34 for the left bank of the river; thence southeasterly along original meander line to its intersection with centerline of dike;

thence northwesterly along centerline of dike for approximately 46 chains to existing E-W fence line which crosses dike; thence east along fence line to left bank of Snake River; thence northerly along left bank of river for approximately 23 chains to the meander corner of secs. 33 and 34 on the left bank of the river; thence south along section line common to secs. 33 and 34 to original meander corner of secs. 33 and 34, the point of beginning. Containing approximately 33.02 acres.

Sec. 34, lot 21 (portion lying south of dike centerline), 5 acres.

Sec. 35, lot 8 (portion lying south of dike centerline), 0.47 acre.

The areas described aggregate approximately 236.50 acres.

2. Plats of survey were filed (see 35 F.R. 3042) in the Land Office, Boise, Idaho at 10 a.m. on March 20, 1970.

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 April 1, 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 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) The following reservations:

(1) A right-of-way easement for existing flood control dikes.

(2) A 100-foot easement for public access and use along the river banks on lot 2, sec. 27, portions of lots 9 and 10, sec. 33, and portions of lots 9 and 11, sec. 34.

(3) A 75-foot easement along the west line of the offered portion of lot 26, sec. 28 for public access and use.

ORVAL G. HADLEY,  
Manager, Land Office.

[FR Doc. 71-1149 Filed 1-27-71; 8:46 am]

## IDAHO

## Notice of Filing of Plats of Survey

JANUARY 22, 1971.

1. A plat of survey for the following described land, accepted October 9, 1970, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on February 26, 1971:

BOISE MERIDIAN, IDAHO

T. 38 N., R. 8 E.,  
Sec. 11, lots 1 to 13, inclusive,  $N\frac{1}{2}NE\frac{1}{4}$ ,  
 $NW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 12, lots 1 to 8, inclusive,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  
 $NW\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}$ ;  
Sec. 14, lot 1,  $NE\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4},$   
 $S\frac{1}{2}$ ;  
Secs. 13, 23, 24;  
Sec. 31, lots 1, 2, 3, 4,  $E\frac{1}{2}, E\frac{1}{2}W\frac{1}{2}$ .

The areas described aggregate 4,354.50 acres.

2. All of the above-described lands are embraced in the Clearwater National Forest under Presidential Proclamation of November 6, 1906.

3. Railroad Grant Lieu Selection applications serial numbers Idaho 014920, 014921, and 014922 include some of the lands described above.

4. Powersite Classification No. 166, dated February 5, 1927, withdrew all lands within one-quarter mile of the North Fork of the Clearwater River in this township, among others, for power-site purposes. This withdrawal is now described as embracing the following described lands, excluding those portions embraced within the Railroad Grant Lieu Selections:

T. 38 N., R. 8 E.,  
Sec. 11, lots 1, 2, 3, 4, 5, 6, 12 and 13,  $N\frac{1}{2}NE\frac{1}{4}$ , and  $SE\frac{1}{4}NW\frac{1}{4}$ ;  
Sec. 12, lots 1, 2, 3, and 8,  $SE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 14, lot 1,  $N\frac{1}{2}NE\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}$ , and  $SW\frac{1}{4}NW\frac{1}{4}$ .

5. The lands not affected by the Railroad Selection applications or Powersite Classification No. 166 will be open to such forms of disposition as may by law be made of national forest lands, on the effective date of the filing of the plat.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,  
Manager, Land Office,  
Boise, Idaho.

[FR Doc. 71-1150 Filed 1-27-71; 8:46 am]

[Serial No. 1-3823]

## IDAHO

## Notice of Proposed Withdrawal and Reservation of Lands; Correction

JANUARY 21, 1971.

In F.R. Doc. 70-16714; filed December 11, 1970, appearing on pages 18926 and 7 of the issue for December 12, 1970, the following corrections should be made:

"T. 2 S., R. 1 E., Sec. 7, Lots 1, 2,  $E\frac{1}{2}W\frac{1}{2}, SW\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}$ ;" should read:

T. 2 S., R. 1 E.,  
Sec. 7, lots 1, 2, 5,  $E\frac{1}{2}W\frac{1}{2}, SW\frac{1}{4}NE\frac{1}{4},$   
 $SE\frac{1}{4}$ ;

"T. 2 S., R. 1 E., Sec. 29,  $W\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$ ;" should read:

T. 2 S., R. 1 E.,  
Sec. 29,  $W\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}, SE\frac{1}{4}$ ;

"T. 3 S., R. 1 E., Sec. 6, Lots 1, 2, 3, 4, 8, 9, 11,  $SE\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}$ ;" should read:

T. 3 S., R. 1 E.,  
Sec. 6, lots 1, 2, 3, 4, 5, 8, 9, 11,  $SE\frac{1}{4}NE\frac{1}{4},$   
 $SE\frac{1}{4}SW\frac{1}{4}$ ;

"T. 4 S., R. 2 E., Sec. 4, Lots 1, 2, 3, 4,  $S\frac{1}{2}N\frac{1}{2}, NE\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}$ ;" should read:

T. 4 S., R. 2 E.,  
Sec. 4, lots 1, 2, 3, 4,  $S\frac{1}{2}N\frac{1}{2}, NE\frac{1}{4}SW\frac{1}{4},$   
 $N\frac{1}{2}SE\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$ ;

"T. 4 S., R. 2 E., Sec. 25,  $N\frac{1}{2}$ ;" should read:

T. 4 S., R. 2 E.,  
Sec. 25,  $N\frac{1}{2}, NW\frac{1}{4}SW\frac{1}{4}$ ;

"T. 4 S., R. 2 E., Sec. 26, Lot 5,  $NE\frac{1}{4},$   
 $N\frac{1}{2}NW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}$ ;" should read:

T. 4 S., R. 2 E.,  
Sec. 26, lot 5,  $NE\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4}$ ;

WILLIAM L. MATHEWS,  
State Director.

[FR Doc. 71-1151 Filed 1-27-71; 8:46 am]

[ES 3108]

## MICHIGAN

## Notice of Proposed Restoration and Further Withdrawal of Land

The U.S. Coast Guard, Department of Transportation, has relinquished for return to the public domain a 38.12-acre tract of land comprising the Little Point Sable Light Station Reservation, Golden Township, Oceana County, MI, more particularly described as lot 2, fractional sec. 35, T. 15 N., R. 19 W., Michigan Meridian, Michigan. Accountability and responsibility for the land was accepted on December 10, 1969.

The Forest Service, Department of Agriculture, has requested that the land be withdrawn for addition to the Huron-Manistee National Forest and for use for exchange with the State of Michigan.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, U.S.D.I., 7981 Eastern Avenue, Silver Spring, MD 20910.

The Department's regulations, 43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the appli-

cant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,  
Manager.

JANUARY 21, 1971.

[FR Doc. 71-1147 Filed 1-27-71; 8:45 am]

[BLM 054548]

## MICHIGAN

## Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, U.S. Department of the Interior, has filed application BLM 054548 for the withdrawal of the lands described below for addition to the Hiawatha National Forest, Michigan:

MICHIGAN MERIDIAN

T. 44 N., R. 18 W., Schoolcraft County,  
Sec. 11,  $SW\frac{1}{4}NW\frac{1}{4}, W\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 13,  $SW\frac{1}{4}NW\frac{1}{4}$ , lot 1 ( $SE\frac{1}{4}SE\frac{1}{4}$ );  
Sec. 14,  $E\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4}, S\frac{1}{2}SW\frac{1}{4},$   
 $NE\frac{1}{4}SE\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 22,  $NW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 23,  $NE\frac{1}{4}NW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 24,  $NW\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 36,  $S\frac{1}{2}SW\frac{1}{4}$ ;  
T. 44 N., R. 19 W., Alger County,  
Sec. 5,  $NE\frac{1}{4}NE\frac{1}{4}$ ;  
T. 45 N., R. 19 W., Alger County,  
Sec. 6,  $NW\frac{1}{4}SE\frac{1}{4}$ ;  
T. 45 N., R. 20 W., Alger County,  
Sec. 28,  $SE\frac{1}{4}SW\frac{1}{4}$ ;  
T. 46 N., R. 18 W., Alger County,  
Sec. 33,  $SE\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 35,  $W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}, NW\frac{1}{4}, SE\frac{1}{4}$ ;  
Sec. 36,  $E\frac{1}{2}SW\frac{1}{4}$ ;  
T. 46 N., R. 21 W., Alger County,  
Sec. 7,  $E\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, SW\frac{1}{4}SW\frac{1}{4}$ .

The lands described above aggregate 1,707.41 acres.

The lands lie within the exterior boundary of the Hiawatha National Forest, Mich. The applicant desires the lands for addition to the national forest for use in exchange with the State of Michigan in order to consolidate ownerships and improve surface management of their respective areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office,

Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,  
Manager.

JANUARY 21, 1971.

[FR Doc.71-1148 Filed 1-27-71;8:45 am]

[N-3836, N-4202, N-5002]

## NEVADA

### Notice of Classification of Public Lands

JANUARY 22, 1971.

1. Pursuant to 43 CFR subpart 2462, notice is hereby given of a classification of the public lands described below for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869), for enlargement of the Valley of Fire State Park. The classification shall become effective upon publication of this notice in the FEDERAL REGISTER (1-28-71).

2. Notation of the Land Office records of this classification has the effect of segregating all the lands described below from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws, except the form of disposal prescribed above.

3. The District Advisory Board, local government officials, and other interested parties have been notified of this classification. Information derived from discussions, other sources, and field inspections indicate that these lands are chiefly valuable for public purposes (43 CFR 2430.4(a) and 2430.2(b)), and that these lands meet the criterion of 43 CFR 2430.4(c) which authorizes classification of lands for recreation and public purposes use when the provisions of the act are required to insure the continued dedication of the lands for recreation and public purposes use. Information concerning the lands, including a field

report is available for inspection and study at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV.

4. Two comments on the proposed classification were received which objected to disposal of these lands to the Nevada State Park System if such transfer would result in restricting rockhounding activity. We are advised by the State Park System that the objective of that agency is to preserve one of the finest desert landscapes in the southwestern United States, which is rich in geology and archeology, petrified wood and desert vegetation. It is the opinion of the State Park System that, with the exception of petrified wood areas, the Valley of Fire and its surroundings is not of great rockhounding interest. The master plan for the Valley of Fire State Park narratively and graphically emphasizes the need to protect the park from exploitation.

5. It is our belief that the lands described below can best be managed as a part of the State Park System. We further believe that that agency's plans to preserve and protect the resources within the park will lead to the greatest enjoyment of the desert landscape by the greatest number of persons. Public lands near and adjoining the Valley of Fire State Park are now and will continue to be available to all persons interested in the rock-hounding activity. The two objections to this classification are therefore dismissed.

6. The lands affected by this classification are located near Overton, Clark County, Nev., and are described as:

#### MOUNT DIABLO MERIDIAN (N-3836)

T. 16 S., R. 66 E.,  
Sec. 26, E $\frac{1}{2}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 35, all.

(N-4202)

T. 16 S., R. 66 E.,  
Sec. 12, E $\frac{1}{2}$  E $\frac{1}{2}$ ;  
Sec. 13, E $\frac{1}{2}$  E $\frac{1}{2}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 24, E $\frac{1}{2}$ .

T. 17 S., R. 66 E.,  
Sec. 11, all;  
Sec. 12, W $\frac{1}{2}$ ;  
Sec. 13, W $\frac{1}{2}$ ;  
Secs. 14, 23, all;  
Sec. 24, lots 3-8, inclusive;  
Sec. 25, lot 1;  
Sec. 26, lots 1-11, inclusive.

T. 15 S., R. 67 E.,  
Sec. 31, E $\frac{1}{2}$  E $\frac{1}{2}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
Sec. 32, all;  
Sec. 33, W $\frac{1}{2}$ .

T. 16 S., R. 67 E.,  
Sec. 4, W $\frac{1}{2}$ ;  
Sec. 5, N $\frac{1}{2}$ , W $\frac{1}{2}$  W $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Secs. 6, 7, 8, all;  
Sec. 9, W $\frac{1}{2}$ ;  
Sec. 16, W $\frac{1}{2}$ ;  
Secs. 17, 18, 19, 20, 21, 28, all;  
Sec. 29, E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ .

T. 17 S., R. 67 E.,  
Sec. 32, all.

(N-5002)

T. 16 S., R. 66 E.,  
Sec. 1, all;  
Sec. 2, E $\frac{1}{2}$  E $\frac{1}{2}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 11, E $\frac{1}{2}$  E $\frac{1}{2}$ ;  
Sec. 12, W $\frac{1}{2}$  E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
Sec. 13, W $\frac{1}{2}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Sec. 14, E $\frac{1}{2}$  E $\frac{1}{2}$ ;  
Sec. 23, NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 24, W $\frac{1}{2}$ ;  
Sec. 34, E $\frac{1}{2}$  W $\frac{1}{2}$ , E $\frac{1}{2}$ .

T. 18 S., R. 66 $\frac{1}{2}$  E.,  
Sec. 7, lot 2, S $\frac{1}{2}$  NW $\frac{1}{4}$ .  
T. 16 S., R. 67 E.,  
Sec. 27, W $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 34, all.  
T. 17 S., R. 67 E.,  
Secs. 33, 34, 35, 36, all.  
T. 18 S., R. 67 E.,  
Sec. 6, NW $\frac{1}{4}$ .

Aggregating approximately 21,240 acres.

7. For a period of 30 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 classification may present their views in writing to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2462.3)

NOLAN F. KEIL,  
State Director, Nevada.

[FR Doc.71-1181 Filed 1-27-71;8:48 am]

[U 9862]

## UTAH

### Notice of Classification

JANUARY 22, 1971.

Pursuant to section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, the lands described below are hereby classified for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g, 43 CFR Part 2200) for lands within the Salt Lake District.

The lands affected by this classification are located in Rich County, Utah, and are described as follows:

#### SALT LAKE MERIDIAN, UTAH

T. 7 N., R. 6 E.,  
Sec. 24, W $\frac{1}{2}$  W $\frac{1}{2}$ .  
T. 7 N., R. 7 E.,  
Secs. 4, 8, 18, 20, 28, 30, 34;  
Sec. 26, E $\frac{1}{2}$  W $\frac{1}{2}$ , E $\frac{1}{2}$ .  
T. 8 N., R. 7 E.,  
Sec. 14, N $\frac{1}{2}$  S $\frac{1}{2}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ .  
Secs. 22 and 28.

The above-described area contains 6,606.33 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, DC 20240, (43 CFR 2411.1-2(d)).

R. D. NIELSON,  
State Director.

[FR Doc.71-1180 Filed 1-27-71;8:48 am]

[OR 6999 (Wash)]

## WASHINGTON

### Notice of Proposed Withdrawal and Reservation of Land

JANUARY 20, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6999 (Wash), for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Rainbow Creek Research Natural

Area and the Pataha Bunchgrass Research Natural Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

**UMATILLA NATIONAL FOREST**

**RAINBOW CREEK RESEARCH NATURAL AREA—  
COLUMBIA COUNTY**

- T. 7 N., R. 40 E.,  
Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ .

**PATAHA BUNCHGRASS RESEARCH NATURAL AREA—  
GARFIELD COUNTY**

- T. 9 N., R. 42 E.,  
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described aggregates approximately 790 acres in Columbia and Garfield counties, Wash.

**VIRGIL O. SEISER,  
Chief, Branch of Lands.**

[FR Doc. 71-1152 Filed 1-27-71; 8:46 am]

**Office of the Secretary**

**B. M. GUTHRIE**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 4, 1971.

Dated: January 4, 1971.

**B. M. GUTHRIE.**

[FR Doc. 71-1157 Filed 1-27-71; 8:46 am]

**B. C. HULSEY**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 4, 1971.

Dated: January 4, 1971.

**B. C. HULSEY.**

[FR Doc. 71-1158 Filed 1-27-71; 8:46 am]

**ANDREW PAT JONES**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1970.

Dated: January 4, 1971.

**A. PAT JONES.**

[FR Doc. 71-1159 Filed 1-27-71; 8:46 am]

**G. V. KENNEDY**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1971.

Dated: January 11, 1971.

**GEORGE V. KENNEDY.**

[FR Doc. 71-1160 Filed 1-27-71; 8:46 am]

**CARLOS O. LOVE**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1971.

Dated: January 4, 1971.

**CARLOS O. LOVE.**

[FR Doc. 71-1161 Filed 1-27-71; 8:46 am]

**JOHN P. MADGETT**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 14, 1971.

Dated: January 14, 1971.

**JOHN P. MADGETT.**

[FR Doc. 71-1162 Filed 1-27-71; 8:47 am]

**SAMUEL RIGGS SHEPPERD****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Anaconda Shares.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1971.

Dated: January 4, 1971.

RIGGS SHEPPERD.

[FR Doc.71-1163 Filed 1-27-71; 8:47 am]

**WILLARD B. SIMONDS****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of January 5, 1971.

Dated: January 5, 1971.

W. B. SIMONDS.

[FR Doc.71-1164 Filed 1-27-71; 8:47 am]

**C. N. WHITMIRE****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1971.

Dated: January 4, 1971.

C. N. WHITMIRE.

[FR Doc.71-1165 Filed 1-27-71; 8:47 am]

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[Docket No. S-535]

**THOMAS ELROY SVENSEN****Notice of Loan Application**

JANUARY 20, 1971.

Thomas Elroy Svensen, Box 403, Cathlamet, WA 98612, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for salmon and smelt in the Oregon and Washington area.

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.

[FR Doc.71-1142 Filed 1-27-71; 8:45 am]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****FEDERAL INSURANCE ADMINISTRATOR AND DEPUTY FEDERAL INSURANCE ADMINISTRATOR****Delegation of Authority**

The following amendment reflects authority to administer the Federal Crime Insurance program, newly vested in the Secretary of Housing and Urban Development by title VI of the Housing and Urban Development Act of 1970, Public Law 91-609, approved December 31, 1970, amending title XII of the National Housing Act, 12 U.S.C. 1749bbb. Specifically, this amendment deletes the original delegation's restrictive citation to the Urban Property Protection and Reinsurance Act of 1968.

Accordingly, the first paragraph of section A is changed to read:

*Authority delegated with respect to the National Insurance Development Program.* The Federal Insurance Administrator and the Deputy Federal Insurance Administrator each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the National Insurance Development Program under title XII of the National Housing Act (12 U.S.C. 1749bbb) except the authority to:

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

*Effective date.* This amendment of delegation of authority is effective as of January 25, 1971.

GEORGE ROMNEY,  
Secretary of Housing and  
Urban Development.

[FR Doc.71-1201 Filed 1-27-71; 8:50 am]

**ATOMIC ENERGY COMMISSION**

[Docket No. 50-322]

**LONG ISLAND LIGHTING CO.****Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter**

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 553 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 540-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after January 21, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 18th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director, Division  
of Reactor Licensing.

[FR Doc.71-840 Filed 1-20-71; 8:47 am]

[Docket No. 50-376]

# **PUERTO RICO WATER RESOURCES AUTHORITY**

## **Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter**

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahía De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,

Division of Reactor Licensing.

[FR Doc. 71-1141 Filed 1-27-71; 8:45 am]

# **FEDERAL COMMUNICATIONS COMMISSION**

[Report 527]

## **COMMON CARRIER SERVICES INFORMATION**

### **Domestic Public Radio Services Applications Accepted for Filing**

JANUARY 18, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with

<sup>1</sup> 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.

<sup>2</sup> 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).

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.

