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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-528]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the reference to the State of Florida in the introductory portion of paragraph (e) and paragraph (e)(3) relating to the State of Florida are deleted, and paragraph (f) is amended by adding thereto the name of the State of Florida.

2. In § 76.2, in paragraph (e)(8) relating to the State of North Carolina, subdivision (iii) relating to Beaufort County is deleted.

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

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

The amendments exclude portions of Alachua, Columbia, and Escambia Counties in Florida and a portion of Beaufort County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Florida remain under the quarantine.

The amendments add Florida to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Florida.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as they impose restrictions, they should be made effective promptly in order to prevent the spread of hog cholera. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of March 1971.

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

[FR Doc.71-3402 Filed 3-10-71;8:50 am]

[Docket No. 71-527]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, paragraph (e)(13) relating to the State of Texas is amended to read:

(13) *Texas.* (i) All of Bexar and El Paso Counties.

(ii) That portion of the State of Texas comprised of all of Bosque, Callahan, Comanche, Eastland, Erath, Freestone, Hill, McLennan, Somervell, and Tarrant Counties and portions of Bell, Brown, Coleman, Coryell, Ellis, Falls, Hamilton, Hood, Johnson, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, and Taylor Counties, and bounded by a line beginning at the junction of U.S. Highway 287 and the southern boundary of Tarrant County; thence, following U.S. Highway 287 in a southeasterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to State Highway 53 in Bell County; thence, following State Highway 53 in a northwesterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to the western boundary of Tarrant County; thence, following the western then northern, then eastern, and then southern boundary of Tarrant County to its junction with U.S. Highway 287.

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

(iv) The adjacent portions of Wise and Parker Counties bounded by a line beginning at the junction of Farm-to-Market Road 51 and U.S. Highway 81, 287; thence, following U.S. Highway 81, 287 in a southeasterly direction to Farm-to-Market Road 730; thence, following Farm-to-Market Road 730 in a southeasterly direction to the junction of the Wise-Parker-Tarrant County lines; thence, following the Parker-Tarrant County line in a southerly direction to State Highway 199; thence, following State Highway 199 in a northwesterly direction to Farm-to-Market Road 1707; thence, following Farm-to-Market Road 1707 in a southwesterly direction to U.S. Highway 80, 180; thence, following U.S. Highway 80, 180 in a westerly direction

to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northerly direction to Farm-to-Market Road 920; thence, following Farm-to-Market Road 920 in a northwesterly direction to Farm-to-Market Road 1885; thence, following Farm-to-Market Road 1885 in a generally northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Jack County line; thence, following the Parker-Jack County line in an easterly direction to the Parker-Wise County line; thence, following the Parker-Wise County line in an easterly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northeasterly direction to its junction with U.S. Highway 81, 287.

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

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

The amendments quarantine all of Bosque and Somervell Counties and portions of Bexar, Callahan, Comanche, Eastland, Erath, Freestone, Hill, McLennan, Bell, Brown, Coleman, Coryell, Ellis, El Paso, Falls, Hamilton, Hood, Johnson, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, and Taylor Counties in Texas because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments also exclude portions of Liberty, Harris, Montgomery, Grayson, Tom Green, and Upton Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Liberty, Harris, Montgomery, Grayson, Tom Green, and Upton Counties in Texas remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

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

Done at Washington, D.C., this 8th day of March 1971.

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

[FR Doc.71-3401 Filed 3-10-71;8:50 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

License Applications

The Atomic Energy Commission has adopted an amendment to § 2.105 of its rules of practice in 10 CFR Part 2. The amendment eliminates from that section, which deals with notices of proposed action on license applications, the requirement that the notice set forth a finding that the application does or does not comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in Title 10, Chapter 1 of the Code of Federal Regulations.

The Commission intends, on appropriate occasions, to follow the practice of giving earlier notice of proposed action in nuclear power plant licensing proceedings, in order to facilitate public participation in licensing proceedings with a minimum of licensing delays. Such earlier notice will be given before the Commission's regulatory staff and the Advisory Committee on Reactor Safeguards have completed their review of the license application. Consequently, under such circumstances, the Commission will not make a finding as to compliance with the Act and Commission regulations at the time of publication of the notice of proposed action. The Commission will, of course, make the appropriate findings before the license is issued.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 2 is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (3-11-71).

Section 2.105(b) is amended by substituting a period for the semicolon in subparagraph (2), deleting the word "and" in subparagraph (2), and deleting subparagraph (3).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 4th day of March 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-3342 Filed 3-10-71;8:45 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-216]

PART 527—HOUSING OPPORTUNITY ALLOWANCE PROGRAM

MARCH 4, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend the rules and regulations for the Federal Home Loan Bank System (12 CFR Subchapter B) by adding a new Part 527 thereto to implement the authority contained in title I of Public Law 91-351, approved July 24, 1970, for the purposes set forth therein. Accordingly, on the basis of such consideration and for such purposes, the Board hereby amends said Subchapter B by adding a new Part 527 thereto to read as follows, effective March 11, 1971:

Sec.
527.1 General.
527.2 Definitions.
527.3 Housing opportunity allowance.
527.4 Credits to member institutions.
527.5 Allocation and disbursement of funds to banks.
527.6 Closing documents.

AUTHORITY: The provisions of this Part 527 issued under title I, Public Law 91-351, 84 Stat. 450, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorganization Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 527.1 General.

Title I of the Emergency Home Finance Act of 1970, Public Law 91-351, provides for the Board to make disbursement of appropriated funds to the Banks for the purpose of adjusting the effective interest rate charged by such Banks on advances. Said title authorizes the Board to prescribe terms and conditions to assure that the sums disbursed are used to assist in the provision of housing for low- and middle-income families and that such families share fully in the benefits resulting from such disbursements. This part applies to loans for the purchase of single-family dwellings by such families.

§ 527.2 Definitions.

As used in this part—

(a) *Allowance.* The term "allowance" means a Housing Opportunity Allowance to be credited against interest due on loans and Bank advances as provided in §§ 527.3 and 527.4.

(b) *Borrower.* The term "borrower" means the person or persons who are to be obligated to repay a qualifying loan.

(c) *Effective rate of interest.* The term "effective rate of interest" means the annual percentage rate of finance charge on a loan or advance determined in accordance with the provisions of § 226.5 of this title relating to extensions of credit other than open end credit.

(d) *Eligible borrower.* The term "eligible borrower" means a borrower who, at the time of making application for an allowance and at the time of the closing of a qualifying loan—(1) Is one of the following:

(i) Either spouse of a married couple living together, or both such spouses; or

(ii) A head of household with one or more dependent children;

(2) Is a citizen of the United States;

(3) Has a current annual gross income (including income of both spouses) not in excess of the Housing Opportunity Allowance Program Regular Family Income Limits published by the Board (as revised from time to time); and

(4) Does not have sufficient income, but for the Housing Opportunity Allowance, to warrant the making of a qualifying loan by a member institution.

(e) *Gross income.* The term "gross income" means the total of—(1) Gross income as defined in § 61 of the Internal Revenue Code; and (2) "tax-free" interest on State, municipal, and other governmental obligations.

(f) *Guaranteed loan.* The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(g) *Insured loan.* The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(h) *Member institution.* The term "member institution" means (1) an institution which is a member of a Bank and whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation and (2) any other member which enters into an agreement with the Board to permit and pay the cost of such examination as the Board may from time to time deem necessary to insure compliance with the provisions of this part.

(i) *Monthly installment loan.* The term "monthly installment loan" means a loan repayable in equal, or substantially equal, monthly payments of principal and interest sufficient to amortize the principal amount of the loan in full within the term of the loan.

(j) *Qualified appraiser.* The term "qualified appraiser" means (1) a professional real estate appraiser whose regular occupation includes the valuation of residential real estate, and (2) any appraiser who is employed by a lender on a regular basis.

(k) *Qualifying loan.* The term "qualifying loan" means a loan which—

(1) Is for the purpose of financing the purchase of a single-family dwelling to be owned and occupied by an eligible borrower as a primary residence, the purchase price of which may not be in excess of 100 percent of value;

(2) Is secured or is to be secured by a first lien on such single-family dwelling;

(3) Is not an insured loan or a guaranteed loan;

(4) Is in a principal amount—

(i) Not less than an amount equal to 70 percent of the value of the security property;

(ii) Not more than the lesser of

(a) An amount equal to 100 percent of value of the security property;

(b) The purchase price of the security property; or

(c) $25,000.