### **APPLICATIONS ACCEPTED FOR FILING**

#### **DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE**

#### **File No., applicant, call sign, and nature of application**

- 3619-C2-P-71—Aircall New York Corp. (New), C.P. for a new 1-way station to be located at 1 Shell Plaza, Houston, TX, to operate on frequencies 43.22 and 43.58 MHz.
- 3686-C2-P-71—AAA Anserphone, Inc.—Jackson (New), C.P. for a new 2-way station to be located at the Kantor Building, on Highway 49 South, Clarksdale, MS, to operate on frequency 152.18 MHz.
- 3687-C2-P-71—New York Telephone Co. (KEC932), C.P. to replace transmitters operating on 454.675 MHz signaling and 454.700 MHz base and relocate facilities to 125-10 Queens Boulevard, Kew Gardens, NY (Air-Ground Developmental).
- 3688-C2-P-71—Radio Paging Service (KKE970), C.P. to replace transmitters operating on frequencies 152.03 and 152.15 MHz. Station location: 7400 University Avenue, Lubbock, TX.
- 3738-C2-P-71—Mobile Communications (New), C.P. for a new 2-way station to be located on Queen Street, near Palestine, Tex., to operate on frequency 152.12 MHz.
- 3742-C2-P-71—Golden West Telephone Co. (KRH642), C.P. to reinstate expired C.P. for a new 2-way station to be located at Cahto Peak, 4.5 miles west of Laytonville, Calif., to operate on frequency 152.78 MHz.
- 3743-C2-P-71—Curtin Call Communications Inc. (New), C.P. for a new 2-way station to be located on Skyline Road, near Linn Avenue, Council Bluffs, Iowa, to operate on frequency 454.25 MHz.
- 3746-C2-AL-71—Delta Communications Service. Consent to assignment of license from Vernon Hull, doing business as Delta Communications Service, Assignor to Delta Communications, Inc., Assignee. Station KQZ783, Greenwood, Miss.

#### **Correction**

- 3078-C2-P-69—Allegheny Mobile Communications (New), Correct entry to read: *Major Amendment*.
- 2200-C2-P-69—Nicholas Mervos, Jr., Ben Farkas, and Joseph S. Miller, doing business as Allegheny Mobile Communications (New), To add base frequency 158.70 MHz at location No. 2: 1601 Penn Avenue, Wilkinsburg, PA. Refer to Report No. 411, dated Oct. 28, 1968 and Report No. 416, dated Dec. 2, 1968.

#### **RURAL RADIO SERVICE**

- 3744-C1-P-71—Cascade Telephone Co. (New), C.P. for a new rural subscriber station to be located at 6.5 miles southeast of North Bend, Wash., to operate on frequency 157.92 MHz communicating with Station KOP320, Snoqualmie, Wash.
- 3745-C1-P-71—Cascade Telephone Co. (New), C.P. for a new rural subscriber station to be located at 3.8 miles south of U.S. No. 10 on State Highway No. 18, at test site for Explosives Corp. of America, North Bend, Wash., to operate on frequency 157.92 MHz communicating with Station KOP320, Snoqualmie, Wash.

#### **POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)**

- 3556-C1-P-71—RCA Alaska Communications, Inc. (New), C.P. for a new station to be located at Deadhorse, approximately 200 miles east-southeast of Barrow, Alaska. Frequency: 2128 MHz toward Frontier Camp, Alaska.
- American Telephone & Telegraph Co., 55 C.P. applications to construct additional Type TD-2 radio relay channels between Norway, Ill., and Wichita Junction, Kans., and between Frick, Colo., and Windsor, Mo.
- 3564-C1-P-71—American Telephone & Telegraph Co. (KSA81), C.P. to add 3990 and 4150 MHz toward Mendota, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.
- 3565-C1-P-71—American Telephone & Telegraph Co. (KSI20), Add frequencies 3950 MHz toward Norway and 3950 and 4110 MHz toward Buda, Ill. Station location: 4 miles southwest of Mendota, Ill.
- 3566-C1-P-71—American Telephone & Telegraph Co. (KSH99), Add frequencies 3990 MHz toward Mendota and 3990 and 4130 MHz toward Kewanee, Ill. Station location: 2 miles east of Buda, Ill.
- 3567-C1-P-71—American Telephone & Telegraph Co. (KSH98), Add frequency 3950 MHz toward Buda, and 3950 and 4110 MHz toward New Windsor, Ill. Station location: 1 mile north-northwest of Kewanee, Ill.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3568-C1-P-71—American Telephone & Telegraph Co. (KSH97), Add frequency 3990 MHz toward Kewanee and 3990 and 4150 MHz toward Joy, Ill. Station location: 1.5 miles east-southeast of New Windsor, Ill.

3569-C1-P-71—American Telephone & Telegraph Co. (KSH96), Add frequency 3950 MHz toward New Windsor, Ill., and 3950 and 4110 MHz toward Crawfordsville, Iowa. Station location: 1 mile west of Joy, Ill.

3570-C1-P-71—American Telephone & Telegraph Co. (KAO58), Add frequency 3990 MHz toward Joy, Ill., and 3990 and 4150 MHz toward Fairfield, Iowa. Station location: 2.5 miles east-southeast of Crawfordsville, Iowa.

3571-C1-P-71—American Telephone & Telegraph Co. (KAO57), Add frequency 3950 MHz toward Crawfordsville and Blakesburg, Iowa. Station location: 9 miles northwest of Fairfield, Iowa.

3572-C1-P-71—American Telephone & Telegraph Co. (KAO56), Add frequency 3990 MHz toward Fairfield and 3990 and 4150 MHz toward Mystic, Iowa. Station location: 1.5 miles east-southeast of Blakesburg, Iowa.

3573-C1-P-71—American Telephone & Telegraph Co. (KAO55), Add frequency 3950 MHz toward Blakesburg, and 3950 and 4110 MHz toward Leon, Iowa. Station location: 5.5 miles west-northwest of Mystic, Iowa.

3574-C1-P-71—American Telephone & Telegraph Co. (KAO54), Add frequency 3990 MHz toward Mystic and 3990 and 4150 MHz toward Afton, Iowa. Station location: 8 miles east-northeast of Leon, Iowa.

3575-C1-P-71—American Telephone & Telegraph Co. (KAO53), Add frequency 3950 MHz toward Leon and 3990 and 4150 MHz toward Corning, Iowa. Station location: 7 miles south-southeast of Afton, Iowa.

3576-C1-P-71—American Telephone & Telegraph Co. (KAO52), Add frequency 3950 MHz toward Afton and 3990 and 4110 MHz toward Red Oak Junction, Iowa. Station location: 5 miles south-southeast of Corning, Iowa.

3577-C1-P-71—American Telephone & Telegraph Co. (KAN24), Add frequency 3990 MHz toward Corning, Iowa and 3710 and 3790 MHz toward Watson, Mo. Station location: 6.5 miles south of Red Oak, Iowa.

3578-C1-P-71—American Telephone & Telegraph Co. (KAO51), Add frequencies 3750 and 3830 MHz toward Red Oak Junction, Iowa, and Humboldt, Nebr. Station location: 7 miles north-northeast of Afton, Mo.

3579-C1-P-71—American Telephone & Telegraph Co. (KAO50), Add frequencies 3710 and 3790 MHz toward Watson, Mo., and Beatrice, Kans. Station location: 5 miles north-northwest of Humboldt, Nebr.

3580-C1-P-71—American Telephone & Telegraph Co. (KAO49), Add frequencies 3750 and 3830 MHz toward Humboldt, Nebr., and Linn, Kans. Station location: 6 miles north of Beatrice, Kans.

3581-C1-P-71—American Telephone & Telegraph Co. (KAO48), Add frequencies 3710 and 3790 MHz toward Beatrice and Aurora, Kans. Station location: 4.5 miles southeast of Linn, Kans.

3582-C1-P-71—American Telephone & Telegraph Co. (KAO47), Add frequencies 3750 and 3830 MHz toward Linn and Minneapolis, Kans. Station location: 2 miles south-southeast of Aurora, Kans.

3583-C1-P-71—American Telephone & Telegraph Co. (KAO46), Add frequencies 3710 and 3790 MHz toward Aurora and Ellsworth, Kans. Station location: 6.5 miles west of Minneapolis, Kans.

3584-C1-P-71—American Telephone & Telegraph Co. (KAN95), Add frequencies 3750 and 3830 MHz toward Minneapolis and Hoisington, Kans. Station location: 6.5 miles north-northeast of Ellsworth, Kans.

3585-C1-P-71—American Telephone & Telegraph Co. (KAN94), Add frequencies 3710 and 3790 MHz toward Ellsworth and Larned, Kans. Station location: 7.5 miles northeast of Hoisington, Kans.

3586-C1-P-71—American Telephone & Telegraph Co. (KAN93), Add frequencies 3750 and 3830 MHz toward Hoisington and Hanston, Kans. Station location: 9 miles north-northeast of Larned, Kans.

3587-C1-P-71—American Telephone & Telegraph Co. (KAN92), Add frequencies 3710 and 3790 MHz toward Larned and Dodge City Junction, Kans. Station location: 5 miles east-southeast of Hanston, Kans.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3588-C1-P-71—American Telephone & Telegraph Co. (KAM47), Add frequencies 3750 and 3830 MHz toward Hanston and 3930 MHz toward Mullinville, Kans. Station location: 0.5 mile northwest of Dodge City, Kans.

3589-C1-P-71—American Telephone & Telegraph Co. (KAM48), Add frequency 3890 MHz toward Dodge City Junction and Cullison, Kans. Station location: 3 miles south of Mullinville, Kans.

3590-C1-P-71—American Telephone & Telegraph Co. (KAM62), Add frequency 3930 MHz toward Mullinville and Nashville, Kans. Station location: 4 miles south-southwest of Cullison, Kans.

3591-C1-P-71—American Telephone & Telegraph Co. (KAM63), Add frequency 3890 MHz toward Cullison and Bluff City, Kans. Station location: 5.5 miles south of Nashville, Kans.

3592-C1-P-71—American Telephone & Telegraph Co. (KAM64), Add frequency 3930 MHz toward Nashville and 3890 MHz toward South Haven, Kans. Station location: 2 miles south-southwest of Bluff City, Kans.

3593-C1-P-71—American Telephone & Telegraph Co. (KAM65), Add frequency 3930 MHz toward Bluff City, Kans., and Hardy, Okla. Station location: 5.5 miles southeast of South Haven, Kans.

3594-C1-P-71—American Telephone & Telegraph Co. (KKO97), Add frequency 3890 MHz toward South Haven and 3950 MHz toward Dalton, Kans. Station location: 3.5 miles west-northwest of Hardy, Okla.

3595-C1-P-71—American Telephone & Telegraph Co. (KAC66), Add frequency 3930 MHz toward Hardy, Okla., and Wichita Junction, Kans. Station location: 2 miles north of Dalton, Kans.

3596-C1-P-71—American Telephone & Telegraph Co. (KAC67), Add frequency 3950 MHz toward Dalton, Kans. Station location: Murdock and Mathewson Streets, Wichita Junction, KS.

3597-C1-P-71—American Telephone & Telegraph Co. (KAZ60), Add frequency 3810 MHz toward Two Buttes, Colo. Station location: Frick, 20.4 miles north of Pritchett, Colo.

3598-C1-P-71—American Telephone & Telegraph Co. (KB197), Add frequency 3850 MHz toward Frick, Colo., and Manter, Kans. Station location: 2.3 miles west of Two Buttes, Colo.

3599-C1-P-71—American Telephone & Telegraph Co. (KBT50), Add frequency 3810 MHz toward Two Buttes, Colo., and Ulysses, Kans. Station location: 1.2 miles north-northwest of Manter, Kans.

3600-C1-P-71—American Telephone & Telegraph Co. (KBT51), Add frequency 3850 MHz toward Manter and Woods, Kans. Station location: 10 miles south of Ulysses, Kans.

3601-C1-P-71—American Telephone & Telegraph Co. (KBT52), Add frequency 3810 MHz toward Ulysses and Plains, Kans. Station location: Woods, 11.6 miles east-southeast of Moscow, Kans.

3602-C1-P-71—American Telephone & Telegraph Co. (KBT53), Add frequency 3850 MHz toward Woods and Minneola, Kans. Station location: 5.1 miles east-northeast of Plains, Kans.

3603-C1-P-71—American Telephone & Telegraph Co. (KBT49), Add frequency 3810 MHz toward Plains, and 3730 and 4130 MHz toward Coldwater, Kans. Station location: 6.2 miles southeast of Minneola, Kans.

3604-C1-P-71—American Telephone & Telegraph Co. (KB198), Add frequency 3770 and 4170 MHz toward Minneola, Kans., and toward Lookout, Okla. Station location: 5.5 miles northwest of Coldwater, Kans.

3605-C1-P-71—American Telephone & Telegraph Co. (KRR46), Add frequencies 3730 and 4130 MHz toward Coldwater, Kans., and Alva, Okla. Station location: Lookout, 12 miles north of Freedom, Okla.

3606-C1-P-71—American Telephone & Telegraph Co. (KRR47), Add frequencies 3770 and 4170 MHz toward Lookout and Goltry, Okla. Station location: 5.2 miles east of Alva, Okla.

3607-C1-P-71—American Telephone & Telegraph Co. (KRR48), Add frequencies 3730 and 4130 MHz toward Alva and Hunter, Okla. Station location: 2.6 miles east of Goltry, Okla.

3608-C1-P-71—American Telephone & Telegraph Co. (KRR49), Add frequencies 3770 and 4170 MHz toward Goltry and Sumner, Okla. Station location: 4.6 miles east-southeast of Hunter, Okla.

3609-C1-P-71—American Telephone & Telegraph Co. (KRR50), Add frequencies 3730 and 4130 MHz toward Hunter and Burbank, Okla. Station location: 4.8 miles northeast of Sumner, Okla.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—CONTINUED

- 3610-C1-P-71—American Telephone & Telegraph Co. (KRR51), Add frequencies 3770 and 4170 MHz toward Sumner and Herd, Okla., Station location: 9.2 miles east of Burbank, Okla.
- 3611-C1-P-71—American Telephone & Telegraph Co. (KRR52), Add frequencies 3730 and 4130 MHz toward Burbank, Okla., and Tyro, Kans. Station location: 1 mile northwest of Herd, Okla.
- 3612-C1-P-71—American Telephone & Telegraph Co. (KBI98), Add frequencies 3770 and 4170 MHz toward Herd, Okla., and Dennis, Kans. Station location: 1.2 miles south-southwest of Tyro, Kans.
- 3613-C1-P-71—American Telephone & Telegraph Co. (KBT46), Add frequencies 3730 and 4130 MHz toward Tyro and Walnut, Kans. Station location: 3.7 miles south of Dennis, Kans.
- 3614-C1-P-71—American Telephone & Telegraph Co. (KBT47), Add frequencies 3770 and 4170 MHz toward Dennis and Fort Scott, Kans. Station location: 2.4 miles north of Walnut, Kans.
- 3615-C1-P-71—American Telephone & Telegraph Co. (KBT48), Add frequencies 3730 and 4130 MHz toward Walnut, Kans., and Walker, Mo. Station location: 3.1 miles west of Fort Scott, Kans.
- 3616-C1-P-71—American Telephone & Telegraph Co. (KBT54), Add frequencies 3770 and 4170 MHz toward Fort Scott, Kans., and Deepwater, Mo. Station location: 3.7 miles north of Walker, Mo.
- 3617-C1-P-71—American Telephone & Telegraph Co. (KBT55), Add frequencies 3730 and 4130 MHz toward Walker and Windsor, Mo. Station location: 0.8 mile west of Deepwater, Mo.
- 3618-C1-P-71—American Telephone & Telegraph Co. (KAJ76), Add frequencies 3770 and 4170 MHz toward Deepwater, Mo. Station location: 3.7 miles north of Windsor, Mo.
- 3631-C1-P-71—Western States Telephone Co. Inc. (KZA75), C.P. to add frequency 2112.0 MHz toward Las Cruces, N. Mex., and change frequency 2129.0 MHz to 2120.0 MHz toward Truth or Consequences, Station location: Caballo Mountain, 11.5 miles south of Truth or Consequences.
- 3632-C1-P-71—Western States Telephone Co. Inc. (KZA76), C.P. to change frequency 2179.0 MHz to 2170.0 MHz toward Mount Caballo, N. Mex., and change station location to 115 North Foch Street, Truth or Consequences, NM, and change coordinates to latitude 33°07'46" N., longitude 107°15'12" W.
- 3633-C1-P-71—The Pacific Telephone & Telegraph Co. (KMN30), C.P. to add frequency 4010 MHz toward Lodi, Calif. Station location: 345 North San Joaquin Street, Stockton, CA.
- 3634-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequency 3970 MHz toward Stockton, Calif. Station location: 1.2 miles west-northwest of Lodi, Calif.
- 3689-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPS46), C.P. to add frequency 11,035 MHz toward Deep Creek, Mont., via passive reflector. Station location: 302 West Callender Street, Livingston, MT.
- 3690-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPY42), C.P. to add frequencies 11,285 and 11,485 MHz toward Livingston, Mont., via passive reflector. Station location: 7.6 miles south of Livingston, Mont.
- 3691-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPY43), C.P. to add frequencies 5937.8, 6056.4, 10,835, and 11,035 MHz toward Yellowstone Park, Wyo., via passive reflector. Station location: Dailey Lake, 7 miles north-northwest of Corwin Springs, Mont.
- 3692-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPY44), C.P. to add frequency 11,485 MHz toward Dailey Lake, Mont., via passive reflector. Station location: Yellowstone Park, 6.5 miles northwest of Mammoth Hot Springs, Wyo.
- 3693-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at Tom Miner, 8.3 miles southwest of Miner, Mont. Frequencies: 6189.8, 6204.7, 6308.4, and 6323.3 MHz toward West Yellowstone, Mont., via passive reflector.
- 3694-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 29 Yellowstone Avenue, West Yellowstone, MT. Frequencies: 5952.6 and 6071.2 MHz toward Tom Miner, Mont., via passive reflector.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—CONTINUED

- 3695-C1-P-71—South Central Bell Telephone Co. (KYS48), C.P. to add frequencies 4030 and 4110 MHz toward Richmond, Ky. Station location: 232 West Lexington Avenue, Winchester, Ky.
- 3696-C1-P-71—South Central Bell Telephone Co. (KJD27), C.P. to add frequencies 3750 and 3830 MHz toward Winchester, Ky., and 4070 and 4150 MHz toward Danville, Ky. Station location: 1.8 miles southwest of Richmond, Ky.
- 3697-C1-P-71—South Central Bell Telephone Co. (KJK51), C.P. to add frequencies 3710 and 3790 MHz toward Richmond, Ky. Station location: 216 South Fourth Street, Danville, Ky.
- 3698-C1-P-71—The Mountain States Telephone & Telegraph Co. (KVH80), C.P. to change alarm center location to 6.5 miles southeast of Billings, Mont. Station location: 114 South Willson Avenue, Bozeman, MT.
- 3699-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPS45), C.P. to operate on frequency 6078.6 MHz for the 0.5-watt output power and frequency 10,955 MHz for the 1-watt output power, toward Bozeman, Mont., via passive reflector. Station: 11.5 miles east of Bozeman, Mont.
- 3708-C1-P-71—RCA Alaska Communications, Inc. (New), C.P. and license for a new station to be located at 190 miles east-southeast of Barrow, Alaska (Frontier Camp). Frequency: 2178 MHz toward Deadhorse, Alaska.