(5) Bears an effective rate of interest which does not (and will not, for a period of 5 years from the date the loan is made) exceed by more than 150 basis points the average effective rate of interest for all outstanding advances of the member institution's Bank (as calculated and published by such Bank) for the month preceding the month in which the commitment for the loan is made;

(6) Is a monthly installment loan repayable over a period of not less than 25 years nor more than 30 years;

(7) Requires the borrower to pay, monthly, in advance, to the member institution, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the security property; and

(8) Permits the borrower to prepay the loan in full or in part at any time with no prepayment privilege fee in excess of 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

(l) *Single-family dwelling.* The term "single-family dwelling" means a structure designed for residential use by one family; or a unit designed for residential use by one family, the owner of which unit owns an undivided interest in the underlying real estate. The term also includes property, owned in common with others, which is necessary or contributes to the use and enjoyment of such a structure or unit.

(m) *Value.* The term "value" means the value of a property as determined by a qualified appraiser using comparable properties (when available) for such determination.

§ 527.3 Housing opportunity allowance.

(a) *General.* Subject to the provisions of this part, any eligible borrower who has obtained a qualifying loan from a member institution, and a commitment for an allowance from such member institution as provided in paragraph (c) of this section, will receive from such member institution an allowance of $20 to be credited against the interest to be charged on each of the first 60 monthly installments paid on such qualifying loan, as provided in such commitment.

(b) *Application*—(1) *Form.* The application for an allowance shall be on a form prescribed by the Board, copies of which form shall be furnished upon request by the Banks. Such form shall contain three copies of the application: one copy to be furnished to the borrower, one copy to be retained by the member institution, and one copy to be submitted to the member institution's Bank as provided in paragraph (b) of § 527.6. Such application, together with the loan application, shall provide the information necessary to enable the member institution to determine whether the applicant is an eligible borrower and whether the loan applied for will be a qualifying loan. Such application shall be signed by each applicant who is to be a borrower.

(2) *Statement of intention.* In making such application, each applicant shall sign a statement of intention that, if the qualifying loan is made, the borrower:

(i) Will be the title owner of the real estate securing the loan;

(ii) Will occupy the single-family dwelling comprising such real estate as a primary residence; and

(iii) Will not give or execute any secondary lien or charge in connection with the purchase or such real estate.

(c) *Commitment to be furnished to borrower.* At the time of closing of the qualifying loan, the member institution shall furnish to the borrower, and the borrower shall acknowledge receipt of, a commitment, signed by an officer of the member institution, stating the terms and conditions under which the borrower shall be entitled to receive an allowance from the member institution. Such commitment, which will be printed on the reverse side of the application prescribed pursuant to paragraph (b) of this section, shall be in the following form:

HOUSING OPPORTUNITY ALLOWANCE COMMITMENT

To: (Name of each person who is obligated on the loan.)

Pursuant to regulations of the Federal Home Loan Bank Board, the undersigned institution will make Housing Opportunity Allowance credits to you in connection with your loan for the purchase of the property described on the reverse side of this commitment subject to the following terms and conditions:

1. *Allowance of Credit.* $20 will be credited at the time each of the first 60 monthly installments required under the loan contract is accepted from you, except when any such $20 credit is required to be withheld as stated in item 2 below.

(NOTE: Each of your first sixty monthly installment payments should be in the amount required by your loan contract less the $20 credit herein provided for. However, the monthly installment payment should be in the full amount required by your loan contract if any of the exceptions in item 2 below are applicable.)

2. *Exceptions to Allowance of Credit.* No credit will be made—

(a) As to any monthly installment which is accepted more than 6 months before or

more than 6 months after the date such installment is due;

(b) After a sale or transfer of the property except a transfer by reason of death to a surviving tenant by the entirety or joint tenant or to your heirs or devisees;

(c) As to any monthly installment which is accepted at a time when the property is rented;

(d) If you have knowingly made a false statement in order to obtain your loan.

3. *Charge for Disallowable Credit.* Your loan account will be charged for any credit previously made but which should have been withheld under an exception set forth in item 2 above.

4. *Dispute as to Allowable Credit.* In the event of any dispute as to allowance of any credit under this commitment, the undersigned institution will rely on a determination by an Agent of the Federal Home Loan Bank Board as to whether the credit should be allowed or disallowed, and such determination will be final as to you and the undersigned institution.

Date: _____

_____
(Name of member institution)

Member, Federal Home Loan Bank of _____

_____

By: _____
(Signature and title of officer)

(I) (We) acknowledge receipt of a copy of this commitment:

_____
(Borrower)

_____
(Borrower)

(d) *Crediting of allowance to borrower.* The Board hereby prescribes the terms and conditions contained in the commitment set forth in paragraph (c) of this section as terms and conditions applicable to the crediting of allowances on qualifying loans.

§ 527.4 Credits to member institutions.

(a) *General.* Each member institution having a commitment for allowance funds as provided in paragraph (b) of this section will, to the extent of such commitment, receive from the Bank of which it is a member a credit against interest due on advances in an amount equal to the total amount of allowances which the member institution has properly credited on qualifying loans as provided in § 527.3.

(b) *Commitments for allowance funds.* Any member institution may request in writing a commitment for allowance funds from the Bank of which it is a member. Commitments will be granted by such Bank, on such basis and for such time periods as the Bank may deem advisable, until the Bank's allocation of funds is exhausted.

(c) *Procedure.* Each member institution which has paid one or more allowances during a month shall, by the 20th day of the succeeding month, submit a report to the Bank of which it is a member, pursuant to paragraph (d) of this section. Such member shall deduct, from any subsequent bill for interest due on outstanding advances from the Bank, an amount equal to the allowances so reported, remitting only the net amount to the Bank.

(d) *Form of report.* The report required by paragraph (c) of this section shall be made on a form prescribed by the Board, copies of which form shall be furnished upon request by the Banks. Such report, to be signed by an officer of the member institution, shall state:

(1) The total number of allowances credited during the preceding month and the total dollar amount of allowances so credited; and

(2) Such other information as the Board may from time to time require.

§ 527.5 Allocation and disbursement of funds to Banks.

(a) *Allocation of funds—(1) Initial allocation.* Subject to the limitation contained in subparagraph (3) of this paragraph, the Board will initially allocate allowance funds to each Bank in an amount proportionate to the ratio of (i) the amount of outstanding mortgages on single-family dwellings held by all members in that Bank's district on June 30, 1970, to (ii) outstanding mortgages on single-family dwellings held by all members in all bank districts as of such date, as determined by the Board.

(2) *Remaining allowance funds.* Any remaining allowance funds not committed by the Banks to member institutions may be subsequently reallocated by the Board on such basis and at such times as it may deem desirable, subject to the limitation contained in subparagraph (3) of this paragraph.

(3) *Limitation.* No Bank will receive an allocation of allowance funds in an amount exceeding 20 percent of the total amount of sums appropriated pursuant to subsection (a) of section 101 of the Emergency Home Finance Act of 1970.

§ 527.6 Closing documents.

(a) *Required certifications.* "At the time of closing of a qualifying loan with respect to which an allowance will be credited, the following written certifications, each of which shall contain a reference to the penal provisions of section 1014 of title 18 of the United States Code, shall be required as closing documents:

(1) *By seller and borrower.* A certification jointly executed by the borrower and the seller or sellers of the security property stating (i) the purchase price thereof and the items comprising such price; and (ii) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or to the seller or sellers or has been contracted or agreed to be so given or executed.

(2) *By appraiser.* A certification by a qualified appraiser that he has personally inspected both the interior and exterior of the security property and has determined the value thereof in accordance with paragraph (m) of § 527.2.

(3) *By borrower.* A certification by the borrower that all information provided in the application for an allowance was accurate at the time of the closing of the qualifying loan, together with the borrower's statement of intention provided for in paragraph (b)(2) of § 527.3, as container in the member institution's copy of such application.

(4) *By member institution.* A certification by the member institution that—

(i) At the time the borrower's application was approved and at the time of the closing of the qualifying loan, such borrower was, in the determination of the member institution based upon the information furnished by the borrower, an eligible borrower and did not have, but for the Housing Opportunity Allowance, sufficient income to warrant the making of a qualifying loan to such borrower;

(ii) The loan is, in the determination of the member institution, a qualifying loan; and

(iii) All certifications required by this paragraph have been obtained and are in the possession of the member institution.

(b) *Required submission to Bank.* Promptly after the closing of such qualifying loan, the member institution shall transmit to the Bank of which it is a member the Bank's copy of the borrower's application, containing the certification required to be made by the member institution pursuant to subparagraph (4) of paragraph (a) of this section, signed by an officer of the member institution, and containing the borrower's acknowledgment or receipt of the commitment respecting his allowance as required by paragraph (c) of § 527.3.

(c) *Retention of documents.* The member institution shall retain its copy of the borrower's application and the original copies of all other closing documents required by paragraph (a) of this section and shall include such documents with its records as required by applicable law or regulation.

Resolved further that, since the above amendment relates to the implementation of a benefits program, notice and public procedure on said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since it is the public interest that such benefits program be made available as soon as possible, the Board finds that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date of the amendment should not be made; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.71-3412 Filed 3-10-71;8:51 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-217]

PART 545—OPERATIONS

Loans by Federal Savings and Loan Associations

MARCH 4, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to

amend § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) for the purpose of increasing the percentage-of-value limitation, on loans made under the Housing Opportunity Allowance Program, to 100 percent of the value of a single-family dwelling located within the association's regular lending area. Accordingly, the Federal Home Loan Bank Board hereby amends said section by reserving subparagraph (5) of paragraph (a) thereof and by adding a new subparagraph (6) thereto, to read as follows, effective March 11, 1971:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property.* * * *

(5) [Reserved]

(6) *Loans to 100 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 100 percent in the case of any loan which is made on the security of a single-family dwelling located within the association's regular lending area and which is made under regulations for the Housing Opportunity Allowance Program contained in Part 527 of this chapter.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.71–3413 Filed 3–10–71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–EA–5; Amdt. 39–1167]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S61 type helicopters and revoke AD 68–23–4 and 66–6–4.

The manufacturer has completed an extensive program of evaluation of the dynamic components of S–61 helicopters, including the accumulation of additional test data and the new fatigue analysis of these components. This has resulted in the development of a new list of retirement times for S–61 components. In view of the critical character of these components of a helicopter, the new retirement times are mandatory.

Since the foregoing requ res expeditious adoption of the amendment, notice and public procedure herein are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revoking AD 68–23–4 and 66–6–4 and issuing a new airworthiness directive as follows:

SIKORSKY. Applies to S–61L and S–61N Type Helicopters certificated in all categories.

Compliance required as indicated.

As a result of the completion of a recent engineering evaluation program and the development of additional substantiating data a new schedule of replacement times has been established for the components of S–61 helicopters.

(a) Within the next 25 hours time in service after the effective date of this AD the replacement of S–61 components must be accomplished in accordance with the schedule of section 2C of Sikorsky Service Bulletin No. 61B General—1, dated January 25, 1971, or later FAA-approved revisions.

(b) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)–1. All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft Stratford, Conn. These documents may be examined at the Office of Regional Counsel, Federal Building, John F. Kennedy Airport, Jamaica, N.Y., and at FAA Headquarters, 800 Independence Avenue SW., Washington, DC. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at Eastern Region Headquarters, Jamaica, N.Y.

(This supersedes AD 68–23–4 and AD 66–6–4.)

This amendment is effective March 12, 1971.

(Secs. 318(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on February 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–3370 Filed 3–10–71; 8:47 am]

[Docket No. 71–EA–19; Amdt. 39–1168]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney JT4A type aircraft engines.

There have been reports of failures of 12th stage compressor discs which have resulted from material deficiencies. Since this deficiency can develop or exist in other engines of the same type design, this airworthiness directive is being issued to require removal of certain numbered discs within a given time limit.

The foregoing required immediate corrective action and, therefore, a telegram was transmitted to all owners of aircraft which incorporate the JT4A type engine on January 18, 1971. The same requirement still exists and, therefore, notice and public procedure hereon are impractical and the direction may be made effective in less than 30 days.

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

Applies to all Pratt & Whitney Aircraft JT4A series turbojet engines which incorporate the following serial number 12th stage compressor rotor disc part number 360112.

2G5181	2G5821	2G6445
2G5182	2G5825	2G6448
2G5183	2G5826	2G6449
2G5446	2G6027	2G6454
2G5807	2G6030	2G6581
2G5812	2G6360	2G6583
2G5818	2G6362	2G6585
2G5820	2G6363	3G0201

Compliance required as indicated.

To preclude 12th stage compressor rotor disc failure as the result of suspected material deficiency, accomplish the following:

1. For all the previously listed serial number 12th stage compressor rotor discs:

A. With 18,000 hours or more in service within the next 50 hours in service after the effective date of this AD, replace the suspect serial number disc.

B. With 18,000 hours or less in service prior to the accumulation of 18,050 hours in service, replace the suspect serial number disc.

2. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time.

This amendment is effective March 12, 1971.

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

Issued in Jamaica, N.Y., on February 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–3371 Filed 3–10–71;8:47 am]

[Docket No. 10714; Amdt. 39–1172]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls-Royce Dart Engine Models 506, 510, 511, 511–7E, 514, and 514–7

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring

replacement of the turbine disc retaining bolt P/N RK 33044 with P/N RK 43376 on Rolls-Royce Dart Engine Models 506, 510, 511, 511-7E, 514, and 514-7 was published in the FEDERAL REGISTER, 35 F.R. 18475.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

ROLLS-ROYCE. Applies to Rolls-Royce Dart engine models 506, 510, 511, 511-7E, 514, and 514-7 installed on, but not necessarily limited to British Aircraft Corp. Viscount 744 and 745D; Fairchild F-27 and F-27B; and Fokker F-27 airplanes.

Compliance is required as indicated, unless already accomplished.

(a) For all engines installed on airplanes having an average daily utilization rate of more than 3 hours flight time per day, comply with paragraph (c) within the next 4,000 hours' time in service after the effective date of this AD, or at the next engine overhaul, whichever occurs first.

(b) For all engines installed on airplanes having an average daily utilization rate of 3 hours flight time or less per day, comply with paragraph (c) within the next 2,000 hours' time in service after the effective date of this AD, or at the next engine overhaul, whichever occurs first.

(c) Replace Rolls-Royce turbine disc retaining bolt P/N RK 33044 with P/N RK 43376 in accordance with Rolls-Royce Dart Aero Engine Service Bulletin No. DA 72-347, Revision 2, dated July 24, 1970, or later ARB-approved revision, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, the average daily utilization rate shall be determined on the basis of the average daily utilization rate for the 12-month period immediately preceding the effective date of this AD.

This amendment becomes effective April 12, 1971.

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

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-3372 Filed 3-10-71;8:47 am]

[Airspace Docket No. 71-CE-28]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign the segment of VOR Federal airway No. 193 between Pellston, Mich., and Sault Ste. Marie, Mich.

The segment of V-193 between Pellston and Sault Ste. Marie is presently aligned via the intersection of the Pellston VORTAC 003° T (006° M) and the Sault Ste. Marie VORTAC 214° T (218° M) radials.

The operational reason for the present dogleg in the airway segment no longer exists and action is taken herein to realign it via direct route between the Pellston VORTAC and the Sault Ste. Marie VORTAC. The direct route will be approximately 2 miles shorter and will be totally contained in presently designated airspace.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., May 27, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

In V-193 all after the phrase "Pellston, Mich.;" is deleted and the phrase "Sault Ste. Marie, Mich." is substituted therefor.

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

Issued in Washington, D.C., on March 2, 1971.

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

[FR Doc.71-3374 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-87]

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

Alteration of Control Zone and Transition Area

On page 19186 of the FEDERAL REGISTER for December 18, 1970 the Federal Aviation Administration published proposed regulations which would alter the Presque Isle, Maine, control zone (35 F.R. 2114) and transition area (35 F.R. 2248).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 18, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Presque Isle, Maine control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 46°41'30" N., 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the 167° bearing from the Sprague ville, Maine RBN, extending from the 5-mile-radius zone to 10 miles south of the RBN, and within 1.5 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile-radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Presque Isle, Maine, 700-foot transition area, all before "Caribou, Maine", and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 46°41'30" N., 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the Presque Isle VORTAC 338° radial, extending from the 8-mile-radius area to 11.5 miles north of the VORTAC; within 3.5 miles each side of the 167° bearing from the Sprague ville, Maine, RBN, extending from the 8-mile radius area to 11 miles south of the RBN; within a 5-mile radius of the center, 46°52'-20" N., 68°01'10" W. of Caribou Municipal Airport.

[FR Doc.71-3375 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-88]

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

Alteration of Transition Area

On page 19792 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would alter the Langhorne, Pa., transition area (35 F.R. 2208).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Langhorne, Pa., transition area by deleting from the description, the

words, "This transition area shall be effective from sunrise to sunset, daily."

[FR Doc.71-3376 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-97]

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

Alteration of Transition Area

On page 19520 of the FEDERAL REGISTER for December 23, 1970, the Federal Aviation Administration published proposed regulations which would alter the Bar Harbor, Maine, transition area (35 F.R. 2144).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bar Harbor, Maine, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center 44°26'56" N., 68°21'42" W. of Bar Harbor Airport, Bar Harbor, Maine, and within 3.5 miles each side of the 019° bearing from the Bar Harbor RBN 44°29'20" N., 68°20'39" W., extending from the 7.5-mile-radius area to 10 miles north of the RBN.

[FR Doc.71-3377 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-99]

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

Designation of Transition Area

On page 19793 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would designate a State of Maryland transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

1. The Maryland transition area is added as follows:

Maryland.—That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Maryland including the offshore airspace within 3 nautical miles and parallel to the shoreline, excluding that airspace within P-40 and R-4002.