## LOCAL TELEVISION TRANSMISSION SERVICE

- 3707-C1-P-71—RCA Alaska Communications, Inc. (New), C.P. and license for a new temporary fixed television pickup station. Frequency: 6430 MHz toward various points within a 30-mile radius of Anchorage, Alaska.
- The following renewal applications received for licenses expiring Feb. 1, 1971. Term: February 1, 1971, to February 1, 1976.
- General Telephone Co. of Indiana, Inc.  
KXER28—Baldy Mountain, Mont.  
KXER29—Blackhorse, Mont.  
KZS84—Bozeman Pass, Mont.  
KZS85—Near Butte, Mont.  
KZS86—Near Greycliff, Mont.  
KZS87—Greeno, Mont.  
The Lincoln Telephone & Telegraph Co.  
KBH86—Lincoln, Nebr.  
Western Tele-Communications, Inc.  
KXR27—Whitehall, Mont.
- POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)
- 3635-C1-TC-(3)-71—KHC Microwave Corp. Consent to transfer of control of KHC Microwave Corp., Transferor to United Video, Inc., Transferee. Stations: WDD97, Labelle, Tex.; WDE80, Orange, Tex.; WDE81, Mossville, La.
- 3654-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at WSL-TV, 190 North State Street, Chicago, Ill., at latitude 41°53'07" N., longitude 87°37'42" W. Frequencies 10,855H and 10,935H MHz on azimuth 301°05'.
- 3655-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at WBBM-TV, 630 North McClurg Court, Chicago, Ill., at latitude 41°53'37" N., longitude 87°37'05" W. Frequencies 10,855V and 11,095V MHz on azimuth 250°10'.
- 3656-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at Merchandise Mart, Chicago, Ill., at latitude 41°53'18" N., longitude 87°38'07" W. Frequencies 10,815H, 10,935V, 11,055H, 11,135H, and 11,175V MHz on azimuth 273°45'; and 11,505H MHz on azimuth 121°05'; and 11,265V MHz on azimuth 70°10'.
- 3657-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles south of Cloverdale, Ill., at latitude 41°53'18" N., longitude 87°38'07" W. Frequencies 11,265H, 11,345H, 11,425H, 11,505H, and 11,585H MHz on azimuth 338°10' and frequencies 11,225V and 11,465V MHz on azimuth 93°45'.
- 3658-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.9 miles east of Crystal Lake, Ill., at latitude 42°15'14" N., longitude 88°17'02" W. Frequencies 5945.2V, 6004.5V, 6063.8V, 6123.1V, and 6152.8H MHz on azimuth 351°13' and frequencies 10,855H and 11,095H MHz on azimuth 158°10'.
- 3659-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3 miles east of Lake Geneva, Wis., at latitude 42°35'49" N., longitude 88°21'20" W. Frequencies 6212.0V, 6301.0H, 6330.7V, 6360.3H, and 6390.0V MHz on azimuth 0°33' and frequency 6301.0V on azimuth 171°13'.

- 3660-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east of North Prairie, Wis., at latitude 42°55'52" N., longitude 88°21'05" W. Frequencies 5989.7H, 6019.3V, 6108.3H, 6187.9V, and 6167.6H MHz on azimuths 62°30', and 278°15'. Frequencies 5989.7H, 6019.3V, 6108.3H, and 6187.9V MHz on azimuth 8°45'. Frequencies 5960.0 and 6167.6V MHz on azimuth 180°33'.
- 3661-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at 270 East Capitol Drive, Milwaukee, WI, at latitude 43°05'29" N., longitude 87°54'07" W. Frequencies 6286.2H MHz on azimuth 242°30'. Frequencies 11.265H and 11.505H on azimuth 305°35'. Frequencies 11.265V and 11.345V MHz on azimuth 206°00'.
- 3662-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.2 miles southeast of Slinger, Wis., at latitude 43°19'33" N., longitude 88°15'45" W. Frequencies 6197.2H, 6226.9V, 6345.5V, and 6375.2H MHz on azimuth 10°25'. Frequency 6197.2V MHz on azimuth 188°45'.
- 3663-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1 mile northeast of Graham Corner, Wis., at latitude 43°44'15" N., longitude 88°09'32" W. Frequencies 5978.8H, 6034.2H, 6093.5H, and 6182.8H MHz on azimuth 348°15'. Frequency 5945.2H MHz on azimuth 190°25'.
- 3664-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles east of Stockbridge, Wis., at latitude 44°04'20" N., longitude 88°15'27" W. Frequency 6315.9H on azimuth 168°15'. Frequencies 6197.2V, 6256.5V, 6315.9V, and 6375.2V MHz on azimuth 28°30'.
- 3665-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3.4 miles southeast of De Pere, Wis., at latitude 44°24'26" N., longitude 88°00'22" W. Frequencies 10.855H and 11.095H MHz on azimuth 341°00'. Frequencies 10.855V and 10.935V MHz on azimuth 358°45'. Frequencies 10.855H and 11.175H MHz on azimuth 1°45'. Frequency 6093.5V MHz on azimuth 208°30'.
- 3666-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 5 miles northwest of Fort Atkinson, Wis., at latitude 42°59'38" N., longitude 88°53'49" W. Frequencies 6212.0V, 6241.7H, 6301.0H, 6330.7V, and 6360.3H MHz on azimuth 278°20'. Frequencies 6241.7V and 6301.0V MHz on azimuth 98°15'.
- 3667-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at Madison, Wis., at latitude 43°03'49" N., longitude 89°28'41.6" W. Frequencies 5945.2V, 5974.8V, and 6004.5V MHz on azimuth 135°40'. Frequencies 5974.8V, 6004.5V, and 6063.8V MHz on azimuth 257°05'. Frequencies 5945.2V, 5974.8H, 6004.5V, 6063.8V, and 6123.1V MHz on azimuth 309°05'. Frequencies 6019.3V and 6093.5H MHz on azimuth 98°20'.
- 3668-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 4.9 miles south of North Freedom, Wis., at latitude 43°23'20" N., longitude 89°51'40" W. Frequencies 6212.0H and 6256.5V MHz on azimuth 10°50'. Frequencies 6197.2V, 6226.9H, 6256.5V, 6286.2H, and 6345.5H MHz on azimuth 304°50'. Frequencies 6226.9H and 6404.8H MHz on azimuth 129°05'.
- 3669-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 6.7 miles west-southwest of Oxford, Wis., at latitude 43°45'31" N., longitude 89°42'08" W. Frequency 5945.2V MHz on azimuth 16°33'.
- 3670-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 5.5 miles north-northeast of Coloma, Wis., at latitude 44°05'55" N., longitude 89°35'10" W. Frequency 6197.2H MHz on azimuth 356°00'.
- 3671-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1 mile northwest of Stevens Point, Wis., at latitude 44°33'10" N., longitude 89°35'35" W. Frequency 5945.2V MHz on azimuth 2°25'.
- 3672-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.5 miles southeast of Hillsboro, Wis., at latitude 43°37'33" N., longitude 90°18'39" W. Frequencies 5945.2H, 5974.8V, 6004.5H, 6063.8H, and 6123.1H MHz on azimuth 245°28'. Frequencies 5945.2V and 6063.8V MHz on azimuth 124°50'.
- 3673-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles southeast of Viroqua, Wis., at latitude 43°31'41" N., longitude 90°51'36" W. Frequencies 6226.9H, 6301.0H, 6345.5H, 6375.2V, and 6404.8H MHz on azimuth 320°30'. Frequencies 6256.5V and 6315.9V MHz on azimuth 65°28'.

- 3674-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.5 miles east of La Crosse, Wis., at latitude 43°49'08" N., longitude 91°11'15" W. Frequencies 6167.6H and 6108.3H MHz on azimuth 260°30'. Frequencies 6019.3V and 6108.3H MHz on azimuth 264°35'. Frequencies 5989.7H, 6019.3V, 6078.6V, 6108.3H, and 6167.6H MHz on azimuth 300°45'. Frequencies 5989.7V and 6187.9H MHz on azimuth 140°30'.
- 3675-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles west of Winona, Minn., at latitude 44°02'46" N., longitude 91°43'26" W. Frequencies 6197.2V, 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz on azimuth 263°50'. Frequencies 6241.7H and 6301.0H MHz on azimuth 120°45'.
- 3676-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles north-northeast of Eyota, Minn., at latitude 44°00'36" N., longitude 92°10'55" W. Frequencies 5989.7V, 6049.0V, 6078.6H, 6108.3V, and 6167.6V MHz on azimuth 311°15'. Frequencies 5989.7V and 6108.3V MHz on azimuth 273°35'. Frequencies 5989.7H and 6108.3H MHz on azimuth 247°30'. Frequencies 6004.5V and 6123.1V MHz on azimuth 83°50'.
- 3677-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3 miles south of Rockwell, Minn., at latitude 43°52'35" N., longitude 92°38'00" W. Frequencies 6241.7V and 6301.0V MHz on azimuth 239°50'.
- 3678-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.25 miles north-northwest of Belchesteer, Minn., at latitude 44°22'54" N., longitude 92°31'21" W. Frequencies 6241.7H, 6271.4V, 6301.0H, 6360.3H, and 6390.0V MHz on azimuth 311°15'. Frequencies 6241.7V and 6301.0V MHz on azimuth 151°15'.
- 3679-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east-northeast of New Trier, Minn., at latitude 44°36'50" N., longitude 92°53'32" W. Frequencies 5945.2H, 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz on azimuth 338°45'. Frequencies 6004.5V and 6063.8V MHz on azimuth 121°15'.
- 3680-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east of New Brighton, Minn., at latitude 45°03'44" N., longitude 93°08'11" W. Frequencies 11.265V and 11.505V MHz on azimuth 208°30'. Frequencies 6301.1H and 6360.3H MHz on azimuth 158°45'. Frequencies 6212.0H, 6241.7V, 6330.7H, and 6360.3V MHz on azimuth 356°45'. Frequencies 11.345V, 11.425V, 11.505V, and 11.585V MHz on azimuth 228°00'.
- 3681-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station on South Ninth Street, Minneapolis, MN, at latitude 44°58'28" N., longitude 93°16'17" W. Frequencies 10.855H and 10.935H MHz on azimuth 226°15'.
- 3682-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 4.75 miles northeast of Isanti, Minn., at latitude 45°31'17" N., longitude 93°10'27" W. Frequencies 5989.7H, 6049.0H, 6108.3H, and 6167.6H MHz on azimuth 11°45'. Frequency 6019.3H MHz on azimuth 176°45'.
- 3683-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3.8 miles west-northwest of Hinkley, Minn., at latitude 46°01'37" N., longitude 93°01'15" W. Frequencies 6212.0V, 6271.4V, 6330.7V, and 6390.0V MHz on azimuth 42°30', and frequency 6301.0H MHz on azimuth 191°45'.
- 3684-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 0.8 mile west-southwest of Duquette, Minn., at latitude 46°22'00" N., longitude 92°34'16" W. Frequencies 5989.7H, 6049.0H, 6108.3H, and 6167.6H MHz on azimuth 36°15'. Frequency 6049.0V MHz on azimuth 222°30'.
- 3685-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at Fifth Avenue West and 10th Street, Duluth, Minn., at latitude 46°47'21" N., longitude 92°06'51" W. Frequencies 11.265V and 11.505V MHz on azimuth 92°30'. Frequencies 11.265V and 11.345V MHz on azimuth 139°30'. Frequencies 11.265H and 11.585H MHz on azimuth 348°00'. Frequency 6301.0H MHz on azimuth 216°15'.

(Informative: Applicant is proposing to provide audio and video programming to television stations in Wisconsin, Iowa, and Minnesota from Chicago, Ill.)

3706-C1-P-71—First Television Corp. (KGP55), C.P. to add frequency 6389.9 MHz via power split toward Frankford, Del., on azimuth 144°50'. Location: Bramhall Street, Georgetown, Del., at latitude 38°41'44" N., longitude 75°23'50" W.

(Informative: Applicant proposes to provide the television signal of WBAL-TV to Lower Delaware CATV, Inc., in Frankford, Del.)

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—continued

- 3739-C1-P-71—United Video, Inc. (WAN79), C.P. to add frequency 10,735 MHz on azimuth 293°02'. Location: 3.3 miles southeast of Lebanon City, Mo., at latitude 37°42'39" N., longitude 92°42'43" W.
- 3740-C1-P-71—United Video, Inc. (WCZ32), C.P. to add frequency 11,425 MHz on azimuth 344°39'. Location: 2.6 miles northwest of Urbana, Mo., at latitude 37°52'16" N., longitude 93°11'25.3" W.
- 3741-C1-P-71—United Video, Inc. (WCZ33), C.P. to add frequency 10,735 MHz on azimuth 6°30'. Location: 2.2 miles east of Warsaw, Mo., at latitude 38°14'17" N., longitude 93°19'05" W.

(Informative: Applicant proposes to provide the television signal of Station KPLR-TV to Cablevision, Inc., to Sedalia, Mo.)

[FR Doc.71-1064 Filed 1-27-71;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 20946, etc.]

## HARLEE BRANCH, JR., ET AL.

## Notice of Oral Argument

Harlee Branch, Jr., et al., and United States Steel Corp.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 10, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 25, 1971.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[FR Doc.71-1202 Filed 1-27-71;8:50 am]

[Docket No. 20741]

KOREA AIR TERMINAL SERVICE  
CO., LTD.

## Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on February 3, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 22, 1971.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[FR Doc.71-1203 Filed 1-27-71;8:50 am]

## FEDERAL HOME LOAN BANK BOARD

[H.C. No. 86]

## USLIFE CORP.

Notice of Receipt of Application for Permission To Acquire Control of Columbia Savings and Loan Association

JANUARY 25, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the USLIFE Corp., New York, N.Y., a unitary savings and loan holding com-

pany, for approval of acquisition of control of the Columbia Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of cash and stock of USLIFE Corp. for stock in Columbia Savings and Loan Association. Following the acquisition it is proposed that Columbia Savings and Loan Association be merged with Sterling Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc.71-1207 Filed 1-27-71;8:50 am]

FEDERAL MARITIME COMMISSION  
AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a vio-

lation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esquire, Burlington, Underwood, Wright, White, and Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9000-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1187 Filed 1-27-71;8:49 am]

## CALIFORNIA/JAPAN COTTON POOL

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William C. Galloway, Chairman, California/Japan Cotton Pool, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 8882-8 would "suspend for the current Pool season ending July 31, 1971, the provision of Article 10 which provides for an annual financial

settlement between members" with respect to the transportation of cotton from California to Japan. The reason for the suspension of the requirement of Article 10 is "that the American and Japanese Governments have reached an agreement whereby Export Import Bank loan shipments of cotton from California to Japan are for the balance of this cotton Pool season to move exclusively on American flag vessels."

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1188 Filed 1-27-71; 8:49 am]

### EAST COAST COLOMBIA CONFERENCE

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Chairman, East Coast Colombia Conference, 11 Broadway, New York, NY 10004.

Agreement No. 7590-18, among the member lines of the East Coast Colombia Conference, will modify the "Self-Policing" Rules pursuant to General Order No. 7 (Revised) by canceling the existing Articles 17 through 22 and substituting therefore new Articles 17 through 20.

Dated: January 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1189 Filed 1-27-71; 8:49 am]

### GREAT LAKES UNITED KINGDOM EASTBOUND CONFERENCE

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David F. Graham, Manager-Secretary, Great Lakes United Kingdom Eastbound Conference, 108 North State Street, Chicago, IL 60602.

Agreement No. 8130-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: January 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1191 Filed 1-27-71; 8:49 am]

### LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Chairman, Latin America/Pacific Coast Steamship Conference, 417 Montgomery Street, San Francisco, CA 94104.

Agreement No. 8660-3, among the member lines of the Latin America/Pacific Coast Steamship Conference will revise the basic agreement by up-dating the terms of the self-policing provisions to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: January 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1190 Filed 1-27-71; 8:49 am]

### MATSON NAVIGATION CO. AND NIPPON YUSEN KAISHA (N.Y.K.)

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary.

Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the *FEDERAL REGISTER*. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter Wilson, Esquire, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. 9926, between the two carriers noted above, would permit the Matson Navigation Co. to lease certain of its owned containers and related equipment to N.Y.K., and other common carriers upon application, under those terms and conditions set forth in the agreement.

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1192 Filed 1-27-71;8:49 am]

### MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esquire, Burlingham, Underwood, Wright, White, and Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8260-12 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General October 7 as revised on October 27, 1970.

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1193 Filed 1-27-71;8:49 am]

### PACIFIC WESTBOUND CONFERENCE

#### Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. William C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

The Pacific Westbound Conference has filed with the Commission for approval under section 14b of the Shipping Act, 1916, a proposed revision of its form of exclusive patronage (dual rate) contract. The purpose and effect of the proposed modification is to include the Conference's Overland Tariff in the dual rate system. The Conference's Overland Tariff applies to export cargoes originating in North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and "States east thereof."

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1194 Filed 1-27-71;8:49 am]

[Docket No. 71-9]

### ROSS PRODUCTS AND TAUB, HUMMEL & SCHNALL, INC.

#### Order of Investigation and Hearing

The Commission has become aware that certain shipments consigned to Ross Products, a division of NMS Industries, Inc. (Ross Products), during the period of April 12, 1969, through October 24, 1969, see Attachment A for a list of the shipments, were misclassified resulting in the assessment of incorrect ocean freight charges. The bills of lading involved described the nine shipments as "Toys", whereas the custom papers, shippers invoices, and packing lists and inspections disclosed that the shipments consisted of mirrors, immersion heaters, photo albums, glass animals, window chimes, and grass beachmats which are subject to higher freight rates than "Toys". The difference between the proper rates and the rate for "Toys" for each shipment is also set forth in Attachment A.

Taub, Hummel & Schnall, Inc. acted as the customhouse broker, for the inbound shipments to Ross Products. The firm handled the various documents which properly identified the commodities, and paid the collect ocean freight charges for Ross Products.

Section 16 of the Shipping Act of 1916 provides in part: "That it shall be unlawful for any shipper, consignee, consignee, forwarder, broker, or other person, or other officer, agent, or employee thereof, knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable."

Therefore it is ordered, Pursuant to section 22 of the Shipping Act, 1916, that a proceeding is hereby instituted to determine whether Ross Products and/or

Taub, Hummel and Schnall, Inc., violated section 16 of the Shipping Act, 1916, by knowingly and willfully, directly or indirectly, by means of false classification, or by any other unjust or unfair device or means obtained transportation by water for property at less than the rates or charges which would otherwise be applicable.

It is further ordered, That NMS Industries, Inc., and Taub, Hummel & Schnall, Inc., be made respondents in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondents.

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573 with copies to respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

#### ATTACHMENT A

1. Sea-Land Waybill #905-437936, 8-4-69, declared 1,225 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was \$964.96;

2. Sea-Land Waybill #905-435068, 4-12-69, declared 353 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was \$136.24;

3. Sea-Land Waybill #905-438322, 8-21-69, declared 700 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was \$268.58;

4. Sea-Land Waybill #905-437864, 8-2-69, declared 175 cartons of "Toys." The cargo was inspected and found to be "Mirrors" and "Immersion Heaters." The difference in the proper rate and the rate for "Toys" was \$54.68;

5. Sea-Land Waybill #905-438698, 8-29-69, declared 340 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was \$106.31;

6. Sea-Land Waybill #905-439066, 9-7-69, declared 700 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was \$299.06;

7. Sea-Land Waybill #905-401056, 9-21-69, declared 305 cartons of "Toys." The cargo was inspected and found to be "Mirrors," "Photo Albums," "Glass Animals," "Glass Window Chimes," and "Grass Beach Mats." The difference in the proper rate and the rate for "Toys" was \$84.65;

8. Sea-Land Waybill #905-400958, 9-20-69, declared 548 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was \$225.15; and

9. Sea-Land Waybill #905-402157, 10-24-69, declared 50 cartons of "Toys." The cargo was inspected and found to be "Immersion Heaters." The difference in the proper rate and the rate for "Toys" was \$35.65.

Total difference between the proper rate and the rate for "Toys" was \$2,175.28.

[FR Doc.71-1185 Filed 1-27-71; 8:50 am]

## FEDERAL POWER COMMISSION

[Docket No. CP71-184]

### MICHIGAN WISCONSIN PIPE LINE CO.

#### Notice of Application

JANUARY 22, 1971.

Take notice that on January 18, 1971, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226 filed in Docket No. CP71-184 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the underground natural gas storage service being rendered for Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities required incident thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket No. CP70-19, et al., the Commission authorized applicant to render an underground natural storage service for Natural, pursuant to an agreement dated January 30, 1970. This agreement provides for the delivery by Natural to applicant of an annual volume of 9,000,000 Mcf of natural gas for storage and the redelivery thereto during the period November 1 to the next succeeding March 1 of each year at a daily rate not to exceed 90,000 Mcf.