2. In the Washington, D.C., transition area, all after: "at the Dulles International Airport to the Poolesville, Md., RBN;" is deleted and, "excluding the portion within P-56" is substituted therefor.

3. In the Pennsylvania transition area, all between, "to latitude 39°18'20" N., longitude 75°36'40" W.", and "thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial" is deleted and, "to latitude 39°25'25" N., longitude 75°46'-05" W., thence northerly along the Delaware State line to the Pennsylvania State line; thence westerly along the Pennsylvania State line to the intersection with the West Virginia and Ohio State lines; thence westerly along the Ohio State line to latitude 39°46'00" N., longitude 80°52'10" W.; thence within a 60-mile radius of the Imperial VORTAC extending clockwise to the 249° radial;" is substituted therefor.

4. In the West Virginia transition area:

a. After "1,200 feet above the surface bounded by a line beginning at", delete, "latitude 39°50'00" N., longitude 77°30'-00" W., to latitude 39°15'10" N., longitude 77°30'00" W.", and substitute therefor, "latitude 39°46'00" N., longitude 80°52'10" W., thence easterly along the West Virginia State line to the intersection with the Maryland and Virginia State lines;".

b. All after, "latitude 39°53'15" N., longitude 81°03'15" W.," is deleted and, "thence counterclockwise via a 60-mile radius arc centered on the Imperial VORTAC to point of beginning", is substituted therefor.

[FR Doc.71-3378 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-102]

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

Designation of Transition Area

On page 19521 of the FEDERAL REGISTER for December 23, 1970, the Federal Aviation Administration published proposed regulations which would designate a Wakefield, Va., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wakefield, Va., transition area described as follows:

WAKEFIELD, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°59'14" N., 77°00'06" W. of Wakefield Municipal Airport, Wakefield, Va., and within 3.5 miles each side of the 024° bearing, from the Wakefield RBN 36°58'59" N., 77°00'05" W., extending from the 5-mile-radius area to 11.5 miles northeast of the RBN.

[FR Doc.71-3379 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-103]

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

Alteration of Transition Area

On page 19521 of the FEDERAL REGISTER for December 23, 1970, the Federal Aviation Administration published proposed regulations which would alter the Fremont, Ohio, transition area (35 F.R. 2183).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Fremont, Ohio, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°20'00" N., 83°09'40" W. of Progress Field, Fremont, Ohio, and within 2.5 miles each side of the Waterville, Ohio, VORTAC 108° radial, extending from the 5-mile-radius area to 19.5 miles east of the VORTAC.

[FR Doc.71-3380 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-106]

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

Alteration of Transition Area

On page 19793 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would alter the Albany, N.Y., transition area (35 F.R. 2136, 13642).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following to the description of the Albany, N.Y., transition area: "within a 6.5-mile radius of the center 43°03'00" N., 73°51'30" W., of Saratoga County Airport, Saratoga Springs, N.Y., and within 5 miles each side of the Cambridge VORTAC 278° radial, extending from 43 miles west of the Cambridge VORTAC to the 6.5-mile-radius area."

[FR Doc.71-3381 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-107]

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

Alteration of Transition Area

On page 19795 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would alter the Chicopee Falls, Mass. transition area (35 F.R. 2159, 14449).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Chicopee Falls, Mass., 700-foot transition area as follows:

In the description of the Chicopee Falls, Mass. 700-foot transition area, following the words "thence to the point of beginning", insert "; within a 6.5-mile radius of the center 42°19'45" N., 72°-37'00" W., of La Fleur Airport, Northampton, Mass.; within 3.5 miles each side of the Chester, Mass. VOR 082° radial, extending from the 6.5-mile-radius area to the Chester, Mass. VOR".

[FR Doc.71-3382 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-EA-108]

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

Designation of Transition Area

On page 19795 of the FEDERAL REGISTER for December 30, 1970, the Federal Aviation Administration published proposed regulations which would designate a Hamilton, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 22, 1971.

WAYNE HENDERSHOT,
Acting director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hamilton, N.Y., transition area described as follows:

Hamilton, N.Y.—That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 42°50'35" N., 75°33'40" W. of AMA Executive Airport, Hamilton, N.Y., and within 5 miles each side of the Georgetown, N.Y., VORTAC 074° and 254° radials extending from the 6.5-mile-radius area to 4.5 miles west of the Georgetown, N.Y., VORTAC.

[FR Doc.71-3383 Filed 3-10-71;8:48 am]

[Airspace Docket No. 70-AL-12]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Realignment of Jet Route Segment

On December 4, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18476) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign the segment of Jet Route No. 501 between Anchorage, Alaska, and Bethel, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

Section 75.100 (36 F.R. 2371) is amended as follows:

In Jet Route No. 501 all after the phrase "Anchorage, Alaska;" is deleted and the phrase "Sparrevohn, Alaska; to Bethel, Alaska, excluding the airspace within Canada." is substituted therefor.

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

Issued in Washington, D.C., on March 3, 1971.

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

[FR Doc.71-3373 Filed 3-10-71;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5906]

PART 13—PROHIBITED TRADE PRACTICES

Blackstone School of Law, Inc., and Harold R. Lister

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-125 Individual or private business being: 13.125(s) Institute; 13.15-237 Professional or scientific status; § 13.55 *Demand, business or other opportunities;* § 13.205 *Scientific or other relevant facts.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Blackstone School of Law, Inc., et al., Chicago, Ill., Docket No. 5906, Feb. 10, 1971]

In the Matter of Blackstone College of Law, Inc., a Corporation, and Harold R. Lister, Individually and as an Officer of Said Corporation

Order modifying an order of June 29, 1954, 19 F.R. 4665, which required a Chicago, Ill., correspondence school of law to cease representing that its degrees in law qualified holders to take a State's bar examination without more preparation, by further requiring it to cease failing to disclose that its courses will not qualify a student to take the bar examination unless additional educational requirements are met, using the word "college" without disclosing that the enterprise is a correspondence institution, and offering to confer any standard law degree. Enforcement of the last provision is stayed until the Commission rules on a similar question in Docket No. 5907.

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

It is ordered, That the respondent Blackstone School of Law, Inc., a corporation, formerly Blackstone College of Law, Inc., and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

(1) Failing, in connection with respondent's courses of study in law, clearly and conspicuously to disclose; (a) in any advertisement or offer to sell; (b) on each page of any promotional material or descriptive brochure; (c) in each enrollment form, application form, sales, contract or similar document, in type as large as the largest type appearing thereon; that said courses are not recognized or accepted as sufficient education or legal training to qualify the student to become a candidate for admission to the profession of law in any of the States of the United States or the District of Columbia: *Provided,* That, respondent may qualify such disclosure by listing those States which will accept said courses if additional education and legal training requirements are met: *And provided further,* That respondent clearly and conspicuously and in immediate conjunction thereto disclose all such additional requirements.

(2) Using the word "college" or any word or words of similar import or meaning in the corporate name or in any other manner to designate or refer to respondent's school, unless, in bulletins, lesson material, textbooks, diplomas, and other promotional material, and sales presentations whenever used, it is clearly and conspicuously stated in immediate conjunction with such word or words that respondent's enterprise is a correspondence school without resident facilities or that it is "a correspondence institution" or "an institution for correspondence students."

(3) Conferring or offering to confer an LL.B., LL.M., J.D., S.J.D or any other degree in the field of law upon purchasers of respondent's courses of study and instruction in law.

It is further ordered, That enforcement of paragraph 3 of the above modified order be stayed unless and until the Commission disposes of the Order to Show Cause proceeding in Docket 5907 by a modified order containing a substantially similar proscription, or in the event that the order issued in Docket 5907 has a less strict proscription than Paragraph 3, respondent herein will be bound by a similar provision in substantially the same form.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this Order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered, That the June 29, 1954, order be vacated as to respondent Harold R. Lister, individually and as an officer of respondent corporation.

Issued: February 10, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3386 Filed 3-10-71;8:49 am]

[Docket No. C-1858]

PART 13—PROHIBITED TRADE PRACTICES

Fine Arts Sterling Silver Co. and Jerry N. Ashway

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act: Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Fine Arts Sterling Silver Co. et al., Jenkintown, Pa., Docket No. C-1858, Feb. 1, 1971]

In the Matter of Fine Arts Sterling Silver Co., a Corporation, and Jerry N. Ashway, Individually and as an Officer of Said Corporation

Consent order requiring a Jenkintown, Pa., seller and distributor of sterling silver tableware to cease violating the Truth in Lending Act by failing to print more conspicuously the terms "annual percentage rate" and "finance charge," failing to use the term "periodic rate" where required, failing to disclose the annual percentage rate when imposing a minimum finance charge which exceeds 50 cents per month, failing to use the terms "previous balance," "payments" and "finance charge" when billing its debtors, and failing to properly use the terms "new balance" to indicate the data on which payments must be made to avoid additional charges.

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

It is ordered, That respondents Fine Arts Sterling Silver Co., a corporation, and its officers, and Jerry N. Ashway, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of sterling silver tableware or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose, where one or more periodic rates may be used to compute the finance charge, each such rate, using the term "periodic rate" (or "rates"), the range of balances to which each rate is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year, as required by § 226.7(a)(4) of Regulation Z.

3. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent when imposing a minimum finance charge which exceeds 50 cents per month and is not determined by application of a periodic rate, as required by § 226.5(a)(3)(i) of Regulation Z.

4. Failing to disclose the method of determining the balance upon which a finance charge may be imposed, as required by § 226.7(a)(2) of Regulation Z.

5. Failing to disclose the minimum periodic payment required, as required by § 226.7(a)(8) of Regulation Z.

6. Failing to make all disclosures required by § 226.7(a) clearly, conspicuously and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

7. Failing to employ the term "previous balance" to describe the outstanding balance in the customer's account at the beginning of the billing cycle, as required by § 226.7(b)(1) of Regulation Z.

8. Failing to employ the term "payments" to describe the amounts credited to the customer's account during the billing cycle for payments, as required by § 226.7(b)(3) of Regulation Z.

9. Failing to employ the term "finance charge" to describe the amount of any finance charge debited to the account during the billing cycle, as required by § 226.7(b)(4) of Regulation Z.

10. Failing to disclose accurately the periodic rate (or rates) that may be used to compute the finance charge (whether or not applied during the billing cycle), as required by § 226.7(b)(5) of Regulation Z.

11. Failing to disclose the balance on which the finance charge was computed as required by § 226.7(b)(8) of Regulation Z.

12. Failing to employ the term "new balance" to describe the outstanding balance in the account on the closing date of the billing cycle, and to accompany the amount of the "new balance" by statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges, as required by § 226.7(b)(9) of Regulation Z.

13. Engaging in any consumer credit transaction or disseminating any advertisement within the meaning of Regulation Z of the Truth in Lending Act without making all disclosures that are required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z in the amount, manner, and form therein specified.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

Issued: February 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3387 Filed 3-10-71;8:49 a.m]

[Docket No. C-1852]

PART 13—PROHIBITED TRADE PRACTICES

Capitol Sewing Machine Corp. and Dennis R. Lavine

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* 13.155–10 Bait; 13.155–15 Comparative; 13.155–78 Repossession balances; 13.155–100 Usual as reduced, special, etc.; § 13.260 *Terms and conditions.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1779 Bait; § 13.1785 *Comparative;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Capitol Sewing Machine Corp. et al., Harrisburg, Pa., Docket No. C-1852, Jan. 21, 1971]

In the Matter of Capitol Sewing Machine Corp., a Corporation, and Dennis R. Lavine, Individually and as an Officer of Said Corporation

Consent order requiring a Harrisburg, Pa., corporation which sells and services new and used sewing machines and franchises operators of similar businesses to cease misrepresenting that certain of its sewing machines offered for sale have been repossessed, using misleading statements to obtain leads to prospective purchasers, misrepresenting that any price for respondents' products is special, reduced or is a savings from the regular selling price, failing to maintain records which would support its savings claims, failing to disclose all aspects of its guarantees, placing in the hands of others means to mislead purchasers, failing to disclose to purchasers that any note may be sold to a finance company, and making any contract of sale which becomes binding prior to its third day.

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

It is ordered, That respondents Capitol Sewing Machine Corp., a corporation, and its officers, and Dennis R. LaVine, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device or through policies or practices suggested or recommended by respondents to any licensee or franchisee, in connection with the advertising, offering for sale, sale, or distribution of sewing machines, sewing machine cabinets, and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that sewing machines or related products have been repossessed or in any manner reacquired from a former purchaser, or are being offered for sale for the unpaid balance, or any portion thereof, of the original purchase price, or for the amount of any portion of the amount owed by a former purchaser, unless said advertised products actually were of the character stated and were offered for sale on the terms and conditions represented.

2. Representing, directly or by implication, that sewing machines or related products are offered for sale when such offer is not a bona fide offer to sell said products on the terms and conditions stated; or using any sales plan or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of said merchandise.

3. Advertising or offering for sale any sewing machine or related product unless respondent has, makes a good faith effort to demonstrate, and offers for sale to prospective purchasers, without disparaging or in any manner discouraging its purchase, a product which conforms to the representations and descriptions contained in the advertisement or offer.

4. Using any deceptive sales scheme or device to induce the sale of the products or services offered by respondents or their franchisees.

5. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business.

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

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5 through 7 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5 through 7 of this order can be determined.

9. Representing, directly or by implication, that respondents' products are guaranteed unless the nature, extent, and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith.

10. Placing in the hands of others any means or instrumentalities whereby they may mislead purchasers or prospective purchasers as to any of the matters or things prohibited in Paragraphs 1 through 9 hereof.

11. Failing to orally disclose prior to the time of sale, and in writing on any conditional sale contract, or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

12. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

13. Failing to serve a copy of this order upon each present and every future licensee or franchisee and obtaining written acknowledgement of the receipt thereof and from failing to make every reasonable effort to obtain from each present and every future licensee or franchisee an agreement in writing to abide by the terms of this order.

It is further ordered, That the respondent corporation:

(1) Shall forthwith distribute a copy of this order to each of its operating divisions.

(2) Notify the Commission at least 30 days prior to any proposed change in the

corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: January 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3388 Filed 3-10-71;8:49 am]

[Docket No. 8815]

PART 13—PROHIBITED TRADE PRACTICES

Universal Electronics Corp. and Wendell Coker

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.185 *Refunds, repairs, and replacements;* § 13.260 *Terms and conditions.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* 13.670–20 Federal Trade Commission Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1725 *Refunds;* § 13.1760 *Terms and conditions:* 13.1760–50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Universal Electronics Corp. et al., St. Louis, Mo., Docket No. 8815, Jan. 28, 1971]

In the Matter of Universal Electronics Corp., a Corporation, and Wendell Coker, Individually and as an Officer of Said Corporation

Order requiring a St. Louis, Mo., distributor of radio and television tube testing devices and franchises for the sale of such products to cease representing that persons investing in respondents' franchises will receive any stated amount of income or any discounts from respondents on repeat business, that they will obtain profitable locations for their machines or can expect the sale of any certain number of tubes per day, that they will be granted exclusive territories in which to locate their machines, and that respondents will accept the return of, or aid in the resale of, the machines; respondents are also required to place in all franchise contracts a notification that such contracts may be canceled within 3 days, and that respondents will refund all monies to customers canceling contracts within this period.

The order to cease and desist, is as follows:

It is ordered, That respondents Universal Electronics Corp., a corporation, and its officers, and Wendell Coker, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radio and television tube testing devices and the tubes, supplies or equipment for use in connection therewith, or of any other products or of any franchises or dealerships in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Persons investing in respondents' products, franchises or dealerships will receive any stated amount of income or gross or net profits or other earnings.

(b) Any stated sums of money are past earnings of investors or purchasers of respondents' products unless in fact the past earnings represented are those of a substantial number of purchasers and accurately reflect the average earnings of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

(c) Persons investing in respondents' franchises, dealerships or products will receive discounts from respondents on repeat business which assures them of an exceptional or profitable income, or are assured of an exceptional or profitable income from franchises, dealerships or products for any other reason.

(d) Persons investing in respondents' franchises, dealerships or products can expect an average sale of a certain specified number of tubes per day, or any other period of time, for each machine so purchased from respondents unless in fact the average number of tube sales during the time period as represented is that of a substantial number of franchisees, dealers, or purchasers under circumstances similar to those of persons to whom the representation is made.

(e) Respondents, their agents, representatives, or employees will obtain satisfactory or profitable locations for the machines purchased from them: *Provided, however,* That nothing herein shall be construed to prohibit respondents from truthfully and non-deceptively representing that they have obtained locations or assisted in obtaining locations if respondents clearly and conspicuously disclose, in immediate conjunction therewith, the average net or gross earnings realized by a substantial number of purchasers from machines in location obtained by respondents or through their assistance under circumstances similar to those of the purchaser to whom the representation is made.

(f) Persons investing in respondents' franchises, dealerships, machines, or other products will receive training, or other advice and assistance, in the operation of and the methods to be used in servicing respondents' said machines or any other products unless in fact the respondents afforded training, advice and assistance in the operation of and the methods to be used in servicing respondents' machines or other products to each purchaser to the extent of and in conformity with the representations being made to the investor or purchaser.

(g) Selling, soliciting, or experience is not required to establish, operate or maintain a route of respondents' machines, or other products; or misrepresenting in any manner, the amount of selling, soliciting, or experience required to establish and operate or maintain the route.

(h) Respondents or their representatives will accept return of, or will obtain or assist in obtaining a purchaser for, or will assist in the resale of machines or other products sold by them.