Applicant states that by agreement dated October 15, 1970, applicant and Natural amended the storage agreement, effective March 1, 1971, to increase the annual storage volume to 13,500,000 Mcf and to increase the daily redelivery rate to 135,000 Mcf. Incident to this increased service, applicant proposes to install an additional 5,000-horsepower compressor facility at its Hamilton Compressor Station and an additional 4,000-horsepower compressor facility at its Lincoln Compressor Station. Applicant states that the estimated cost of these facilities will be \$2,940,000 which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[FR Doc.71-1144 Filed 1-27-71; 8:45 am]

[Docket No. RP71-89]

### NORTHERN NATURAL GAS CO.

#### Notice of Proposed Changes in FPC Gas Tariff

JANUARY 22, 1971.

Take notice that on January 18, 1971, Northern Natural Gas Co. (Northern) filed changes in its FPC Gas Tariff, Third Revised Volume No. 1, consisting of First Revised Sheet No. 60 Superseding Original Sheet No. 60 and Original Sheet No. 60a, to be effective February 27, 1971. The proposed tariff revisions would amend paragraph 9 of the General Terms and Conditions to permit Northern to curtail deliveries of gas to its customers down to 85 percent of their contract demands in the months of April and October and down to 70 percent of their contract demands during the months of May through September in order to assure Northern of the availability of sufficient volumes of gas to replenish its underground storage facility.

Northern states that the load factor of its system used to be at a point which permitted it to replenish its underground storage facility without curtailing any of its system requirements during the summer months. However, in 1969 its markets grew sufficiently to make it necessary to implement partial curtailment of overrun requirements in order to provide adequate volumes to replenish its Redfield storage field. During 1970 the growth of system requirements was so great that it was necessary to discontinue all overrun sales and since that time Northern has restricted sales to its customers to their contract demands.

Northern avers that it has not been able to contract for sufficient volumes

of additional gas reserves to support an expansion of its transmission system to provide for the sale of additional contract demand volumes. The combination of normal load growth within existing contract demands coupled with no expansion of the transmission facilities results in a situation whereby pipeline capacity is inadequate by 14 million Mcf annually to deliver its customers' full contract demand requirements and satisfy the injection volumes needed to replenish its storage facility. Northern concluded, after a series of meetings with its customers, that the most desirable solution for providing the gas needed to replenish Redfield would be to file the proposed Tariff sheets hereinbefore described to permit Northern to order curtailment of contract demand deliveries so as to provide the gas and the pipeline capacity required for replenishing Redfield.

Northern's filing indicates that its curtailment program is proposed for a 2-year period pending the disposition of its project to import gas from Canada.

Northern states that copies of its filing have been mailed to all of its customers and to the State Commissions of Illinois, Iowa, Kansas, Michigan, and Wisconsin.

Any person desiring to be heard or to make any protest with reference to this filing should on or before February 9, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc.71-1145 Filed 1-27-71; 8:45 am]

## FEDERAL RESERVE SYSTEM CONSOLIDATED BANKSHARES OF FLORIDA, INC.

### Order Approving Action To Become Bank Holding Company

In the matter of the application of Consolidated Bankshares of Florida, Inc., Fort Lauderdale, FL, for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Security First National Bank of Plantation, Fla., a proposed new bank, and 80 percent or more of the voting shares of each of the following Florida banks: First National Bank in Fort Lauderdale; Plantation First

National Bank, Plantation; Guaranty First National Bank of Fort Lauderdale; and Ocean First National Bank of Fort Lauderdale.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., for the Board's approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Security First National Bank of Plantation, Fla., a proposed new bank, and 80 percent or more of the voting shares of each of the following Florida banks: First National Bank in Fort Lauderdale; Plantation First National Bank, Plantation; Guaranty First National Bank of Fort Lauderdale; and Ocean First National Bank of Fort Lauderdale.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17879), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, and provided further that (c) Security First National Bank of Plantation shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,  
January 19, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc.71-1015 Filed 1-27-71; 8:45 am]

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

## FIRST FLORIDA BANCORPORATION

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Florida Bancorporation, which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Midway Bank at Tampa, Tampa, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,  
January 22, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc.71-1179 Filed 1-27-71; 8:48 am]

## FIRST HOLDING CO., INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Holding Co., Inc., Waukesha, Wis., for approval of acquisition of 80 percent or more of the voting shares of Elm-Brook State Bank, Brookfield, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12

CFR 222.3(a)), the application of First Holding Co., Inc., Waukesha, Wis. Applicant, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Elm-Brook State Bank, Brookfield, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. The Commissioner responded that he offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17879), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls four banks with aggregate deposits of \$145 million, representing 1.7 percent of total bank deposits in Wisconsin, and is the fifth largest banking organization in that State. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Applicant's acquisition of Bank, with deposits of \$6.4 million, would not change this ranking or significantly increase its share of deposits in the State.

Bank is one of the smaller banks in a market which is approximated by Milwaukee County and the east-central portion of Waukesha County west to and including the city of Waukesha. It has only 0.2 percent of deposits in this market and its acquisition by Applicant would increase the latter's share of deposits in this market to only 4.7 percent. Three large organizations control 65.3 percent of the deposits therein, and the addition of Bank to Applicant's system would help Applicant compete with the three larger organizations. Though some actual competition between Applicant's subsidiaries and Bank would be eliminated by consummation of the acquisition, this is mitigated by the geographical closeness of several banking alternatives to Bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have a substantially adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiary banks are consistent with approval of the application and as they pertain to Bank lend support for approval. Affiliation with Applicant would

provide Bank with greater depth in management and would alleviate a management succession problem. Considerations relating to the convenience and needs of the communities concerned also favor approval of the application in that Applicant plans to add certain new services at Bank, such as the elimination of all service charges on demand deposit accounts. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,  
January 22, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.  
[FR Doc. 71-1146 Filed 1-27-71; 8:45 am]

## SMALL BUSINESS ADMINISTRATION

### COMBINED OPPORTUNITIES, INC.

#### Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On December 22, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 19379) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company (MESBIC) by Combined Opportunities, Inc., 5050 North Broadway, Chicago, IL 60640.

Interested parties were invited to submit their written comments to SBA.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-5084 to Combined Opportunities, Inc., to operate as a MESBIC.

A. H. SINGER,  
Associate Administrator,  
for Investment.

JANUARY 14, 1971.  
[FR Doc. 71-1166 Filed 1-27-71; 8:47 am]

\* Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Malsell, and Brimmer. Absent and not voting: Governor Sherrill.

## TARIFF COMMISSION

[TEA-W-57]

### ARISTA MILLS CO.

#### Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Arista Mills Co., Winston-Salem, N.C., the U.S. Tariff Commission, on January 22, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with fabrics of the kind produced by the Arista Mills Co., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: January 25, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.  
[FR Doc. 71-1198 Filed 1-27-71; 8:49 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 6]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 22, 1971.

The following applications are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL

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

REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 427(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

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

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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 531 (Sub-No. 268) (Correction), filed November 25, 1970, published in the FEDERAL REGISTER issue of January 7, 1971, and republished as corrected, this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk,

in Texas; and, except from points in St. Charles Parish, La., to points in the United States (except Alaska and Hawaii) (except from the plantsite of Monsanto Co. at or near Luling, La., in St. James Parish, and, except from the plantsite of Union Carbide Corp. at or near Taft, La., in St. Charles Parish, to points in Texas, California, Washington, and Oregon; and, except from the plantsite of Hooker Chemical Co. at or near Taft, La., in St. Charles Parish to points in Texas; and, except from points in St. James Parish within 15 miles of Geismar, La.). NOTE: Applicant states that tacking is possible but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to add the destinations inadvertently omitted in the territorial description of the previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1641 (Sub-No. 90), filed December 16, 1970. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia and fertilizer solutions, in bulk, in tank vehicles from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to all points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 2392 (Sub-No. 81), filed December 18, 1970. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, Omaha, NE 68114. 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: Anhydrous ammonia and fertilizer solutions, from the plantsite of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 2567 (Sub-No. 14), filed December 7, 1970. Applicant: BELBEY TRANSFER COMPANY, a corporation, 520 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Electrical equipment, other than household appliances, and equipment, materials, and supplies used in connection with the manufacture, installation, and maintenance of said commodities (except in bulk), (1) between the plantsite of

Westinghouse Electric Corp., Hillside, N.J., and points in Union, Essex, Bergen, Hudson, and Morris Counties, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Newport News, Va., and Washington, D.C.; and (2) between the plantsite of Westinghouse Electric Corp., Hillside, N.J., and Richmond, Va.; Cincinnati, Cleveland, Marietta, and Akron, Ohio, and Bloomington, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2860 (Sub-No. 93), filed December 28, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Somerville, N.J., on the one hand, and, on the other, points in New York and Pennsylvania, serving Somerville for joinder only. NOTE: Applicant states that it could tack with its existing authority at points in Somerville, N.J., to provide through service to points in southern New England. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC3468 (Sub-No. 159) (Correction), filed November 10, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished in part, as corrected this issue. Applicant: F. J. BOUTELL DRIVEWAY 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. The purpose of this partial republication is to reflect the correct name of applicant as F. J. Boutell Driveway Co., Inc., in lieu of F. J. Boutell Delivery Co., Inc., as was previously published. The rest of the application remains as previously published.

No. MC 4405 (Sub-No. 483), filed December 28, 1970. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) Trailers and trailer chassis, other than those designed to be drawn by passenger automobiles, trailer converter dollies, in initial truckaway and driveway service, truck bodies and trailer bodies, and containers having a capacity of more than 5 gallons, or of more than 9 cubic feet, and (b) tractors, in secondary driveway

service only when drawing trailers moving in initial driveaway service, (a) from points in Coles County, Ill. (except Mattoon), to points in the United States including Alaska (but excluding Hawaii), and (b) from points in Coles County, Ill. (except Mattoon), to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 484), filed December 31, 1970. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste and water treatment systems*, from Lansdale, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 60), filed December 22, 1970. Applicant: TAJON INC., Rural Delivery 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: (1) *Alloys, ores, scrap steel shapes, and pig iron*, in dump vehicles, from Theodore, Ala., to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Wisconsin, West Virginia, and Virginia; and (2) *materials and supplies* used in the manufacture of alloys and pig iron, in dump vehicles, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and West Virginia to Theodore, Ala. 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 13426 (Sub-No. 9), filed January 6, 1971. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Applicant's representatives: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005, and Irving R. Segal, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail department stores, between Milwaukee, Wis., on the one hand, and, on the other, points in Sheboygan, Washington, Jefferson, Milwau-

kee, Walworth, Ozaukee, Dodge, Waukesha, Racine, and Kenosha Counties, Wis., restricted to service for Sears, Roebuck and Co., under contract with Sears, Roebuck and Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 25798 (Sub-No. 218), filed January 4, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) *Equipment, materials and supplies* used in the conduct of meat packinghouses, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and on the other, points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30837 (Sub-No. 417), filed December 28, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 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: *Seat cabs and parts* thereof when moving therewith, from Rochester, Minn., to Racine, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 341), filed December 11, 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 vehicles, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, from Spencer, Iowa, to points in Delaware, Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, 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. Com-

mon control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30884 (Sub-No. 14), filed January 5, 1971. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, from places of manufacture and assembly located in Kansas City, Mo., to points in the States of Alabama and Wisconsin, with no transportation for compensation on return except as otherwise authorized. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 40915 (Sub-No. 44), filed December 21, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Adhesives and linoleum paste*, from the plantsite of Roman Adhesives, Inc., at Newark, N.J., to points in California, Colorado, Florida, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, 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 Washington, D.C., or Los Angeles, Calif.

No. MC 41404 (Sub-No. 93), filed December 23, 1970. Applicant: ARGOCOLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same as address applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *Dairy products*; (3) *Shortening* and (4) *Canned foods*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Krey Packing Co. at St. Louis, Mo., to points in Kentucky west of the Cumberland River and points in Tennessee, west of the Tennessee River. 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, the applicant requests it to be held at St. Louis, Mo.

No. MC 42487 (Sub-No. 769), filed December 18, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil treating compounds*, in bulk, in tank vehicles, from Brea, Calif., to Pascagoula, Miss. 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 San Francisco or Los Angeles, Calif.

No. MC 51146 (Sub-No. 192), filed December 17, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Fond du Lac, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 193), filed December 21, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, fibers, scrap iron, brass, copper, aluminum, lead, zinc solids, and residues* for remelting purposes only, between Fort Atkinson, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 194), filed December 21, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., and Jacksonville, Fla., to points in the States of Illinois, Indiana,

Kentucky, Michigan, Ohio, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant also states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52657 (Sub-No. 674), filed December 21, 1970. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway service, *trailer converter dollies, bodies, containers, and materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), trailer converter dollies, bodies, and containers, between Elizabeth, W. Va., and Parkersburg, W. Va., on the one hand, and, on the other, points in the United States including Alaska (but excluding Hawaii), and (b) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary truckaway service, *trailer converter dollies, bodies, containers, and materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), trailer converter dollies, bodies, and containers, between points in the United States including Alaska (but excluding Hawaii), on the one hand, and, on the other, Elizabeth, W. Va., and Parkersburg, W. Va., restricted to shipments from, to, or between suppliers, distributors, plants, warehouses, or other facilities of Ravens-Metal Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52657 (Sub-No. 675), filed January 5, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703 and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway movements, and *trailer converter dollies, and materials, supplies, and parts* used in the manufacture, assembly and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, from Albion, Pa., to points in Alaska, Arizona, California, Colorado, Idaho, Maine, Montana, Nevada, New Hamp-

shire, New Mexico, Oregon, Utah, Vermont, Washington, and Wyoming; (b) *trailers* (except those designed to be drawn by passenger automobiles), in initial driveway movements, from Albion, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (c) *trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway movements, *trailer converter dollies, and materials, supplies, and parts* used in the manufacture, assembly and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and *trailer converter dollies* from Albion, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia;

(d) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway movements, *trailer converter dollies, and materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers and trailer chassis (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, from Delta, Ohio, to points and places in the United States (including Alaska but excluding Hawaii). (e) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in Truckaway service in secondary movements and *trailer converter dollies, and materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, between Albion, Pa., and Delta, Ohio, on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii), restricted to shipments from, to, or between suppliers, distributors, plants, warehouses, or other facilities of Rogers Brothers Corp., and (f) *Tractors* in secondary movements only when pulling trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, between Albion, Pa., and Delta, Ohio, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ok-

Iahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, restricted to shipments from, to or between suppliers, distributors, plants, warehouses or other facilities of Rogers Brothers Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52861 (Sub-No. 21), filed December 17, 1970. Applicant: WILLIS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in West Virginia on the one hand, and, on the other, points in Cuyahoga, Lake, and Ashtabula Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52979 (Sub-No. 16), filed December 18, 1970. Applicant: HUNT TRUCK LINES, INC., Rockwell City, Iowa 50579. 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: *Counter tops, doors, desks, and cabinets and parts and accessories* for such commodities, from Holstein, Iowa, to Chicago, Ill., and Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 61231 (Sub-No. 54), filed December 21, 1970. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, Ninth Floor, Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, hardboard, insulation, insulation materials, padding and cushioning materials, and materials and accessories* used in the installation of wallboard, pulpboard, hardboard, insulation and insulation materials, from Bemidji, Duluth, and Cloquet, Minn., to points in Indiana 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 Minneapolis, Minn.

No. MC 61592 (Sub-No. 198), filed December 18, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, wooden stakes, wood products, props, sawdust, and shavings*, from Fredericksburg, Va., and points in Caroline, King George, and Spotsylvania Counties, Va., to points in New York, Ohio, West Virginia, Delaware, New Jersey, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Michigan, North Carolina, Virginia, Maryland, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64600 (Sub-No. 40), filed December 28, 1970. Applicant: WILSON TRUCKING CORPORATION, Post Office, Box 1067, Waynesboro, VA 22980. Applicant's representative: Francis W. McInerney, 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 requiring special equipment), (1) between Fredericksburg, and Richmond, Va., from Fredericksburg over U.S. Highway 1, serving all intermediate points; (2) between Richmond, and Reedville, Va., from Richmond, over U.S. Highway 360 to Reedville, serving all intermediate points; (3) between Richmond, and Deltaville, Va., from Richmond, over U.S. Highway 60 to its junction with Virginia Highway 33, thence over Virginia Highway 33 to Deltaville and return over the same routes, serving all intermediate points; (4) between Norfolk, and Fredericksburg, Va., from Norfolk over U.S. Highway 17 to Fredericksburg, Va., serving all intermediate points between Gloucester Point and Fredericksburg, Va.; and (5) between Fredericksburg, and Gloucester, Va.; from Fredericksburg, over Virginia Highway 3 to Gloucester, Va., serving all intermediate points. NOTE: Off-route service is sought in connection with routes 1 thru 5 above, as follows: Service is authorized in connection with operations over Routes 1 through 5 above in that part of Virginia bounded by a line beginning at Fredericksburg and extending along U.S. Highway 1 to Richmond, thence along U.S. Highway 60 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence along the western shore of Chesapeake Bay and the Potomac River to Dahlgren, Va., thence along Virginia Highway 206 to junction Virginia Highway 3, and thence along Virginia Highway 3 to the point of beginning at Fredericksburg, Va., and Matthews and

Gloucester Counties, Va., and that portion of Middlesex County not included in the off-route territory described above. NOTE: Applicant states it presently holds authority to serve points on all of the routes or territories sought in instant application. The purpose of this application is (a) to eliminate certain gateways; and (b) to make its operation uniform (regular route) in the territory involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 66462 (Sub-No. 12), filed December 30, 1970. Applicant: THE WILLETT COMPANY, a corporation, 700 South Des Plaines Street, Chicago, IL 60607. Applicant's representatives: Daniel J. Sweeney and Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1034, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Illinois, Iowa, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 70313 (Sub-No. 1), filed January 11, 1971. Applicant: MYERS CONTRACT TRUCKING, INC., 1220 Roosevelt Avenue, York, PA 17404. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise as is dealt in by chain, cable, hoisting equipment, garage equipment, and malleable iron and steel manufacturing houses, and in connection therewith machinery, materials, and supplies*, used in the conduct of such business, (1) between York, Pa., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, and Iowa, (2) between Burlington and Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Pennsylvania and (3) between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Pennsylvania, under contract with Campbell Chain Division of United Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 72806 (Sub-No. 5), filed December 28, 1970. Applicant: RED-YELLOW CAB CO., doing business as BUCK-EYE STAGES, 501 Phillips Avenue, Toledo, OH 43612. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), in express service, in taxicabs, between points

in Lucas, Fulton, Wood, and Ottawa Counties, Ohio, on the one hand, and, on the other, points in the Southern Peninsula of Michigan. **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 Toledo, Ohio.

No. MC 73165 (Sub-No. 288), filed December 28, 1970. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, or slabs*, from the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant states that there are tacking possibilities but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76032 (Sub-No. 272), filed January 4, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, acids, chemicals, perfumery, toilet preparations, bread making compounds, display racks, advertising material, and syrup not medicated*, from Brooklyn, N.Y.; New York, N.Y.; Groton, Conn.; and Parsippany, N.J.; to points in Portland, Ore. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates it has no present intention to tack and therefore cannot identify 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 Denver, Colo., or New York, N.Y.

No. MC 76032 (Sub-No. 273), filed January 6, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire handling machine, parts and supplies, machinery and machinery parts, generators or motors or generators and motors combined or parts*, between Saticoy, Calif., on the one hand, points in the continental United States (except Alaska on the other). **NOTE:** Common control may be involved. Applicant states the requested authority can be tacked with its presently existing authority but indicated it has no present

intention to tack and therefore cannot identify 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 Denver, Colo., or Los Angeles, Calif.

No. MC 76032 (Sub-No. 275), filed January 6, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs or medicines, advertising matter, printed matter, paper, toilet preparations, deodorants, (other than medicinal), food curing, preserving or seasoning compounds, insecticides, (other than agricultural), paradichlorobenzol*, from West Point, Pa., to Portland, Ore. **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 in Denver, Colo., or Philadelphia, Pa.

No. MC 78277 (Sub-No. 10), filed December 21, 1970. Applicant: McCABE MOVING & STORAGE CO., a corporation, 5623 Southeast Center, Portland, OR 97206. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture between points in Oregon, on the one hand, and, on the other, points in Washington, Idaho, Montana, California, and 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 Portland, Ore.

No. MC 82841 (Sub-No. 79), filed December 31, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. 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: *Iron and steel, and iron and steel articles*, from St. Louis, Mo., and St. Louis commercial zone to 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 St. Louis, Mo.

No. MC 87231 (Sub-No. 21), filed December 21, 1970. Applicant: BAY AND BAY TRANSFER CO., INC., 805 North

Fourth Street, Minneapolis, MN 55401. Applicant's representative: David T. Bennett, 300 Roanoke Building Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Pine Bend, Minn., to points in Iowa, Wisconsin, North Dakota, and South Dakota; (2) *salt*, from points in the Minneapolis-St. Paul commercial zone to points in North Dakota and South Dakota; and (3) *salt*, in bags and other containers, from points in the Minneapolis-St. Paul commercial zone to points in Iowa and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 94201 (Sub-No. 94), filed December 29, 1970. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cigarettes, tobacco, with paper wrappers, with or without cigarette papers; cigars, cigarette filters, tobacco and tobacco products, advertising material, display racks, and stands and salesmen's supplies*, from the plantsite, storage or warehouse facilities of Lorillard, a Division of Loew's Theatres, Inc., located at or near Greensboro, N.C., to Tampa and Miami, Fla., and their respective commercial zones; (2) *cigarettes and manufactured tobacco products; advertising material, display racks, and stands and salesmen's supplies*, from the plantsite, storage or warehouse facilities of R. J. Reynolds Tobacco Co., Winston-Salem, N.C., to Tampa, Port Everglade, and Miami, Fla., and their respective commercial zones; (3) *cigarettes, cigarette papers, smoking tobacco, fine cut chewing, and plug tobacco*, from the plantsite, storage, or warehouse facilities of Liggett & Myers, Inc., at or near Durham, N.C., to Miami and Tampa, Fla., and their respective commercial zones; and (4) *manufactured tobacco, cigars and cigarettes with or without advertising matter, and cigarette papers and pipes*, from the plantsite, storage, and warehouse facilities of American Tobacco Co., a division of American Brands, Inc., located at or near Richmond, Va.; Durham, N.C.; and Reidsville, N.C.; and their respective commercial zones, to Tampa and Miami, Fla., and their respective commercial zones. **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 94350 (Sub-No. 285), filed December 22, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant) and Ames, Hill, and Ames, 666 11th Street

NW., Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Holmes County, Ohio, to all points in the United States (excluding 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 Columbus, Ohio.

No. MC 96098 (Sub-No. 51), filed December 28, 1970. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 389, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Stamford, Conn., to Dayton, Ohio, under continuing contract with St. Regis Paper Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 97726 (Sub-No. 9), filed December 28, 1970. Applicant: AAA MOTOR LINES, INC., 1205 Reeves Street, Dothan, AL 36301. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. 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 in bulk, and commodities requiring special equipment), serving the plantsite of Joseph M. Farley Nuclear Plant, located on Alabama Highway 95N approximately 15 miles east of Dothan, Ala., as an off-route point in connection with carrier's authorized regular-route service to and from Dothan, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Montgomery, or Dothan, Ala.

No. MC 100666 (Sub-No. 179), filed December 29, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). 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 and completion thereof, from Dallas, Tex., to all points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 102817 (Sub-No. 16), filed January 7, 1971. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, IN 46202. Applicant's representative:

John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, crated and furniture, crated*, from Charlevoix, Mich., to points in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, 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 Indianapolis, Ind.

No. MC 103993 (Sub-No. 604), filed December 28, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (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, buildings and sections of buildings and frames and undercarriages, from points in Lea County, N. Mex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carlsbad, N. Mex.

No. MC 105045 (Sub-No. 27), filed December 28, 1970. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47708. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, liquids; and parts, attachments, and accessories* for use in the installation and operation of the above-named items, between the plantsite of Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). Restriction: Restricted to traffic originating at or destined to the named plantsite. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 105566 (Sub-No. 27), filed December 15, 1970. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*,

from Effingham and Sparta, Ill., to points in California, Washington, Oregon, Colorado, Arizona, Montana, Utah, New Mexico, and 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 St. Louis, Mo., or Washington, D.C.

No. MC 106674 (Sub-No. 79), filed December 14, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, anhydrous ammonia, and liquid fertilizer solutions*, from Marseilles, Ill., to points in the States of Iowa, Indiana, Michigan, and Wisconsin. NOTE: Common control may be involved. Applicant states that it does not propose to tack this authority with any presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 480), filed January 7, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from Waco, Abilene, and Midland, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that should possible duplications be discovered later, it will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 107403 (Sub-No. 802), filed January 5, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke fines*, from Delaware City, Del., to Ashtabula, Ohio. NOTE: Common control may be involved. Applicant's present authority can be tacked to that here sought but applicant has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 108119 (Sub-No. 27), filed December 30, 1970. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, 3303 Sibley Memorial Highway, St. Paul, MN 55111. 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: *Iron and steel and iron and steel articles*, from Newport, Minn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsite and warehouse of North Star Steel Co. at Newport, Minn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108119 (Sub-No. 28), filed December 30, 1970. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, 3303 Sibley Memorial Highway, St. Paul, MN 55111. 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: *Iron and steel and iron and steel articles*, from Duluth, Minn., to points in Colorado, Connecticut, Delaware, Idaho, Illinois, Kansas, Maryland, Massachusetts, Missouri, Montana, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Vermont, Virginia, West Virginia, Wyoming, Washington, California, Nevada, Arizona, New Mexico, Arkansas, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, and Tennessee. NOTE: Applicant states that tacking is possible but knows of no traffic to be handled by tacking. Possible tacking with lead certificate on size and weight authority, Sub 17. 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 108393 (Sub-No. 42), filed December 18, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. 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: *Electrical or gas appliances, parts of electrical or gas appliances, and equipment, materials, and supplies used in the manufacture, distribution, and repair of electrical or gas appliances*, from Somerset, Ky., to Evansville, Ind., under contract with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 319), filed December 31, 1970. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road, St. Paul, MN 55113. Applicant's representative: Wallace A. Myllesbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from La Crosse, Wis., to points in Minnesota,

Illinois, Iowa, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 110420 (Sub-No. 625), filed December 14, 1970. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, flavoring, and coating compounds, and cocoa products*, in bulk, from St. Louis, Mo., to Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 110683 (Sub-No. 78), filed December 18, 1970. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box No. 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives (household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Nashville and Knoxville, Tenn., (1) from Nashville over U.S. Highway 70N to Knoxville and return over the same route; and (2) from Nashville over Interstate Highway 40 and Interstate Highway 40-75 to Knoxville and return over the same route, serving all intermediate points between (1) and (2) above. Restriction: The service authorized above is restricted to the transportation of traffic moving to, from, or through Staunton, Va. 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 110988 (Sub-No. 262), filed January 4, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001, and David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, liquid, in bulk, in tank vehicles, from Neenah, Wis., to points in Minnesota, Ohio, Pennsylvania, and Tennessee; (2) *phosphoric acid and phosphatic fertilizer solutions*, liquid, in bulk, in tank vehicles, from Milwaukee, Wis.,

to points in Colorado, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio; and (3) *chromium sulphate*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111545 (Sub-No. 150), filed December 28, 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: *Iron and steel articles*, from the plantsites of Wheeling-Pittsburgh Steel Corp. at or near Follansbee, Benwood, Beech Bottom, and Wheeling, W. Va., to points in Kentucky, Ohio, and Tennessee. NOTE: Applicant states it will tack at points in Ohio, Kentucky, and Tennessee enabling service to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Iowa, Illinois, Wisconsin, Minnesota, Nebraska, Missouri, Kansas, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 112241 (Sub-No. 3), filed December 28, 1970. Applicant: HUSSEY'S MOVING & STORAGE, INC., 1720 Broadway, Vallejo, CA 94590. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in San Mateo, Santa Clara, Stanislaus, Santa Cruz, Sutter, Yuba, Nevada, Colusa, Placer, Butte, Mendocino, Glenn, El Dorado, Amador, and Calaveras Counties, Calif., and (2) between the above-named counties on the one hand, and, on the other, points in San Francisco, Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Solano, Yolo, Sacramento, and San Joaquin Counties, Calif., restricted (1) to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized; and (2) to the performance of a pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant will tack proposed authority with existing authorities in its Sub-No. 2 to permit a through service. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 112304 (Sub-No. 42), filed December 28, 1970. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. 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: (1) *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and *parts, attachments and accessories* for use in the installation and operation of the above-named items, all of which require the use of special equipment because of their size and weight; and (2) *the commodities named in (1) above which do not require the use of special equipment* when moving on the same vehicle with commodities requiring the use of special equipment; from the plantsite of the Chrysler Corp. at Bowling Green, Ky., to points in the United States (except Hawaii), restricted to traffic originating at the named plantsite. NOTE: Applicant states that the authority sought herein cannot be tacked with its presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 231), filed December 18, 1970. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, from points in Santa Rosa County, Fla., to LeMoyne, Ala. 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 Jacksonville, Fla.

No. MC 112582 (Sub-No. 35), filed December 21, 1970. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Rural Delivery No. 2, Chambersburg, PA 17201. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, having prior movement by water, in vehicles equipped with controlled refrigeration, from Wilmington, Del., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, 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 it be held at Boston, Mass., or Harrisburg, Pa.

No. MC 112801 (Sub-No. 115), filed January 7, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Liquid animal feed and feed ingredients*, in bulk, in tank vehicles, from Muscatine and Sioux City, Iowa, to points in Iowa, Illinois, Indiana, Wisconsin, Missouri, Nebraska, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113024 (Sub-No. 107), filed January 1, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19777. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Synthetic fiber yarn and staple*, between Seaford, Del., and warehouses of E. I. du Pont de Nemours & Co. Inc., at Charlotte, N.C.; and (b) *synthetic fiber yarn*, on beams, loose, in specially equipped rack trailers, between Graingers, N.C., and Denver, Colo., under contract with E. I. du Pont de Nemours & Co., Inc. NOTE: Applicant presently has pending an application for common carrier authority under its No. MC 135046, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 71), filed December 22, 1970. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representatives: Leonard A. Jasiewicz, 1730 M Street NW., Washington, DC 20036, and Joseph A. Eschenbacher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, and (2) *liquefied petroleum gas*, in bulk, in tank vehicles, from (1) Winona, Minn., to points in Minnesota, Wisconsin, and Iowa, and (2) Oostburg, Wis., to points in upper Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 113495 (Sub-No. 48), filed December 30, 1970. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 705 McLachen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*; and (2) *materials and supplies* used in the manufacture thereof (except in bulk), between points in Smith County, Tenn., on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with

its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113495 (Sub-No. 50), filed December 31, 1970. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 705 McLachen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*; and (2) *materials and supplies* used in the manufacture thereof (except in bulk), between points in Maury County, Tenn., and Lauderdale County, Ala., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Nebraska, and Minnesota, and those in States east thereof. 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 113624 (Sub-No. 55), filed December 16, 1970. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Oklahoma. 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 Omaha, Nebr., or Oklahoma City, Okla.

No. MC 113624 (Sub-No. 56), filed December 21, 1970. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst, clay, and silica gel*, from points in Wyoming to points in Colorado, Idaho, Kansas, Nebraska, North Dakota, South Dakota, Utah, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 183), filed December 30, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, DC, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, from Hopewell,

Va., to points in Natrium, W. Va., and Perth Amboy, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at District of Columbia.

No. MC 113828 (Sub-No. 184), filed December 30, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, DC 20006, or John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Wilmington, N.C., to points in 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 the District of Columbia.

No. MC 113828 (Sub-No. 185), filed January 5, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Federal Bar Building West, Washington, DC 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Danville, Va., to points in North Carolina 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 the District of Columbia.

No. MC 113855 (Sub-No. 231), filed December 28, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of North Star Steel Co. at Newport, Minn., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn.

No. MC 114004 (Sub-No. 91), filed January 4, 1971. 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: *Trailers* designed to be drawn by passenger automobiles and buildings, in sections, mounted on wheeled undercarriages with hitchball connectors, in initial movements, from Logan County, Okla., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its exist-

ing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114045 (Sub-No. 344) (amendment), filed October 5, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished in part, as amended this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). The purpose of this partial republication is to include Reno, Nev., to the destinations. The rest of the application remains as previously published.

No. MC 114194 (Sub-No. 160), filed December 28, 1970. Applicant: KREIDER TRUCK SERVICE, INC., 80003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Gene Kreider, 67 Carnation Street, Collinsville, IL 62234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and blends* in bulk, from St. Louis, Mo., to points in Illinois, Indiana, Michigan, Wisconsin, Arkansas, Tennessee, Kentucky, Oklahoma, Kansas, Nebraska, and Iowa. Applicant states that the requested authority can be tacked with its presently existing authority, but does not indicate the points or territories which could be served through such tacking. Persons 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 St. Louis, Mo.

No. MC 114211 (Sub-No. 150), filed December 18, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and unprocessed soy beans*, from points in Black Hawk County, Iowa, 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 Des Moines, Iowa, or Chicago, Ill.

No. MC 114273 (Sub-No. 77), filed December 23, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski (same address as applicant), or Robert E. Konchar, Suite 315, Commerce Exchange Building, 2700 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from St. Joseph, Mo., to points in Connecticut, Delaware, Indiana,

Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 64), filed January 6, 1971. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Lewes, Del., to points in Pennsylvania, Maryland, New Jersey, Delaware, and that part of Virginia on and east of the Chesapeake Bay. 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 114552 (Sub-No. 53), filed December 21, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, or built-up wood, prefinished, molding, and accessory items* used in the installation as nails, stains, adhesives, and putty sticks, from points in Queens County, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 114632 (Sub-No. 34), filed December 31, 1970. Applicant: APPLE LINES, INC., Post Office Box 670, Madison, SD 57042. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans.; West Point and Dakota City, Nebr.; Luverne, Minn.; and Denison, Fort Dodge, LeMars, and Mason City, Iowa; to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under

MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 114789 (Sub-No. 32), filed December 28, 1970. Applicant: NATION-WIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, tile, flooring facing, and materials and supplies* used in the installation, maintenance, and repair of the commodities described above, from points in Alabama, Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia, to points in Minnesota, Illinois, Indiana, Iowa, Kansas, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. Restriction: The operations sought herein are to be limited to transportation service to be performed under continuing contracts with General Floor Coverings, Inc.; Minnesota Tile Supply; Robertson-American Corp.; Mid America Tile Distributors, Inc.; Gateway Ceramics; Carson Pirie Scott & Co.; and Columbia Cement Co., Inc. NOTE: Applicant states it already holds a permit in MC 114789 (Sub-No. 16) which authorizes the transportation of "Floor coverings, stair treads, wall tile, countertop coverings, and moldings, and materials and supplies used in the installation, maintenance and repair of the commodities described above, from Danbury, New London, and West Haven, Conn.; Boston, Cambridge, Lowell, and Norwood, Mass.; Lisbon, Maine; Newark, Salem, and Trenton, N.J.; Newburg and New York, N.Y.; Akron, Fostoria, and Middlefield, Ohio; and Chicago, Ill., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, service restricted to that performed under continuing contracts with General Floor Coverings Company and Minnesota Tile Supply." Applicant hold common carrier authority in MC 117840, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115162 (Sub-No. 214), filed December 14, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., to those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except North Dakota, South Dakota, Iowa, Arkansas, Kentucky, Louisiana (other than Baton Rouge and Lake Charles and points within 15 miles of each), Mississippi (north of U.S. Highway 80), Michigan (lower peninsula

only), St. Louis, Mo., and West Virginia on and south of U.S. Highway 33). 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 Mobile, Ala., or Pensacola, Fla.

No. MC 115162 (Sub-No. 215), filed December 24, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe*, from Baltimore, Md., to points in Alabama, Florida, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115180 (Sub-No. 67) (Correction), filed November 23, 1970, published in the FEDERAL REGISTER issue of January 7, 1971, and republished as corrected this issue. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, drugs, pharmaceuticals* (except in bulk), in mechanical refrigerated equipment, from points in Illinois to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the State of Illinois as the origin territory which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 211), filed December 21, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, (except in bulk), from the storage facilities utilized by Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Colorado, South Dakota, Oregon, Washington, California, Utah, Texas, Oklahoma, North Dakota, Montana, Wyoming, New Mexico, Arizona, Nevada, and Idaho. 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., or New Orleans, La.

No. MC 115826 (Sub-No. 212), filed December 31, 1970. Applicant: W. J. DIGBY,

INC., 1960 31st Street, Post Office Box 5088 T.A. Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix AZ 85003. 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, from Pueblo, Colo., to points in California, Arizona, Nevada, and Utah. NOTE: This application is a gateway elimination application. Applicant by tacking its Subs 4 and 28 can presently provide the service through another Colorado point. If a hearing is deemed necessary, applicant requests it be held at Denver or Pueblo, Colo.

No. MC 115840 (Sub-No. 62), filed December 28, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, components, parts, and accessories*, from Anniston, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 394), filed December 24, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same as applicant's) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations* (except in bulk), from the plant and warehouse facilities of Kraft Foods, a division of Kraftco Corp., at Decatur, Ga., to points in Kentucky, Tennessee, Mississippi, and Louisiana. Restriction: Restricted to traffic originating at the named plantsite and warehouse facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or New Orleans, La.

No. MC 116077 (Sub-No. 306), filed December 11, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, TX 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Chemicals*, in bulk, from St. James Parish, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority in MC 116077 but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Lafayette, La.

No. MC 116254 (Sub-No. 121), filed January 7, 1971. 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: *Commodities*, in bulk, between points in Jefferson County, Ala., and points in Colbert, Lauderdale, Morgan, and Marshall Counties, Ala. **NOTE:** Applicant states that the authority sought could be tacked with various certificates presently held, but it has no present intention to do so and therefore does not identify the points or territories which can be served through tacking. Such subs are 5, 9, 20, 33, 60, 62, 73, 76, 82, 92, 101, 103. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala., Nashville or Memphis, Tenn.

No. MC 116763 (Sub-No. 184), filed December 28, 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: *Frozen foods*, from the plantsite and warehouse facilities of The J. M. Smucker Co., at Berne and Winchester, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, South Dakota, Tennessee, Texas, Vermont, 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 Columbus, Ohio.

No. MC 116763 (Sub-No. 185), filed December 28, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Building materials, building supplies, furnaces, air conditioners, air cleaners, coolers, and heaters*, from points in Ohio, to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Texas (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 186), filed December 28, 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: *Canned, prepared or preserved food, and foodstuffs* (except citrus products and frozen foods), from points in Florida, to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116947 (Sub-No. 15), filed December 23, 1970. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Albany Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal containers parts and accessories, and equipment used in connection with the distribution of metal containers, and metal containers ends*, from Fruitland, Md., to points and places in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. **NOTE:** Applicant holds common carrier authority in MC 117956 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117815 (Sub-No. 169), filed December 24, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. 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: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, 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, commodities in bulk, in tank vehicles) and (2) *equipment, materials, and supplies used in the conduct of meat packing business, between the plantsite and facilities of Illini-Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and,*

on the other, points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, 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 117883 (Sub-No. 146), filed December 16, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Winchester and Berne, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to the transportation of traffic from the plantsites and storage facilities of J. M. Smucker Co. at or near Winchester and Berne, Ind., and destined to the above named destinations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 11859 (Sub-No. 108), filed January 4, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spice sets*, in glass containers and/or racks, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii), and (2) *articles used in the manufacture, sale, distribution, and advertising of commodities set forth in (1), from points in the United States (except Alaska and Hawaii), to Tulsa, Okla., restricted to shipments originating or destined to the plantsite and storage facilities utilized by Business Builders, Inc., of Tulsa, Okla.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, Okla., Washington, D.C., or New Orleans, La.