(i) Persons investing in respondents' franchises, dealerships, machines or other products will receive the return of their investments in 9 months, 1 year or any other specified period of time.

(j) Persons investing in respondents' franchises, dealerships, machines, or other products will be granted an exclusive territory in which to locate machines and sell products purchased from respondents unless respondents provide in all contracts or purchase agreements with dealers, franchisees or purchasers of respondents' tube testing machines, tubes and other products, to whom such exclusive territories have been granted, a description of the size and limits of the territories, and a statement that no other investor, dealer, franchisee, or purchaser of the same machines or products has been, or will be granted the same territory or any part thereof and respondents in all instances abide by such provisions.

2. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, franchises or dealerships and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

3. Failing, after the acceptance by the Commission of respondents' initial report of compliance, to submit to the Commission on June 1st of each of the succeeding 3 years a report: (1) Describing every complaint involving the acts and practices prohibited by this order received by respondents and their licensees or franchisees from or on behalf of their customers during the 12 months preceding the date of the report; (2) setting forth the facts uncovered by respondents or their licensees or franchisees in connection with the investigation made of each such complaint; and (3) stating the action taken by respondents or their licensees or franchises with respect to each such complaint.

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

It is further ordered, That respondents:

a. Inform orally all prospective customers and provide in writing in all contracts that (1) the contract may be

canceled for any reason by notification to respondents in writing within 3 days from the date of execution and (2) that the contract is not final and binding until respondents have completely performed their obligations thereunder by placing the vending machines in locations satisfactory to the customer and said customer has thereafter signed a statement indicating his satisfaction.

b. Refund immediately all monies to (1) customers who have requested contract cancellation in writing within 3 days from the execution thereof, (2) customers who have refused to sign statements indicating satisfaction with respondents' placement of the machines, and (3) customers showing that respondents' contract, solicitations or performance were attended by or involved violations of any of the provisions of this order.

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

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

By "Final Order" further order requiring report of compliance, is as follows:

It is further ordered, That respondents, Universal Electronics Corp. and Wendell Coker, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: January 28, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-3389 Filed 3-10-71;8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 148u—DACTINOMYCIN

Recodification

Effective on publication in the FEDERAL REGISTER, Part 148u is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148u.1 Sterile dactinomycin.
148u.2 Dactinomycin for injection.

AUTHORITY: The provisions of this Part 148u issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148u.1 Sterile dactinomycin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Dactinomycin is a bright-red compound that is so purified and dried that:

(i) Its potency is not less than 900 micrograms of dactinomycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is pyrogen-free.

(iv) Its LD_{50} in mice is not less than 0.65 and not more than 1.23 milligrams of dactinomycin per kilogram of body weight.

(v) Its loss on drying is not more than 15 percent.

(vi) Its absorptivity at 445 nanometers is not less than 0.95 and not more than 1.03 times that of the dactinomycin working standard at the same wavelength. Its absorbance at 240 nanometers is not less than 1.3 and not more than 1.5 times its absorbance at 445 nanometers.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter, and in addition each package shall bear on its label the statement "Protect from light and excessive heat."

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

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, LD_{50}, loss on drying, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 40 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 40 milligrams.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a stock solution of 10 milligrams of dactinomycin per milliliter (estimated). Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin 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 40 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 0.2 milligram of dactinomycin per milliliter.

(4) LD_{50}[1]—(i) *Sample solution.* Prepare a solution containing 50 micrograms of dactinomycin per milliliter by dissolving an appropriate quantity of the sample in sufficient sterile distilled water. If the sample does not dissolve immediately, place it in an ice water bath or a refrigerator for 1 to 2 hours, and then allow to reach room temperature before use.

(ii) *Procedure.* Select 70 female mice weighing between 18 and 20 grams. Individually identify and weigh them to the nearest 0.1 gram. Use 10 mice at each of the following dose levels: 9.6, 11.52, 13.9, 16.7, 20.0, 24.0, and 28.8 milliliters of sample solution per kilogram of body weight. Calculate the volume of solution to be given to each mouse and administer the appropriate volume intravenously at the rate of 0.5 milliliter per minute. Observe the mice daily for 14 days and record any signs of drug toxicity and times of death. Estimate the LD_{50} and its 95 percent confidence limits by the method of Carrol S. Weil, published in *Biometrics,* volume 8, pages 249–263 (1952).

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

(6) *Absorptivity*—(i) *Procedure.* Accurately weigh approximately 15 milligrams of the sample "as is" and 15 milligrams of the working standard dried as directed in § 141.501(a) of this chapter. Transfer each weighing to separate 100-milliliter volumetric flasks. Dissolve the material and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters of each solution into separate 25-milliliter volumetric flasks, dilute to volume with spectrophotometric-grade methyl alcohol. Mix well. Using a suitable spectrophotometer and 1-centimeter absorption cells, determine the absorbance of the sample solution at the 240-nanometer and at the 445-nanometer absorption peaks (the exact position of the peaks should be determined for the particular instrument used). Determine the absorbance of the standard at the 445-nanometer absorption peak.

(ii) *Calculations.* Calculate the relative absorptivity and the ratio for the absorbances of the sample as follows:

[1] The term "LD_{50}" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

$$\text{Relative absorptivity at 445 nanometers} = \frac{A_3 \times \text{milligrams of standard} \times \text{potency of the standard in micrograms per milligram}}{A_2 \times \text{milligrams of sample} \times (100 - M) \times 10},$$

$$\text{Ratio for the absorbances of the sample at 240 and 445 nanometers} = \frac{A_1}{A_2},$$

where:

A_1 = Absorbance at 240 nanometers for the sample.
A_2 = Absorbance at 445 nanometers for the sample.
A_3 = Absorbance at 445 nanometers for the standard.
M = Percent moisture in the sample.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148u.2 Dactinomycin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Dactinomycin for injection is a dry mixture of dactinomycin and mannitol. Each container contains 0.5 milligram of dactinomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dactinomycin that it is represented to contain. It is sterile. It is nonpyrogenic. The LD_{50} in mice is between 0.65 and 1.23 milligrams of dactinomycin per kilogram. Its loss on drying is not more than 4.0 percent. Its pH is not less than 5.5 and not more than 7.0. The crystalline dactinomycin used conforms to the standards prescribed by § 148u.1 (a)(1) (i), (v), and (vi).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, and in addition each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container the statement "Protect from light and excessive heat."

(ii) On the outside wrapper or container and the immediate container the statement "For hospitalized patients only."

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

(i) Results of tests and assays on:

(*a*) The dactinomycin used in making the batch: For potency, loss on drying, absorptivity, and crystallinity.

(*b*) The batch: For microbiological potency, spectrophotometric potency, sterility, pyrogens, LD_{50}, loss on drying, and pH.

(ii) Samples required:

(*a*) The dactinomycin used in making the batch: 10 containers each containing not less than 40 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all day powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency—*(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the product as directed in the labeling by the addition of 1.1 milliliters of sterile water for injection. Withdraw a 1.0-milliliter aliquot, using a suitable hypodermic needle and syringe, and dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(ii) *Spectrophotometric assay—*(*a*) *Preparation of standard solution.* Accurately weigh approximately 15 milligrams of the working standard dried as directed in § 141.501(a) of this chapter and transfer to a 100-milliliter volumetric flask. Dissolve the standard and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters into a 25-milliliter volumetric flask and dilute to volume with spectrophotometric-grade methyl alcohol.

(*b*) *Preparation of sample solution.* Reconstitute the product as directed in the labeling by the addition of 1.1 milliliters of sterile water for injection. Withdraw a 1.0-milliliter aliquot using a suitable hypodermic needle and syringe and dilute the sample with sufficient spectrophotometric-grade methyl alcohol to obtain a concentration of 20 micrograms of dactinomycin per milliliter (estimated). Obtain a clear solution by decanting or filtering out any undissolved mannitol.

(*c*) *Procedure.* Determine the absorbance of the sample and standard solution at the 445-nanometer absorption peak as directed in § 148u.1(b)(6)(i).

(*d*) *Calculation:*

$$\text{Milligrams of dactinomycin per milliliter} = \frac{A_1 \times \text{milligrams of standard weighed} \times \text{potency of standard in micrograms per milligram} \times \text{milliliters of methyl alcohol sample solution}}{A_2 \times 500 \times 1{,}000},$$

where:

A_1 = Absorbance of the sample solution at 445 nanometers.
A_2 = Absorbance of the standard solution at 445 nanometers.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, preparing the sample for test as follows: Use a sufficient number of containers to yield 3 milligrams of dactinomycin. Reconstitute by adding 1.1 milliliters of sterile water for injection to each container. Aseptically pool the resultant solutions from each container. Dilute an accurately measured portion with sufficient diluent 1 to give a concentration of 0.2 milligram of dactinomycin per milliliter.