No. MC 118459 (Sub-No. 4), filed December 18, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. 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: (1) *Paints, paint materials and related articles normally sold in retail paint and*

hardware stores, from the Distribution Center of The Sherwin-Williams Co. located at Savage, Md., to points in Virginia; and (2) *returned and damaged commodities* as described above from points in Virginia to the Distribution Service Center of The Sherwin-Williams Co. located at Savage, Md. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118739 (Sub-No. 7), filed December 21, 1970. Applicant: FRITZ TRUCKING, INC., Clara City, MN 56222. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail dry goods and variety store business houses, from points in the Chicago, Ill., commercial zone as defined by the Commission, to Clara City, Minn., under contract with VSC, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118989 (Sub-No. 59), filed December 28, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic solution containers, related parts and components thereof* from Racine, Wis., to points in Illinois, Iowa, Missouri, Minnesota, Ohio, New Jersey, Texas, Pennsylvania, and Indiana. NOTE: Applicant states that the authority sought cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119493 (Sub-No. 65), filed December 28, 1970. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between Fort Smith, Ark., and points in Arkansas, Oklahoma, Missouri, Kansas, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 119767 (Sub-No. 255), filed December 24, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, I-94 and County Highway C, Bristol, WI. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from

Terre Haute, Ind., to points in Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 256), filed December 21, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158, Bristol, WI. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising matter, display racks and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Iowa. 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 that it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 257), filed December 28, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amorphous silica*, from Tamms, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 119767 (Sub-No. 258), filed December 31, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Marathon, Taylor, and Grant Counties, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the above-named products, from points in the United States (except Alaska and Hawaii), to points in Marathon, Taylor,

and Grant Counties, Wis. 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 119777 (Sub-No. 197), filed December 27, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representatives: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101, and William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and parts, attachments, and accessories* for use in the installation and operation of the above-named items, between the plantsite of the Chrysler Corp. at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: Restricted to traffic originating at or destined to the named plantsite. NOTE: Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119777 (Sub-No. 199), filed January 7, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, insulation board, paneling, vinyl film, shelving, siding, moulding, display cases, and display case assemblies; knocked down furniture, doors, and door assemblies; and returned and rejected shipments thereof; and (2) machinery and equipment* used in manufacturing items in (1) above when moving in mixed shipments therewith, from Wright City, Union, and Sedalia, Mo., to points in the United States (except the St. Louis, Mo.-East St. Louis, Ill., commercial zone); and (3) *show and display furniture, furniture advertising brochures, and paraphernalia* moving in conjunction therewith, in shipper-owned trailers, between points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier permit MC 129670 therefore dual operations and common control may be involved. If a hearing is

deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119789 (Sub-No. 53), filed December 29, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Connecticut, 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 Kansas City, Kans.; Dallas, Tex., or Washington, D.C.

No. MC 119917 (Sub-No. 30), filed December 27, 1970. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips, potato sticks, popped corn, corn chips, twists, and puffs*, in straight or mixed shipments with bakery products and related shipping containers and devices, empty or loaded, used in the transportation of the shipment of these commodities, from the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Atlanta, Ga., to the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Charlotte, N.C.; and (2) *bakery products and potato chips, potato sticks, popped corn, corn chips, twists, and puffs*, in straight or mixed shipments with bakery products and related shipping containers and devices, empty or loaded, used in the transportation of the shipment of these commodities, from the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Charlotte, N.C., to the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Atlanta, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119931 (Sub-No. 6), filed December 9, 1970. Applicant: DEWEY FREIGHT SYSTEM, INC., 7921 Grandview, Overland Park, KS 66204. Applicant's representative: Charles A. Darby, 1215 Commerce Bank Building, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty malt beverage containers* on return, from St. Louis,

Mo., to Beloit and Salina, Kans. 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 123111 (Sub-No. 8), filed December 28, 1970. Applicant: QUEENSWAY TANK LINES LIMITED, a corporation, Queensway Road, Chesterville, ON, Canada. 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: *Asphalt*, in bulk, from ports of entry on the United States-Canada boundary line at Highgate and Rock Island, Vt., to points and places in Vermont. Restriction: Transportation performed under this authority shall be restricted to shipments originating in the Province of Quebec, Canada; (B) *asphalt*, in bulk, from ports of entry on the United States-Canada boundary line at Champlain and Rouses Points, N.Y., to points in New York. Restriction: Transportation performed under the above authority shall be restricted to shipments originating at the Province of Quebec; (C) *asphalt and asphalt products*, in bulk, from ports of entry along the United States-Canada boundary line along the St. Lawrence River to points in New York. Restriction: Transportation under the above authority shall be restricted to shipments originating in the Province of Ontario, Canada. General restriction: All transportation performed under the authorities sought herein shall be restricted to international commerce. No transportation for compensation on return, except as otherwise authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, Albany, or New York, N.Y.

No. MC 123383 (Sub-No. 52), filed December 24, 1970. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poly Styrene beads*, from Farmingdale, N.J., to Chesapeake, Va. 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 Philadelphia, Pa.

No. MC 123407 (Sub-No. 75), filed December 22, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Ohio and Oakland County, Mich., to points in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Wisconsin, Upper Michigan, and Illinois except points in the Chicago commercial zone. NOTE: Common control may be involved. Applicant states that the re-

quested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 123407 (Sub-No. 77), filed January 4, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and poultry feed*, from Chicago Heights, Ill., to points in Minnesota, Wisconsin, Iowa, Mississippi, Arkansas, Louisiana, Alabama, Georgia, North Carolina, Florida, Texas, and Oklahoma. 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 123685 (Sub-No. 8), filed December 28, 1970. Applicant: PEOPLES CARTAGE INC., 8045 Navarre Road SW, Massillon, OH 44646. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 53215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fungicides, insecticides, herbicides, and pesticides*, in containers, and in bulk (except liquids), from Cairo and Washington Court House, Ohio, to points in 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 Columbus, Ohio, or Washington D.C.

No. MC 124070 (Sub-No. 19), filed December 28, 1970. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Dubuque, Iowa, to points in Illinois, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124212 (Sub-No. 54), filed December 18, 1970. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122. 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: *Cement*, in bulk, in tank vehicles, from the plantsite of Lehigh Portland Cement Co. located at Union Bridge, Md., to points in the Commonwealth of Pennsylvania. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a

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

No. MC 125102 (Sub-No. 14), filed December 21, 1970. Applicant: LEONARD DELUE, D. J. SEBERN, T. W. RINKER, E. L. DELUE, AND TED P. RINKER, a partnership doing business as ARMORED MOTORS SERVICE, 970 Yuma, Denver, CO 80204. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, CO 80204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Data processing papers, punchcards, microfilm, magnetic uncoded documents, magnetic tape, punch paper tape, printed reports and documents, blueprints and drawings, audit media, office records and other business and accounting records*, between points in Larimer, Weld, Boulder, Denver, Adams, Arapahoe, Jefferson, Douglas, El Paso, and Pueblo Counties, Colo., restricted to traffic with an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126473 (Sub-No. 14), filed December 28, 1970. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wines and champagnes*, from Fairfield, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *champagnes, materials, equipment, and supplies* used in the manufacture, processing, sale, or distribution of wines and champagnes, from points in the United States (except Alaska and Hawaii), to Fairfield, Iowa. NOTE: Applicant states that the requested authority will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 126719 (Sub-No. 5), filed December 17, 1970. Applicant: CARON TRANSPORT LTD., Post Office Box 3464, Station D, AB Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, from the port of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, Mont., to Casper, Gillette, Powell, and Worland, Wyo., under contract with Dow Chemical of Canada, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127049 (Sub-No. 6), filed December 28, 1970. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, WI 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a

*contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising displays*, from Milwaukee, Wis., to points in the United States (except Hawaii, Alaska, and Wisconsin), under contract with Dimensional Products, Inc., Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127283 (Sub-No. 4), filed December 23, 1970. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, IL 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, (1) from Glen Rose, Tex., to points in Louisiana, Oklahoma, Texas, Colorado, Kansas, Missouri, Arkansas, Illinois, New Mexico, Iowa, and Tennessee; and (2) from Wedron, Ill., to points in Pennsylvania, New York, New Jersey, West Virginia, Massachusetts, and Tennessee, under contract with Wedron Silica Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127346 (Sub-No. 6), filed December 24, 1970. Applicant: HALL'S FAST MOTOR FREIGHT, INC., Post Office Box 183, South Plainfield, NJ 07080. 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: *Plastic granules*, in bulk in water carrier containers, from New Castle, Del., to Sea Land Terminal at Elizabeth, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128217 (Sub-No. 3), filed December 28, 1970. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside, Jamestown, ND 58401. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from (a) Chicago, Chicago Heights, and Broadview, Ill., to points in Minnesota and Nebraska; (b) the plantsites and storage facilities of Calumet Steel Division of Borg Warner Corp. at Chicago Heights, Ill., and Ceco Corp. at Chicago, Ill., to points in South Dakota; (c) Duluth and Minneapolis, Minn., and Sterling, and Granite City, Ill., to points in Nebraska; and (d) Jamestown, N. Dak., to points in Nebraska, Idaho, and Wyoming; (2) *lumber, chipboard, plywood, shingles, treated lumber, and treated posts and poles*, from the port of entry at or near East Port, Idaho, to points in North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Arizona, New Mexico, Washington, Oregon, California, Nevada, Utah, and Colorado; (3) *treated posts*

and poles, from the port of entry at or near East Port, Idaho, to points in Iowa, Wisconsin, and Illinois. Restriction: Restricted in parts (2) and (3) to traffic moving in foreign commerce; and (4) *overhead doors and accessories, materials, and supplies* used in the installation thereof, from Sterling, Ill., to Jamestown, N. Dak., all under contract with LeFevre Sales, Inc. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 128273 (Sub-No. 82), filed January 5, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment); (1) between points in Portage and Wood Counties, Wis. (except the plantsite and storage facilities of Consolidated Paper Co. at Wisconsin Rapids, Wis.), on the one hand, and, on the other, points in Alabama, Louisiana, Nebraska, Mississippi, Tennessee, Kentucky, Missouri, Texas, Kansas, Oklahoma, and Arkansas; and (2) between the plantsite and storage facilities of Consolidated Paper Co. at Wisconsin Rapids, Wis., on the one hand, and, on the other, Memphis, Tenn.; Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; and East St. Louis, Ill.; and points in their respective commercial zones. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Minneapolis, Minn.

No. MC 129086 (Sub-No. 12), filed December 17, 1970. Applicant: SPENCER TRUCKING CORPORATION, Box 254A, Route 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, gravel, crushed stone, pugmill fine, lime, limestone, sand, and asphalt and blacktop*, in bulk, in dump vehicles, between points in Allegany and Garrett Counties, Md.; Bedford and Fulton Counties, Pa.; Barbour, Berkeley, Grant, Hampshire, Jefferson, Hardy, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Taylor, Tucker, and Upshur Counties, W. Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 129086 (Sub-No. 7) in Mineral County, W. Va., to perform through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129086 (Sub-No. 13), filed January 6, 1971. Applicant: SPENCER

TRUCKING CORPORATION, Box 254A, Keyser, WV 26726. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Silica sand*, from points in Frederick County, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129615 (Sub-No. 4), filed December 21, 1970. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, a corporation, 2000 West 16th Street, Long Beach, CA 90801. Applicant's representative: E. D. Helmer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used automobiles, campers, and motor homes (not mobile homes)*, in secondary movements, in driveway service, between points in Hawaii and California, on the one hand, and, on the other, points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129631 (Sub-No. 16), filed December 28, 1970. Applicant: PACK TRANSPORT, INC., Post Office Box, 17233, Salt Lake City, UT 84117. Applicant's representative: Max Eliason (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Uintah, Daggett, Summit, Rich, and Cache (except Logan and Smithfield) Counties, Utah, to Arizona, Utah, Colorado, 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 Salt Lake City, Utah.

No. MC 133220 (Sub-No. 2), filed December 14, 1970. Applicant: RECORD TRUCK LINE, INC., Box 11, Henderson, TN 38340. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention sprinkler systems and fire prevention sprinkler systems parts, accessories, and attachments*; and (2) *pipe fittings, pipe connections, castings, and valves*; (a) from the plantsite of Princeton Co., Division of Grinnell Corp., at or near Princeton, Ky., to points in the United States, except Alaska and Hawaii; (b) from the plantsite of Grinnell Co., Inc., at or near Temple, Tex., to points in the United States, except Alaska and Hawaii; and (c) from the

plantsite of the Augusta Corp., Division of Grinnell Corp., at or near Augusta, Ark., to points in the United States, except Alaska and Hawaii; and (3) *materials used in the fabrication, assembly, and installation of (1) and (2) above*, from points in the United States (except Alaska and Hawaii), to the named plant and warehouse sites of Princeton Co., Division of Grinnell Corp.; Grinnell Co., Inc., and Augusta Corp., Division of Grinnell Corp., under contract with Princeton Co., Division of Grinnell Corp., Princeton, Ky., Grinnell Co. Inc., Temple, Tex., and Augusta Corp., Division of Grinnell Corp., Augusta, Ark. NOTE: Applicant has common carrier authority under MC 125227 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 134129 (Sub-No. 4), filed December 22, 1970. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 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: *Culvert pipe, culvert sectional plate, couplings and coatings for culvert pipe and sections*, (1) from Bealeton, Va., to points in North Carolina and West Virginia, and (2) from Cessna, Pa., to points in North Carolina, and (3) from Ashland, Ky., to Bealeton, Va., and points in West Virginia, restricted to a service to be performed under a continuing contract with Lane Juniata, Inc., of Bedford, Pa., and its affiliate, Lane-Penncarva, Inc., of Bealeton, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134169 (Sub-No. 1), filed December 21, 1970. Applicant: WAYNE E. TRUELOVE AND RAYMOND S. SCOTT, a partnership, doing business as TRUELOVE AND SCOTT TRANSPORTATION CO., 1078 South Jefferson Street, Lebanon, MO 65536. Applicant's representative: Raymond S. Scott, Post Office Box 104, Lebanon, MO 65536. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cooperage stock, heading and staves, and wood chips*, between Lebanon, Mo., and points in Iowa, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, and Missouri, under contract with Independent Stave Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Jefferson City, or St. Louis, Mo.

No. MC 134412 (Sub-No. 1), filed December 24, 1970. Applicant: BUFF TRANSPORTATION CORP., 32-50 Buffington Avenue, Irvington, NJ 07111. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paint*, (except in bulk), from Irvington, N.J., to points in Arizona, Colorado, New Mexico,

California, Washington, and Oregon, under contract with Atlas Paint & Varnish Co., of Irvington, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134454 (Sub-No. 2), filed December 31, 1970. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second Street, Dayton, OH 45402. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Concrete products*, (b) *pipe fittings*, and (c) *materials and supplies incidental to the manufacture of concrete products*, between the plantsites of Price Brothers Co. in Oakland, McComb, and Wayne Counties, Mich., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Illinois, Ohio, New York, and Pennsylvania, under contract with Price Brothers Co., Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134599 (Sub-No. 5) (Correction), filed December 2, 1970, published in the FEDERAL REGISTER issue of December 24, 1970, and republished in part as corrected this issue. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln NE 68501. NOTE: The purpose of this partial republication is to redescribe Part (2) as follows: From Centralia and Ashley, Ill., to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Louisiana, Oklahoma, Texas, Mississippi, Alabama, Georgia, and Florida. The rest of the application remains the same.

No. MC 134599 (Sub-No. 7), filed December 18, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Acklie & Peterson, 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: *Tires, rubber products, and equipment, materials, and supplies used in the manufacture and production thereof*, between Carter County, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contract with Uniroyal, Inc., its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Lincoln, Nebr.

No. MC 134599 (Sub-No. 9), filed December 28, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216.

Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, advertising materials and equipment, materials, and supplies* used in the manufacture of above items, between Muskegon, Mich., and points in its commercial zone, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Arizona, Utah, Colorado, New Mexico, Kansas, Nebraska, Iowa, and Missouri, under continuing contract with Scott Paper Co. and its subsidiaries and affiliates. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134645 (Sub-No. 2), filed December 23, 1970. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, St. Cloud, MN 56301. 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: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, 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 the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant holds contract carrier authority under MC 124071, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 134651 (Sub-No. 1), filed December 23, 1970. Applicant: GIBSON TRANSPORT LIMITED, 211 Lakeshore Road East, Clarkson, ON Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the port of entry on the United States-Canada boundary line located at Lewiston, N.Y.; (1) to points in New York, except Erie County, N.Y.; and (2) to points in Cameron, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Tioga, Venango, and Warren Counties, Pa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134699 (Sub-No. 1), filed December 21, 1970. Applicant: CAMPUS

DIVISION OF PEYLIM (AMERICAN YESHIVA STUDENT UNION), 3 West 16th Street, New York, NY 10011. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers' baggage and personal effects*, during the season from June 1, to October 1, inclusive of each year, between New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Bergen, Essex, Hudson, Union, Passaic, and Middlesex Counties, N.J.; on the one hand, and, on the other, Great Barrington, Mass.; Flatbrookville, N.J.; Hancock, Livingston Manor, Monticello, Swan Lake, and Woodbridge, N.Y.; Beachlake, Dingman's Ferry, Effort, Honesdale, Indian Orchard, Lake Como, Tannersville, Waymart, and Winterdale, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134776 (Sub-No. 3), filed December 31, 1970. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Rural Delivery No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground, and powdered, from Apex, N.C., to points in Maryland, Pennsylvania, New Jersey, and New York; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above, to Apex, N.C., under contract with Potters Industries, Inc. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., New York, N.Y., or Washington, D.C.

No. 134858 (Sub-No. 1), filed December 28, 1970. Applicant: ROGER BARRY HANS, Route 2, Stone Road, Westminster, MD 21157. Applicant's representative: Francis W. McInerney, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden stairs and parts*, from Silver Run, Md., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington, D.C., under contract with B & D Woodworking & Finishing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134930 (Sub-No. 2), filed December 14, 1970. Applicant: SAM VIVELLO, doing business as TRI-COUNTY DELIVERY, 987 North Ward Avenue, Girard, OH 44420. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, OH 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retail merchandise*, from Austin, Warren, and Youngstown, Ohio, to points in Ash-tabula, Trumbull, Mahoning, Columbi-

ana, Stark, Portage, and Geauga Counties, Ohio; and Crawford, Butler, Beaver, Mercer, Lawrence, and Venango Counties, Pa., and the return of *rejected and damaged shipments* for the transportation of retail merchandise, for the account of W. T. Grant Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cleveland or Youngstown, Ohio.

No. MC 134952 (Amendment), filed September 14, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished as amended this issue. Applicant: LOUIS E. RITT AND S. DI-ANNE RITT a partnership, doing business as, ANTRIM COUNTY AVIATION, Box 395, Bellaire, MI 49615. Applicant's representative: Louis E. Ritt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities requiring special equipment, and classes A and B explosives), from points in Antrim, Charlevoix, and Emmet Counties, Mich., to Detroit Metropolitan Airport located at Romulus, Mich., and the Willow Run Airport located at or near Ypsilanti, Mich., restricted to shipments having a prior or subsequent movement by air and further restricted to shipments not exceeding 3,600 pounds in weight. **NOTE:** The purpose of this republication is to broaden the commodity description, reduce the origin territory and more accurately describe the airport designations. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 134979 (Sub-No. 1), filed December 28, 1970. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pie crusts* from the plantsite of Ready Italy, Inc., at or near Fargo, N. Dak., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used for the manufacture and distribution of pie crusts from points in the United States (except Alaska and Hawaii) to the plantsite of Ready Italy, Inc., at or near Fargo, N. Dak., under contract with Ready Italy, Inc. Restriction: Restricted to traffic moving in insulated temperature controlled equipment. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis and St. Paul, Minn.

No. MC 135022 (Sub-No. 2), filed December 28, 1970. Applicant: LAWRENCE C. ARTHUR, Post Office Box 601, Warsaw, VA 22572. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*; (a) from the plantsite of Koppers Co., near Newton, Va.; (b) from the plantsite of De Jarrette Lumber Corp., at Milford, Va.; and (c) from Koppers Co. plantsite on Charles City Road in Richmond, Va., to P. H. Glatfelter Paper Co. in Spring Grove, Pa.; and (2) *cross-ties*, from the Koppers Co. plantsite at Newton, Va., to their

plant in Newport, Del. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Warsaw or Richmond, Va.

No. MC 135055, filed October 26, 1970 (correction), published in the *FEDERAL REGISTER* issue of December 17, 1970, and republished as corrected, this issue. Applicant: ARVID R. NELSON, doing business as NELSON'S TRUCKING, 318 Wittwer Street, Hayward, WI 54843. Applicant's representative: Thomas W. Duffy, 104 West Second Street, Hayward, WI 54843. The purpose of this partial republication is to correctly place a comma after "furniture dowsls" in lieu of after "furniture" in the commodity description as inadvertently shown in previous publication. The rest of the application remains the same.

No. MC 135072 (Sub-No. 2), filed December 28, 1970. Applicant: JUDSON E. HEATER, 6887 Versailles Road, North Evans, NY 14112. Applicant's representative: E. George Perdix, 546 Delaware Avenue, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as dealt in by Century Housewares, Inc., under contract with Century Housewares, Inc., between the town of Hamburg, N.Y., and Erie, Pa., Mansfield and Toledo, Ohio, Flint, Pontiac, Saginaw, Lansing, Kalamazoo, and Muskegon Heights, Mich., and Fort Wayne, Ind.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135200 (Sub-No. 2), filed December 28, 1970. Applicant: W. H. SAPP AND HILTON SAPP, a partnership, doing business as SAPP BROS. TRUCKING CO., Tifton Highway, R.F.D. 1, Box 135-A, Barney, GA 31625. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanut meal, peanut hulls, soybean meal, soybean hulls, and mill run*, from Moultrie, and Valdosta, Ga., to Dothan and Enterprise, Ala., and points in Florida. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 135203 (Amendment), filed December 17, 1970, published in the *FEDERAL REGISTER* issue of January 14, 1971, and republished as amended this issue. Applicant: TEPICO, INC., 150 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint*, except in bulk, from Middlesex, N.J., to points in California, Washington, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, and Virginia; (2) *clay*, except in bulk, from points in Georgia to Middlesex, N.J.; (3) *talc*, except in bulk, from points in New York to Middlesex, N.J.; (4) *resin*, except in bulk, from points in Pennsylvania to Middlesex, N.J.; and (5) *calcium car-*

*bonate*, except in bulk, from points in Maryland to Middlesex, N.J. **Restriction:** The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Chemray Coating Corp. **NOTE:** The purpose of this republication is to add to the commodity description and broaden the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135204, filed December 15, 1970. Applicant: W. L. DAVIS, doing business as W. L. DAVIS TRUCKING, 8439 Lock Lomond, Pico Rivera, CA 90660. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in Alameda, Los Angeles, and San Francisco Counties, Calif., to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington; and (2) *bananas and exempt commodities as described in section 203(b)(6) of the Interstate Commerce Act*, when transported at the same time and in the same vehicle, from points in (a) Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Ariz., (b) points in that part of California located south of and including, Butte, Colusa, Lake, Sierra, and Sonoma Counties (but excluding points in Inyo and Mono Counties), and (c) points in Nevada, to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135220, filed December 30, 1970. Applicant: MORRIS MILLER, 288 Maple Avenue, Cassadaga, NY 14718. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Michigan to points in New York and returned shipments in the reverse direction; and (2) *empty malt beverage containers*, from points in New York to points in Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135221, filed December 15, 1970. Applicant: WESTERN PROVISIONS, INC., 4301 Downey Road, Vernon, CA 90058. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in Alameda, Los Angeles, and San Francisco Counties, Calif., to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington; and (2) *bananas and exempt commodities as described in section 203(b)(6) of the Interstate Commerce Act*, when transported at the same time and

in the same vehicle, from points in (a) Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Ariz.; (b) points in that part of California located south of and including, Butte, Colusa, Lake, Sierra, and Sonoma Counties (but excluding points in Inyo and Mono Counties); and (c) those in Nevada, to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135223, filed December 18, 1970. Applicant: DOUCIMO TRANSPORTATION CO., INC., 34 Southwest Cutoff, Worcester, MA 01604. 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: *Gravel, sand, and trap rock*, in bulk; (1) (a) gravel and sand from Thompson, Conn., to Oxford, Mass.; (b) from Oxford, Mass., to Wauregan, Conn.; and (2) trap rock from Wauregan, Conn., to Oxford, Mass. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 135224, filed December 24, 1970. Applicant: ALPCO TRANSPORTATION COMPANY, INC., 4910 West Knollwood, Tampa, FL 33614. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden louvered doors and blinds*, from the plantsite of American Louvered Products Co. at Tampa, Fla., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies used in the manufacture of wooden louvered doors and blinds*, from points in the United States (except Alaska and Hawaii) to the plantsite of American Louvered Products Co., at Tampa, Fla., under contract with American Louvered Products Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Mobile, Ala.

No. MC 135225, filed December 29, 1970. Applicant: CAPITOL MOVING & STORAGE COMPANY, INC., 100 Edgewood Street, Annapolis, MD 21401. 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: *Household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic between points in Maryland and Washington, D.C. **NOTE:** Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135226, filed December 29, 1970. Applicant: HENRY L. STODDARD, doing business as, HAST DELIVERY SERVICE, 9 Indian Neck Avenue, Branford, CT 06405. Applicant's representative: William J. Meuser, 101 River Street, Milford, CT 06460. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Exposed and processed photofilm, photoprints, materials and supplies therefor, photofilm finishers' handling materials and materials and supplies used in the packaging and identification of photofilm and photoprints (except commodities in bulk, in tank vehicles);* (1) between Bradley Airport, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut and Massachusetts; (2) between New Haven, Conn., and points in Connecticut; (3) between Fair Lawn, N.J., on the one hand, and, on the other, Newark, N.J., and New York, N.Y.; (4) between New Haven, Conn., on the one hand, and, on the other, New York, N.Y., and Newark, N.J.; (5) between New Haven, Conn., on the one hand, and, on the other, Fair Lawn, N.J.; and (6) between New Haven, Conn., on the one hand, and, on the other, points in Hampshire County and Hampden County, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 135228, filed January 8, 1971. Applicant: WRENN AUTO DELIVERY CO., a corporation, 2835 Southeast 111th Avenue, Portland, OR 97266. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill supplies, machinery, and equipment, between the plants and warehouses of Crown Zellerbach in Portland, Ore., and Vancouver, Wash., under contract with Crown Zellerbach Corp., Flexible Packaging Division.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 134929 (Sub-No. 2), filed December 22, 1970. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, MD 21797. 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 the same vehicle with passengers, between Columbia, Md., and Washington, D.C., under contract with The Columbia Park and Recreation Association, Inc.* NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135219, filed December 22, 1970. Applicant: CHEROKEE BOYS CLUB, INC., Box 507, Cherokee, NC 28719. Applicant's representative: Raymond E. Kinsland (same address as applicant). Au-

thority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers (Charter Service) from points in Swain, Jackson, Graham, Cherokee, Haywood, and Macon Counties, N.C., on the one hand, and, on the other, points in Tennessee, Georgia, South Carolina, New York, Virginia, Kentucky, Ohio, Alabama, Florida, and Louisiana.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Knoxville, Tenn.

#### APPLICATIONS OF FREIGHT FORWARDERS

No. FF-396 (DOMESTIC AIR EXPRESS, INC. FREIGHT FORWARDER APPLICATION), filed January 8, 1971. Applicant: DOMESTIC AIR EXPRESS, INC., 147-17 176th Street, Jamaica, NY 11434. Applicant's representative: David M. Schwartz, 1700 Pennsylvania Avenue NW, Washington, DC 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, air and motor vehicle in the transportation of: *General commodities (except used household goods, used automobiles and unaccompanied baggage), limited to shipments having a prior or subsequent movement by air, between points in the United States, including Alaska and Hawaii.*

No. FF-397 (JAPAN LINE, LTD. FREIGHT FORWARDER APPLICATION), filed January 12, 1971. Applicant: JAPAN LINE, LTD., Kokusai Building 1-1, Marunouchi 3, Chiyoda-Ku, Tokyo, Japan. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, in the transportation of *General commodities; (a) from the ports on the west coast to points in Illinois, Texas, New York, Wisconsin, Minnesota, and Missouri, restricted to the handling of shipments having an immediately prior movement in foreign commerce, in containers loaded outside the United States for through movements to Illinois, Texas, New York, Wisconsin, Minnesota, and Missouri, and (b) from all ports on the west coast to points in Illinois, Texas, Kansas, Missouri, Wisconsin, Minnesota, New York, and Michigan, restricted to the handling of shipments having an immediately prior movement in foreign commerce, in containers loaded outside the United States for through movements to Illinois, Texas, Kansas, New York, Missouri, Wisconsin, Minnesota, New York, and Michigan.* NOTE: A motion to dismiss part (a) has been filed herewith.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2986 (Sub-No. 35), filed January 3, 1971. Applicant: I & S-McDANIEL, INC., 1102 Prairie Avenue, Vincennes, IN 47591. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a common carrier, by motor vehicle, over regular routes,

transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Indianapolis, Ind., and Cincinnati, Ohio; from Indianapolis over Interstate Highway 74 to Cincinnati, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.*

No. MC 53965 (Sub-No. 71), filed December 31, 1970. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Post Office Box 838, Salina, KS. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, dry acids, and chemicals, in bulk and liquid commodities, in bulk in tank vehicles), from Holton, Kans., to points in Arkansas, Colorado (on and east of the Continental Divide), Nebraska, Oklahoma, Texas, Louisiana, Missouri, Kentucky, Mississippi, and Tennessee.* 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1114 Filed 1-27-71; 8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 25, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 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. 42117—*Chlorine to Points in Kentucky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2995), for interested rail carriers. Rates on chlorine, liquid, in tank-car loads, as described in the application, from specified points in West Virginia, to specified points in Kentucky.

Grounds for relief—Market competition.

Tariff—Supplement 119 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-611.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1196 Filed 1-27-71; 8:49 am]

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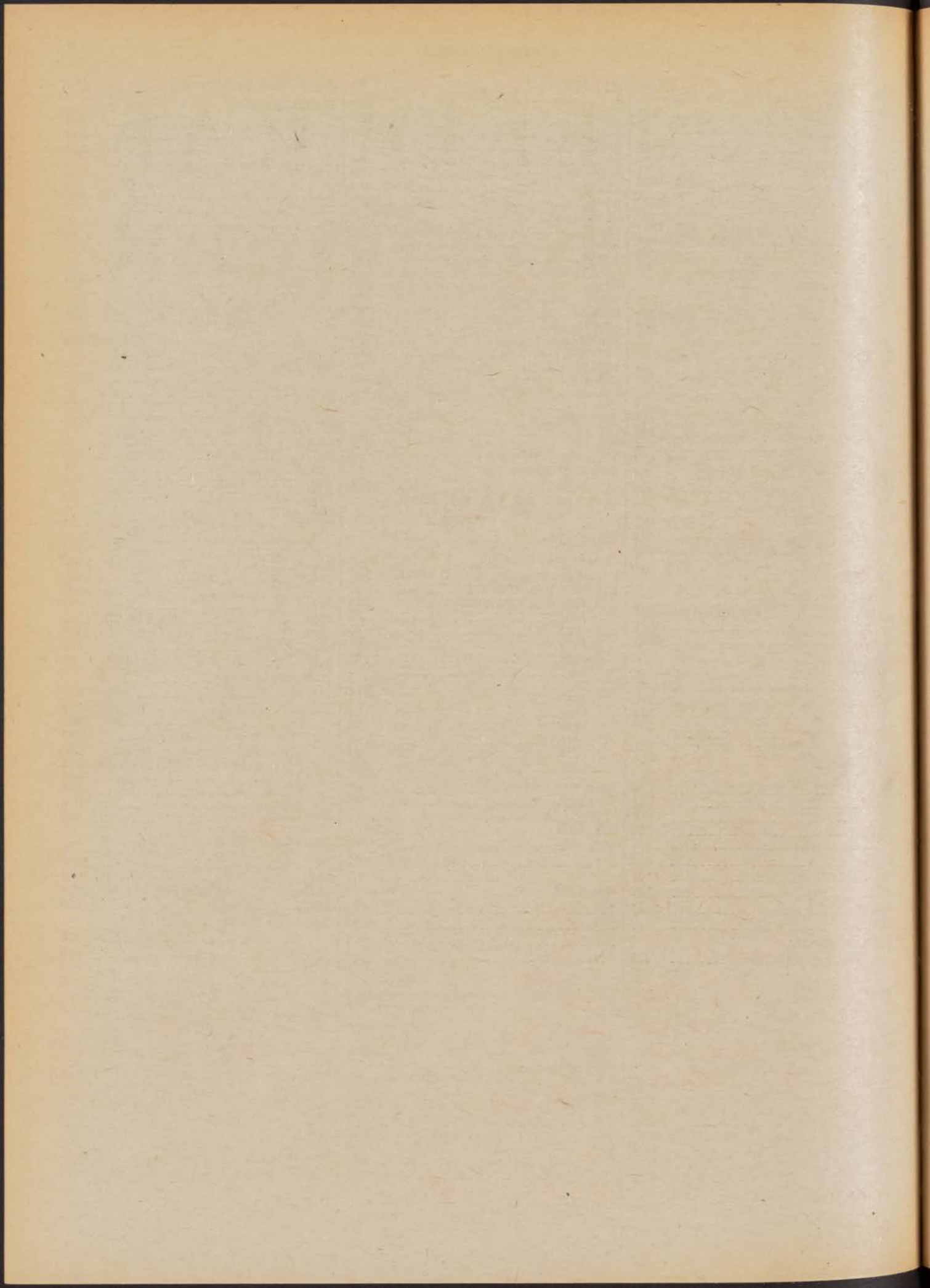
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# FEDERAL REGISTER

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PART II

## COUNCIL ON ENVIRONMENTAL QUALITY

Statements on Proposed Federal Actions  
Affecting the Environment

Guidelines



## COUNCIL ON ENVIRONMENTAL QUALITY

### STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE EN- VIRONMENT

#### Guidelines

Notice is hereby given that the Council on Environmental Quality proposes, as provided in the interim guidelines issued April 30, 1970, to revise its guidelines on the preparation of detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4322(2)(c)).

Prior to the adoption of the proposed revisions, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Council on Environmental Quality (722 Jackson Place, NW., Washington, DC 20006), Attention: General Counsel, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 22, 1971.

#### STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

##### GUIDELINES

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans, and programs so as to meet national environmental goals. The objective of section 102(2)(c) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act.

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or a recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and

short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, no later than June 1, 1970 (and, with respect to requirements imposed by revisions in these guidelines, by May 1, 1971) its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review processes for which environmental impact statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 12 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent pos-

sible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;  
(ii) Projects and continuing activities; Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license, certificate, or other entitlement for use;

(iii) Policy, regulations—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, observe short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include

actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement

of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency will also be required. [Mere reference to the previous certification is sufficient.]

(c) In addition to these rules, the Administrator of the Environmental Protection Agency shall comply with the provisions of section 309 of the Clean Air Amendments of 1970 (42 U.S.C. 1857 et seq.).

(d) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have as impact on man's environment."

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* At the earliest point at which possible action requiring an environmental statement has been identified but prior to agency decision as to that action, the Federal agency considering the action, on the basis of information for which it takes responsibility, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture,  
Department of Commerce,  
Department of Defense,  
Department of Health, Education, and Welfare,  
Department of Housing and Urban Development,  
Department of the Interior,  
Department of State,  
Department of Transportation,

Atomic Energy Commission,  
Federal Power Commission,  
Environmental Protection Agency,  
Office of Economic Opportunity,

For actions specially affecting the environment of their geographic jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority,  
Appalachian Regional Commission,  
National Capital Planning Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended that the above listed departments and agencies establish contact points for providing comments on the environmental impact of proposed actions described in draft environmental statements and that departments from which comment is solicited, coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than 30 days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make.

9. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments received thereon (when received), and ten (10) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the

Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the fullest extent possible, no administrative action subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and made available to the public pursuant to section 12 of these guidelines, or sooner than thirty (30) days after the final text of a statement (together with comments) has been made available to the Council and the public. With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement should be available to the Congress and the public in advance of any relevant Congressional hearings.

10. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional, and metropolitan clearinghouses.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* (a) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action.

(b) The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552) without regard to the exclusion of interagency memoranda therefrom. With respect to recommendations or reports on proposals for legislation, the environmental statement and comments should be made available to the public at the same time they are furnished to the Congress. With respect to administrative actions, except where advance public disclosure will result in significantly increased costs of procurement to the Government, the draft environmental statement should be made available to the public at the same time it is circulated for comment and furnished to the Council, and the final text of the statement and comments received should be made available to the public when furnished to the Council. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statements available to the public fifteen (15) days prior to the time of the relevant hearings. Agencies shall institute appropriate procedures to implement those requirements for public availability of environmental statements and comments thereon. These shall include arrangements for availability of the draft and final texts of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses.

13. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed

actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,  
Chairman.

#### APPENDIX 1

##### FORM OF THE SUMMARY SHEET WHICH SHOULD ACCOMPANY EACH DRAFT AND FINAL ENVIRONMENTAL STATEMENT

There should be a summary statement of no more than one page containing the following information:

1. Date of the statement.
2. Indication whether statement is draft or final.
3. A complete listing of all Federal, State, and local agencies from which comments have been received.
4. The first three items (environmental impact, adverse environmental effects which cannot be avoided, alternatives) of the five required under Section 102 (2)(C) should be briefly summarized.
5. The summary should show whether the proposed action is (a) legislative (proposed legislation or report on legislation) or (b) administrative.

#### APPENDIX 2

##### FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

###### AIR

*Air Quality and Air Pollution Control*  
Environmental Protection Agency—  
Air Pollution Control Office.  
Department of the Interior—  
Bureau of Mines (fossil and gaseous fuel combustion).  
Bureau of Sport Fisheries and Wildlife (wildlife).  
Department of Transportation—  
Assistant Secretary for Systems Development and Technology (auto emissions).  
Federal Aviation Administration (aircraft emissions).

###### Weather Modification

Department of Commerce—  
National Oceanic and Atmospheric Administration.  
Department of the Interior—  
Bureau of Reclamation.

###### ENERGY

##### *Environmental Aspects of Electric Energy Generation*

Atomic Energy Commission (nuclear power).  
Environmental Protection Agency—  
Water Quality Office.  
Air Pollution Control Office.  
Department of Agriculture—  
Rural Electrification Administration (rural areas).  
Federal Power Commission (hydro facilities and transmission lines).  
Department of Housing and Urban Development (urban areas).  
Department of the Interior—(facilities and Government lands).

##### *Natural Gas Energy Development Generation*

Federal Power Commission.  
Department of the Interior—  
Geological Survey, Office of Oil and Gas.

###### HAZARDOUS SUBSTANCES

###### Toxic Materials

Department of Health, Education, and Welfare—  
Food and Drug Administration.  
National Institutes of Health.  
Environmental Protection Agency.  
Department of Agriculture—  
Agricultural Research Service.  
Department of Defense.

*Pesticides*

Environmental Protection Agency—  
Office of Pesticides.  
Department of Agriculture—  
Agricultural Research Service (biological controls, food and fiber production).  
Department of the Interior—  
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).

*Herbicides*

Department of Agriculture—  
Agricultural Research Service.  
Forest Service.  
Soil Conservation Service.  
Environmental Protection Agency—  
Office of Pesticides.

*Transportation and Handling of Hazardous Materials*

Interstate Commerce Commission.  
Department of Defense—  
Armed Services Explosive Safety Board.  
Department of Transportation—  
Federal Highway Administration Bureau of Motor Carrier Safety.  
Federal Railroad Administration.  
Federal Aviation Administration.  
Assistant Secretary for Systems Development and Technology.  
Office of Hazardous Materials.  
Office of Pipeline Safety.  
Environmental Protection Agency (hazardous substances).  
Atomic Energy Commission (radioactive substances).