(4) LD_{50}. Proceed as directed in § 148u.1(b)(4), except prepare the sample for test as follows: Reconstitute a sufficient number of containers to yield 2,000 micrograms of dactinomycin. Reconstitute by adding 1.1 milliliters of sterile water for injection to each container. Aseptically pool the resultant solutions from each container. Dilute an accurately measured portion with sufficient sterile distilled water to give a concentration of 50 micrograms of dactinomycin per milliliter (estimated). Use the potency value obtained in § 148u.2(b)(1) in calculating the LD_{50} value.

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

(6) *PH.* Reconstitute as directed in the labeling and proceed as directed in § 141.503 of this chapter.

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

Dated: February 20, 1971.

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

[FR Doc.71-3297 Filed 3-10-71;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.633]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Types of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide for the issuance of diplomatic visas to certain nonimmigrants classifiable under section 101(a)(15)(G)(iv) of the Immigration and Nationality Act.

1. Section 41.102 is amended to read as follows:

§ 41.102 Classes of aliens eligible to receive diplomatic visas.

(a) A nonimmigrant alien who is in possession of a diplomatic passport or its equivalent shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of his classification under § 41.12 if he is within one of the following classes:

(1) Heads of States and their alternates;

(2) Members of a reigning royal family;

(3) Governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates;

(4) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;

(5) Presiding officers of chambers of national legislative bodies;

(6) Justices of the highest national court of a foreign country;

(7) Ambassadors, public ministers, other officers of the diplomatic service and consular officers of career;

(8) Military officers holding a rank not inferior to that of a brigadier general in the U.S. Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the U.S. Navy;

(9) Military, naval, air and other attaches and assistant attaches assigned to a foreign diplomatic mission;

(10) Officers of foreign-government delegations to international organizations so designated by Executive order;

(11) Officers of foreign-government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by Executive order;

(12) Officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;

(13) Officers of foreign-government delegations proceeding to or from a specific international conference of an official nature;

(14) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph;

(15) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (12) and (13) of this paragraph;

(16) Diplomatic couriers proceeding to or through the United States in the performance of their official duties.

(b) A nonimmigrant alien who is classifiable under section 101(a)(15)(G)(iv) shall, if otherwise qualified, be eligible to receive a diplomatic visa if he is in possession of a United Nations Laissez-Passer and is—

(1) The Secretary General of the United Nations;

(2) An Under Secretary General of the United Nations;

(3) An Assistant Secretary General of the United Nations;

(4) The Administrator or the Deputy Administrator of the United Nations Development Program;

(5) An Assistant Administrator of the United Nations Development Program;

(6) The Executive Director of the—

(i) United Nations Children's Fund;

(ii) United Nations Institute for Training and Research;

(iii) United Nations Industrial Development Organization.

(7) The Executive Secretary of the—

(i) United Nations Economic Commission for Africa;

(ii) United Nations Economic Commission for Asia and the Far East;

(iii) United Nations Economic Commission for Latin America;

(iv) United Nations Economic Commission for Europe.

(8) The Secretary General of the United Nations Conference on Trade and Development;

(9) The Director General of the Latin American Institute for Economic and Social Planning;

(10) The United Nations High Commissioner for Refugees;

(11) The United Nations Commissioner for Technical Co-operation;

(12) The Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(c) Any other individual alien or class of aliens shall, if otherwise qualified, be eligible to receive a diplomatic visa upon the authorization of the Department, the Chief of a United States Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.

2. Section 41.104(a)(3) is amended to read as follows:

§ 41.104 Classes of aliens eligible to receive official visas.

(a) * * *

(3) Aliens, other than those described in § 41.102(b), who are classified under section 101(a)(15)(G) of the Act, except those classifiable under section 101(a)(15)(G)(iii) of the Act unless the government of which the alien is an accredited representative is recognized de jure by the United States;

* * * * *

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (3–11–71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

FEBRUARY 26, 1971.

[FR Doc.71-3361 Filed 3-10-71;8:47 am]

Chapter VII—Overseas Private Investment Corporation

SUBCHAPTER B—PERSONNEL

PART 730—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with Executive Order 11222; 3 CFR, 1964–1965 Comp. p. 306; and 5 CFR Part 735; Chapter VII consisting of Part 730 of Subchapter B is added to Title 22 of the Code of Federal Regulations.

Sec.

AUTHORITY: The provisions of this Part 730 issued under Executive Order 11222; 3 CFR, 1964–1965 Comp. p. 306; 5 CFR Part 735.

§ 730.735–101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Overseas Private Investment Corporation (referred to hereinafter as the Corporation) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101, 735.102, 735.201a, 735.202 (a), (d), (e), (f), 735.203, 735.204, 735.205, 735.206, 735.207, 735.208, 735.209, 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403(a), 735.404, 735.405, 735.407–.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 730.735–102 Notice to employees.

Each employee, at time of entrance on duty and also at the time of the annual performance rating, shall receive a copy of this part, together with a copy of Part 735 of Title 5, Code of Federal Regulations.

§ 730.735–103 Counseling service.

The Deputy General Counsel is designated as the Counselor on Ethical Conduct and Conflicts of Interest.

§ 730.735–104 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this Part shall be reviewed by the Deputy General Counsel. When this review indicates a conflict between the interests of an employee or special Government employee of the Corporation and the performance of his services for the Government, the Deputy General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Deputy General Counsel shall forward a written report on the indicated conflict to the Corporate President.

§ 730.735–105 Disciplinary and other remedial action.

An employee or special Government employee of the Corporation who violates

any of the regulations in this Part or adopted under § 730.735–101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 730.735–106 Gifts, entertainment, and favors.

The Corporation authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b)(1)–(4), and, in addition, authorizes the following exception: Acceptance of gifts and decorations from foreign governments, i.e., table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts which have a retail value not in excess of $50 in the United States, received as souvenirs or marks of courtesy from a foreign government. If a gift of more than minimal value, as described above, is offered, and the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the Corporate President or his designee may permit the employee to accept the gift for disposal in accordance with the guidelines developed for such circumstances by the Secretary of State.

§ 730.735–107 Outside employment and other activity.

(a) A Corporation employee may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor, preferably prior to performance of the outside employment, but in any event no later than 7 calendar days after start of the outside employment.

(b) Employees may not discuss with persons or organizations outside the Government with whom they transact business, or with whom they may reasonably expect to transact corporate business, the possibility of their employment by such persons or organizations. This restriction applies to discussions with persons or organizations who have received invitations to submit contractual proposals or who are negotiating for contracts.

(c) Employees may not, on behalf of the Corporation, participate personally and substantially in the negotiation of contracts, the making of loans, or other financial transactions between the Corporation and any person or organization by whom they were employed within the 2 years prior to such participation.

(d) The restrictions set forth in paragraphs (a) and (b) of this section may be waived by the Corporate President. Waivers will be granted only in exceptional cases when clearly consistent with the interests of the Corporation and the Government.

§ 730.735–108 Special provision applicable to special Government employees of the Corporation.

(a) Special Government employees shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 730.735–101.

(b) Special Government employees may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Corporation authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 730.735–105.

§ 730.735–109 Statements of employment and financial interest.

(a) In addition to the employees required to submit statements of employment and financial interest under 5 CFR 735.403(a), all special Government employees (including experts and consultants) and all Administratively Determined schedule (AD) appointees shall submit statements of employment and financial interest.

(b) Each statement of employment and financial interest required by this paragraph shall be submitted in a sealed envelop to the Counselor on Ethical Conduct and Conflicts of Interest through the Personnel Officer.

(c) An employee who believes that his position has been improperly included in this paragraph as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the grievance procedures (A.I. 31–771).

(d) The head of each major organizational unit, or his designee, insures that all employees required to submit employment and financial interest statements receive copies of the reporting forms and file them within the prescribed times.

§ 730.735–110 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement on June 30 of each year, required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, U.S.C., or the provisions in this part or adopted under § 730.735–101. An employee's supplementary statement may be filed by a signed memorandum reporting changes or "no change from (date) report."

The Civil Service Commission approved these regulations on September 28, 1970. They will be effective as of date of publication in the FEDERAL REGISTER (3–11–71).

Dated: March 2, 1971.

BRADFORD MILLS,
President.

[FR Doc.71–3392 Filed 3–10–71;8:49 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 778—OVERTIME COMPENSATION

Benefit Plans

Part 778 of the Code of Federal Regulations is hereby amended by adding a sentence at the end of § 778.214(b) to read as follows: "Advance approval by the Department of Labor is not required."

The amendment is for the purpose of clarification only and therefore the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. Such procedures would not serve a useful purpose here. Accordingly, this amendment shall become effective immediately upon publication in the FEDERAL REGISTER (3–11–71).

The amended 29 CFR Part 778.214(b) reads as follows:

§ 778.214 Benefit plans; including profit-sharing plans or trusts providing similar benefits.