*LAND USE AND MANAGEMENT**Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches*

Department of Transportation—  
Coast Guard (bridges, navigation).  
Department of Defense—  
Army Corps of Engineers (beaches, dredge and fill permits, Refuge Act permits).  
Department of the Interior—  
Bureau of Sport Fisheries and Wildlife.  
U.S. Geological Survey (coastal geology).  
Bureau of Outdoor Recreation (beaches).  
Department of Commerce—  
National Oceanic and Atmospheric Administration.  
Bureau of Commercial Fisheries.  
Department of Agriculture—  
Soil Conservation Service (soil stability, hydrology).  
Environmental Protection Agency—  
Water Quality Office.  
Department of Housing and Urban Development (urban aspects).

*Historic and Archeological Sites*

Advisory Council on Historic Preservation.  
Department of the Interior—  
National Park Service.  
Department of Housing and Urban Development (urban areas).

*Flood Plains and Watersheds*

Department of Agriculture—  
Agricultural Stabilization and Research Service.  
Soil Conservation Service.  
Forest Service.  
Department of the Interior—  
Bureau of Reclamation.  
U.S. Geological Survey.  
Department of Housing and Urban Development (urban areas).  
Department of Defense—  
Army Corps of Engineers.

*Mineral Land Reclamation*

Department of the Interior—  
Bureau of Mines.  
Bureau of Land Management.  
U.S. Geological Survey.

Department of Agriculture—  
Forest Service.

*Parks, Forests, and Outdoor Recreation Areas*

Department of the Interior—  
Bureau of Land Management.  
National Park Service.  
Bureau of Outdoor Recreation.  
Bureau of Sport Fisheries and Wildlife.  
Department of Agriculture—  
Forest Service.  
Department of Housing and Urban Development (urban areas).  
*Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions*

Department of Agriculture—  
Soil Conservation Service.  
Agricultural Research Service.  
Forest Service.  
Department of Defense—  
Corps of Engineers (dredging, aquatic plants).  
Department of Commerce—  
National Oceanic and Atmospheric Administration (national oceans survey).  
Department of the Interior—  
Bureau of Land Management.  
Bureau of Reclamation.

*NOISE**Noise Control and Abatement*

Department of Transportation—  
Assistant Secretary for Systems Development and Technology.  
Office of Noise Abatement.  
Federal Aviation Administration.  
Environmental Protection Agency.  
Department of Housing and Urban Development (urban land use aspects, building materials standards).

*PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING**Chemical Contamination and Food Products*

Department of Health, Education, and Welfare—  
Food and Drug Administration (food, drugs, cosmetics).  
Environmental Protection Agency—  
Office of Pesticides (economic poisons).  
*Food Additives and Food Sanitation*  
Department of Health, Education, and Welfare—  
Food and Drug Administration.  
Environmental Protection Agency—  
Office of Pesticides (economic poisons, e.g., pesticide residues).  
Department of Agriculture—  
Consumer Marketing Service (meat and poultry products).

*Microbiological Contamination*

Department of Health, Education, and Welfare—  
Food and Drug Administration.

*Radiation and Radiological Health*

Atomic Energy Commission.  
Department of Health, Education, and Welfare—  
National Institute of Environmental Health Sciences.  
Environmental Protection Agency—  
Office of Radiation.  
Department of the Interior—  
Bureau of Mines (uranium mines).

*Sanitation and Waste Systems*

Department of Health, Education, and Welfare—  
National Institute of Environmental Health Sciences.  
Health Services and Mental Health Administration.

Environmental Protection Agency—  
Solid Waste Office.  
Water Quality Office.  
Department of Transportation—  
U.S. Coast Guard (ship sanitation).  
Department of the Interior—  
Bureau of Mines (mineral waste and recycling, mine acid wastes).

*Shellfish Sanitation*

Department of Commerce—  
Bureau of Commercial Fisheries.  
National Oceanic and Atmospheric Administration.  
Department of Health, Education, and Welfare—  
Food and Drug Administration.  
Environmental Protection Agency.

*TRANSPORTATION**Air*

Environmental Protection Agency—  
Air Pollution Control Office.  
Department of Transportation—  
Federal Aviation Administration.

*Water*

Environmental Protection Agency—  
Water Quality Office.  
Department of the Interior—  
Bureau of Outdoor Recreation.  
Bureau of Sport Fisheries and Wildlife.  
Department of Commerce—  
National Oceanic and Atmospheric Administration.  
Department of Defense—  
Army Corps of Engineers.  
Department of Transportation—  
Coast Guard.

*Land*

Department of Transportation—  
Federal Highway Administration.  
Federal Railroad Administration.  
Urban Mass Transportation Administration.

*URBAN**Congestion in Urban Areas, Housing and Building Displacement*

Department of Transportation—  
Urban Mass Transportation Administration.  
Federal Highway Administration.  
Department of Health, Education, and Welfare—  
Health Services and Mental Health Administration.  
Office of Economic Opportunity.  
Department of Housing and Urban Development.  
Department of the Interior—  
Bureau of Outdoor Recreation.  
*Environmental Effects With Special Impact in Low-Income Neighborhoods*  
Office of Economic Opportunity.  
Department of Housing and Urban Development (urban areas).  
Department of Commerce (economic development areas).  
Economic Development Administration.

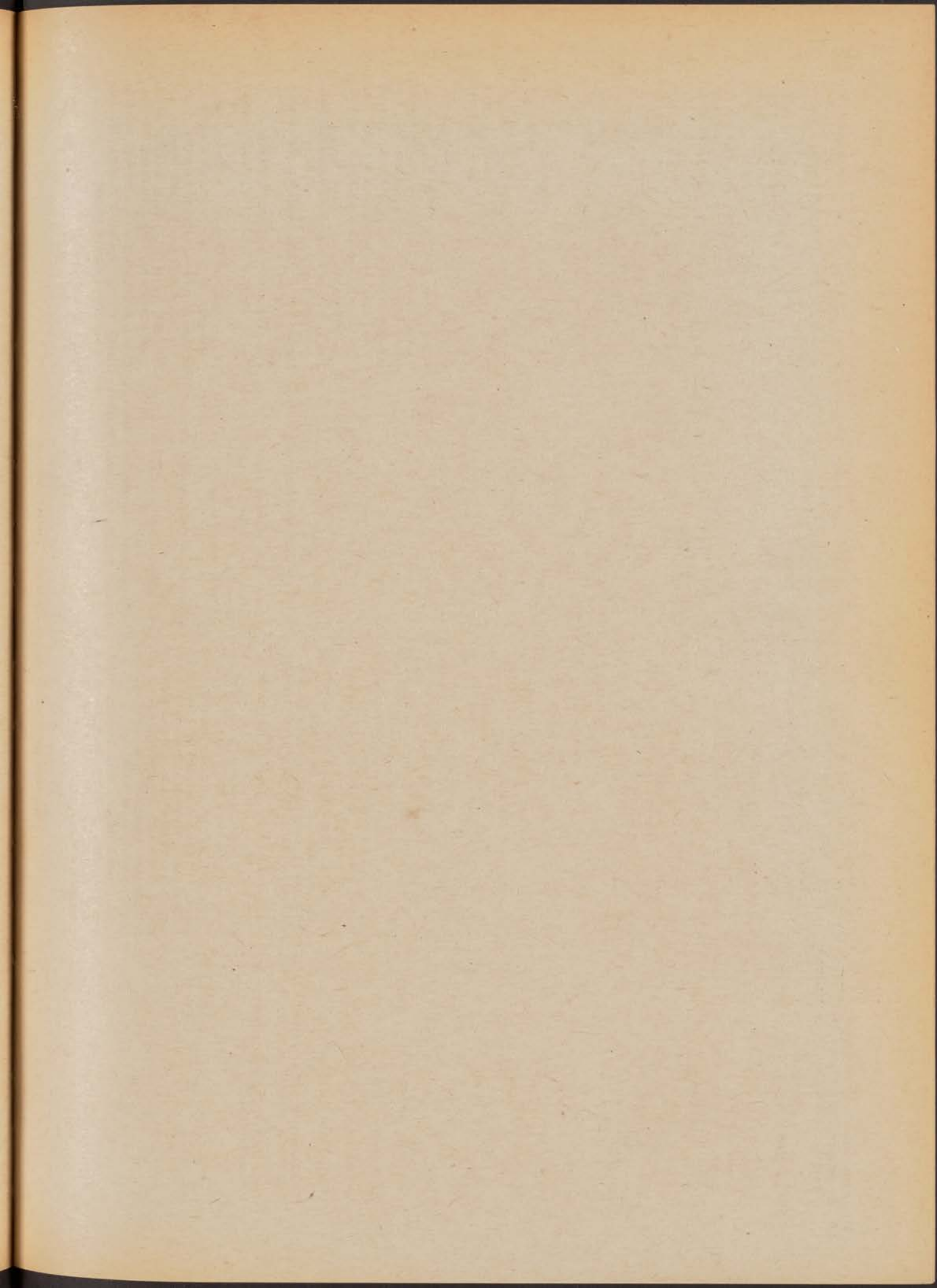
*Rodent Control*

Department of Health, Education, and Welfare—  
Health Services and Mental Health Administration.  
Department of Housing and Urban Development (urban areas).  
Department of the Interior—  
Bureau of Sport Fisheries and Wildlife.

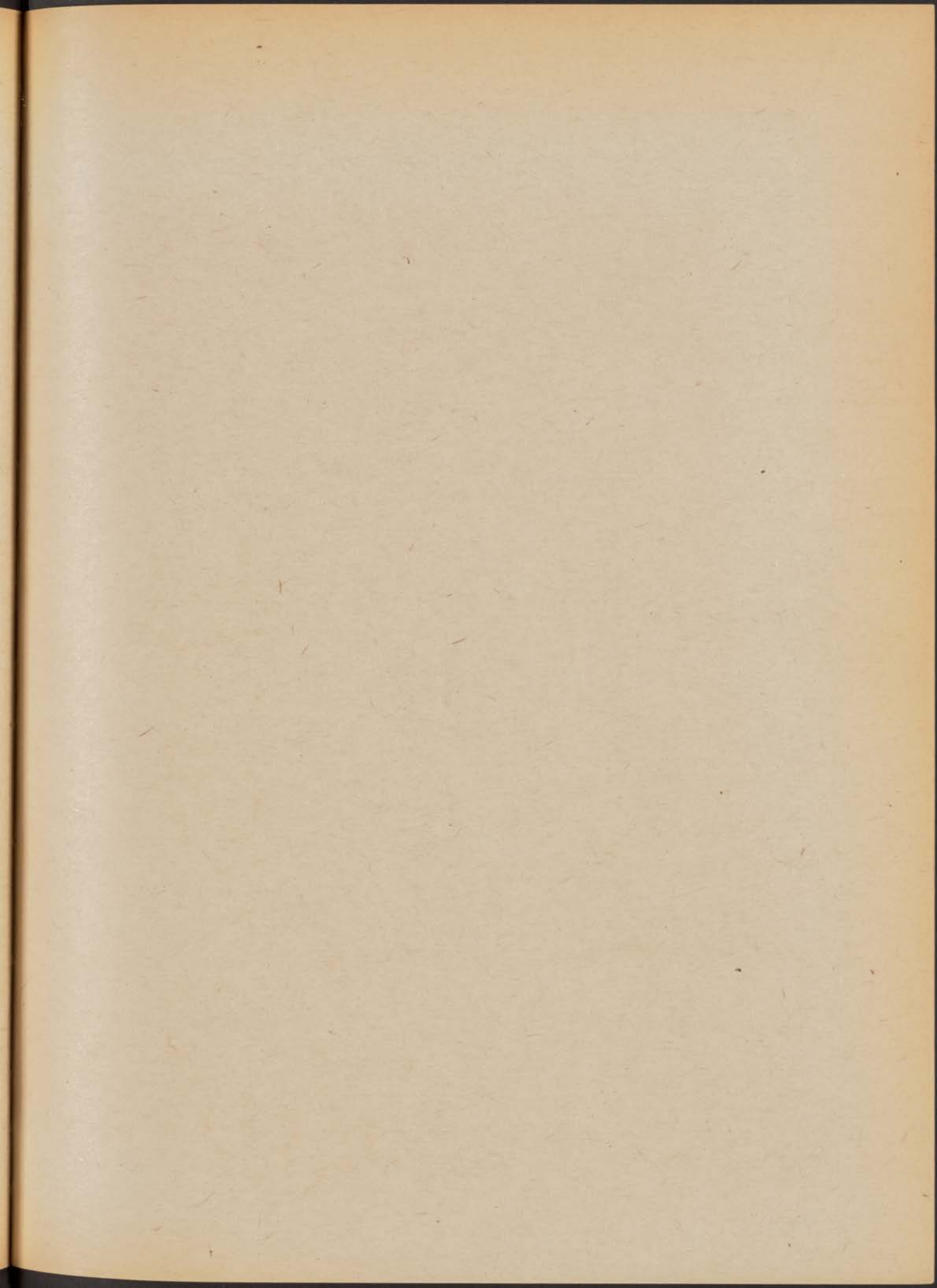
*Urban Planning*

Department of Transportation—  
Federal Highway Administration.  
Department of Housing and Urban Development.

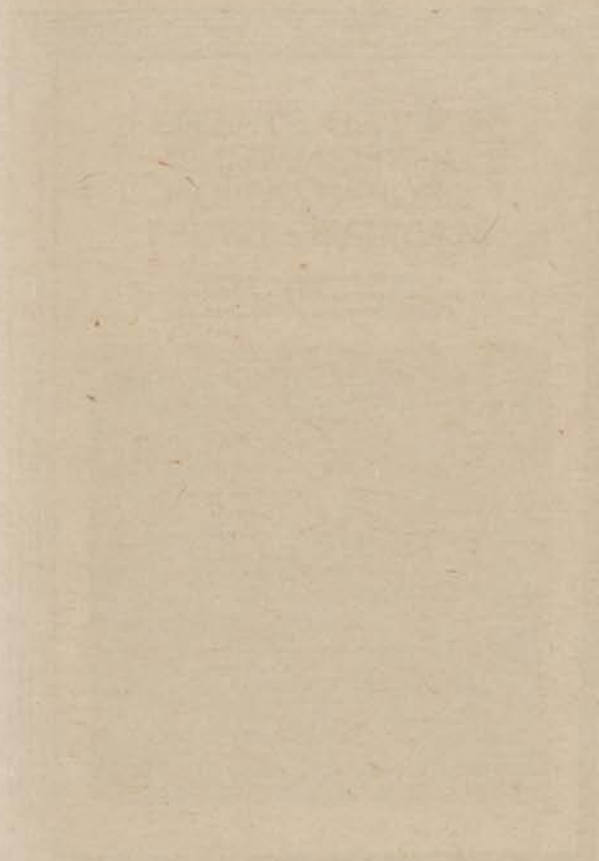
Agency	Department of Housing and Urban Development—Continued	Contact
Environmental Protection Agency.	Department of Defense—	S. William Green, Regional Administrator II, Attn: Environmental Clearance Office, 26 Federal Plaza, New York, NY 10007 (212-264-8068).
Department of Commerce—	Navy (ship pollution control), Army Corps of Engineers (Refuse Act permits).	Warren P. Phelan, Regional Administrator III, Attn: Environmental Clearance Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106 (215-597-2560).
Economic Development Administration.	Department of Transportation—	Edward H. Baxter, Regional Administrator IV, Attn: Environmental Clearance Office, Peachtree—Seventh Building, Atlanta, GA 30323 (404-526-5585).
Water Quality and Water Pollution Control.	Coast Guard (oil spills, ship sanitation).	Don Morrow (Acting), Regional Administrator V, Attn: Environmental Clearance Office, 360 North Michigan Avenue, Chicago, IL 60601 (312-353-5680).
Department of the Interior—	Oceanography	Richard L. Morgan, Regional Administrator VI, Attn: Environmental Clearance Office, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102 (817-334-2867).
Bureau of Reclamation.	Department of Commerce—	Harry T. Morley, Jr., Regional Administrator VII, Attn: Environmental Clearance Office, 911 Walnut Street, Kansas City, MO 64106 (816-374-2661).
Bureau of Mines.	National Oceanic and Atmospheric Administration.	Robert C. Rosenheim, Regional Administrator VIII, Attn: Environmental Clearance Office, Samsonite Building, 1050 South Broadway, Denver, CO 80209 (303-837-4061).
Bureau of Land Management.	Department of Transportation—	Robert H. Baida, Regional Administrator IX, Attn: Environmental Clearance Office, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102 (415-556-4752).
Bureau of Sports Fisheries and Wildlife.	Coast Guard.	Oscar P. Pederson, Regional Administrator X, Attn: Environmental Clearance Office, Room 226, Arcade Plaza Building, Seattle, WA 98101 (206-583-5415).
Bureau of Outdoor Recreation.	WILDLIFE	Jack O. Horton, Special Assistant to the Secretary, 343-6412.
Office of Saline Water.	Environmental Protection Agency.	Marten E. Foley, Assistant Managing Director, 737-9765 x 434.
Environmental Protection Agency—	Department of the Interior	Frank Carlucci, Acting Director, 254-6000.
Water Quality Office.	Bureau of Sport Fisheries and Wildlife.	John B. Adams III, Chief Engineer, 862-1887.
FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS	Interstate Commerce Commission	Dr. Francis Gartrell, Director of Environmental Research and Development, 615-755-2002.
Department of Agriculture	Office of Economic Opportunity	Michael S. Cafferty, Assistant Secretary for Environment and Urban Systems, 426-4563.
Department of Agriculture	St. Lawrence Seaway Development Corporation.	Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, 632-7964.
Appalachian Regional Commission	Tennessee Valley Authority	Charles H. Conrad, Executive Director, 382-1163.
Department of the Army (Corps of Engineers)	Department of Transportation	Robert Garvey, Executive Director, 801 19th Street NW., Suite 618, 343-8607.
Atomic Energy Commission	Department of State	National Capital Planning Commission—
Department of Commerce	National Capital Planning Commission	Advisory Council on Historic Preservation.
Department of Defense	Department of Housing and Urban Development	[FR Doc. 71-1071 Filed 1-27-71; 8:45 am]
Environmental Protection Agency	Federal Power Commission	
Federal Power Commission	General Services Administration	
General Services Administration	Department of Health, Education, and Welfare	
Department of Health, Education, and Welfare	Department of Housing and Urban Development	
Department of Housing and Urban Development		











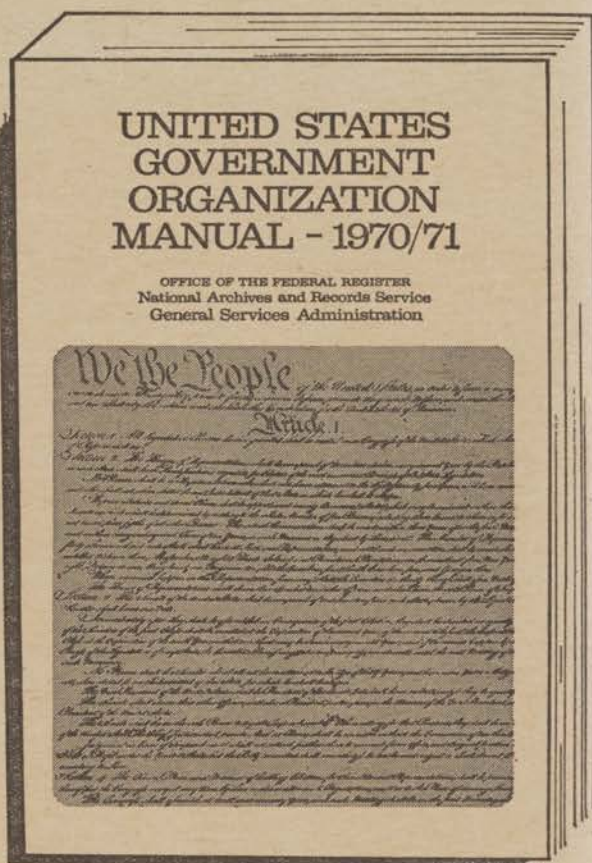
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