* * * * *

(b) *Scope and application of exclusion generally.* Plans for providing benefits of the kinds described in section 7(e)(4) are referred to herein as "benefit plans". It is section 7(e)(4) which governs the status for regular rate purposes of any contributions made by an employer pursuant to a plan for providing the described benefits. This is true irrespective of any other features the plan may have. Thus, it makes no difference whether or not the benefit plan is one financed out of profits or one which by matching employee contributions or otherwise encourages thrift or savings. Where such a plan or trust is combined in a single program (whether in one or more documents) with a plan or trust for providing profit-sharing payments to employees, the profit-sharing payments may be excluded from the regular rate if they meet the requirements of the Profit-Sharing Regulations, Part 549 of this chapter, and the contributions made by the employer for providing the benefits described in section 7(e)(4) of the Act may be excluded from the regular rate if they meet the tests set forth in § 778.215. Advance approval by the Department of Labor is not required.

* * * * *

(52 Stat. 1060, as amended, 29 U.S.C. 201–219)

Signed at Washington, D.C., this 5th day of March 1971.

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

[FR Doc.71–3407 Filed 3–10–71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Part 806 of Title 32 of the Code of Federal Regulations is revised to read as follows:

AUTHORITY: The provisions of this Part 806 are issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A—General Information

§ 806.1 Purpose.

This part states basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of records. It applies Air Force wide. In case of a conflict, this part takes precedence over any existing directive dealing in whole or in part with the disclosure of records.

§ 806.2 Types of requests covered by this part.

(a) This part governs the disclosure or denial of documentary material to the general public.

(b) In addition to the general policies and procedures required by this part, many types of requests for information and records are subject to specialized or limited release procedures. Some of these are shown in this paragraph. For a more complete list, see AFR 190–12 (Release of Information to the Public).

Type of request	*Governing directive*
Congressional	AFR 11–7 (Air Force Relations with Congress).
General Accounting Office	AFR 11–8 (Air Force Relations with General Accounting Office (GAO).
Litigation	Part 840—Subchapter D of this chapter, and this part.
Unclassified records of trial after courts-martial.	Subpart F of this part.
News media	AFR 190–12 (Release of Information to the public), and this part.
Military personnel records	Part 806a—Subchapter A of this chapter.
Accident/incident investigation and report.	AFR 127–4 (Investigation and Reporting U.S. Air Force Accidents and Incidents).
Procurement information on records	Armed Service Procurement Regulations.
Inspector General reports	AFR 120–3 (Administrative Inquiries and Investigations).

Subpart B—Policies Governing Disclosure of Records

§ 806.3 Basic policies on disclosure.

(a) It is the policy of the Department of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

(b) This basic policy is subject to the necessary exception, recognized in 5 U.S.C. 552(b) and discussed in § 806.5, that certain records and other documentary material need not be made public. However, even when nondisclosure is authorized by 5 U.S.C. 552(b) and § 806.5, requested records and other documentary material should be disclosed if no significant purpose is served by withholding them. The determination of whether a significant purpose is served by withholding information under provisions of § 806.5 is within the sole discretion of the Air Force.

(c) Determination that a record should be withheld must not be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass the Air Force or an official of the Air Force.

§ 806.4 Specific policies on disclosure.

(a) Any identifiable documentary material in the possession of the Air Force that qualifies as a "record" according to paragraph (b) of this section and is not exempted under § 806.5 should be made available on the request of any person.

(b) (1) In determining whether documentary material qualifies as a "record," 44 U.S.C. 3301, quoted below, should be used as a guide.

(2) As used in this chapter, "records" include all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operation, or other activities of the Government or because of the informational value of data in them.

(i) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value as "evidence."

(ii) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(c) For a record to be considered "identifiable" it must exist at the time of request. There is no obligation to create a record to satisfy a request for information. When the information exists in the form of several records at several locations, the requester should be referred to those sources if gathering the information would be burdensome.

(d) A requester must be reasonably specific in identifying each record he would like made available. The Air Force is not required to permit a requester to browse through entire files or large series of records to find a record he may then "identify." The Air Force will make a reasonable effort to locate any records requested. A request for a specific record should not be denied solely because the record is maintained by computer.

(e) Requests for identifiable records may be denied only when an official designated in § 806.6 determines that such a denial is authorized by this part. Other Air Force directives may contain specific procedures for release or denial of records.

(f) Pursuant to 5 U.S.C. 522(a)(3), requesters are charged the reasonable costs to the Air Force for searching, copying, or certifying records. Charges are determined according to Parts 812 and 813 of this chapter. Except for any copies that are provided, no charge is made to the public for the use of established reading rooms or reference libraries.

(g) Official requests for records or other documentary material received directly from foreign governments, their representatives, or international commands, may be answered only by offices holding delegation of disclosure authority letters as described in AFR 200–9. Other recipients will send such correspondence to the foreign disclosure policy office within their major command, or to Hq USAF (AFCVFB).

(h) Individual requests received from foreign nationals not officially representing their government will be processed as any other request in accordance with Subpart C of this part. Charges may be waived in accordance with Part 813 of this chapter.

§ 806.5 Material that may be withheld from disclosure.

Records within the categories listed in this section are not required to be made available to a requester if, in the judgment of the disclosure authority designated under § 806.6, no significant purpose would be served by withholding it.

(a) Those containing information requiring protection in the interest of national defense or foreign policy according to the criteria established by AFR 205–1 or by Executive order.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or internal practices of the Air Force. Examples include:

(1) Operating rules, guidelines, and manuals for Air Force investigators, inspectors, auditors, or examiners that cannot be disclosed to the public without substantial prejudice to the effective performance of a significant Air Force function. Some of these materials might reveal:

(i) Negotiation and bargaining techniques,

(ii) Bargaining limitations and positions.

(iii) Inspection schedules and methods.

(iv) Audit schedules and methods.

(2) Personnel and other administrative matters, such as examination questions and answers used in training courses or in determining the qualification of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information authorized or required by statute to be withheld from the public. The authorization or requirement may be found in the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(1) Documentary — material referred to in 18 U.S.C. 1905—trade and financial information provided in confidence by business.

(2) 35 U.S.C. 181–88—records containing information relating to inventions that are the subject of patent applications on which Patent Secrecy orders have been issued.

(d) Those containing information the Government has received from anyone, including an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other organization, with the understanding, express or implied, that the information will be retained on a privileged or confidential basis; or those containing similar commercial or financial information that the component develops internally, if the information is, in fact, the kind normally considered privileged or confidential. Examples of the types of information that may be within this exemption are:

(1) Commercial information such as research data, formulae, designs, drawings, and other technical data and reports that:

(i) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(ii) If owned by private parties would likely be held in confidence.

(2) Commercial and financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning such matters as contract performance, income, profits, losses, and expenditures.

(4) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(5) Personal statements given in the course of inspections, audits, or investigations.

(6) Any other information that customarily would not be released to the public by the person from whom it was obtained.

(e) Except as provided in subparagraph (3) of this paragraph, those containing intra and interagency communications.

(1) One major purpose of this exemption is to insure that frank internal communication and a free exchange of ideas among agency personnel is not inhibited. In this sense it is primarily concerned with opinions, suggestions, recommendations, evaluations, analyses, and discussions, as opposed to records of final actions taken.

(2) Examples of the types of material that may normally be withheld under this exemption are:

(i) Staff papers that discuss a problem or contain advice, recommendations, analyses, suggestions or evaluations.

(ii) Information received or generated by a component preliminary to a decision or action, when premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(iii) Draft versions of documents.

(iv) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, panels, conferences, councils, commissions, task forces or similar groups that are formed by the Air Force to obtain advice and recommendations.

(v) Records of conversations or communications between Air Force personnel or between such personnel and representatives of other agencies of the Executive Branch, if the conversations or communications are merely advisory or preliminary in nature and do not represent any final official action.

(vi) Advance information on such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vii) Inspector general reports, auditor general reports, or other reports of inspections, investigations, or surveys that pertain to safety or the internal management, administration, or operations of the Air Force.

(viii) Records that are exchanged among Air Force personnel or within and among Government agencies preparing for legal proceedings or anticipate proceedings before any Federal, State, or military court or regulatory body.

(ix) Records of Air Force evaluations of contractors and their products or services that, in effect, constitute advice or recommendations and could be used improperly to the advantage or detriment of private interests.

(x) Reports of proceedings to select personnel for assignment, school, promotion, retention, and similar purposes.

(3) Any such intra-agency or interagency records or other documentary material that would routinely be made available through the discovery process in the course of litigation with the agency may not be withheld. However, if the material would only be made available through the discovery process by special order of the court, based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the public.

(f) Those containing information from personnel and medical files.

(1) When the sole and exclusive basis for withholding such information is protection of the personal privacy of a person, the information should not be withheld from him or from his designated legal representative.

(2) An individual's personnel or medical files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when Civil Service Commission regulations or other regulations so authorize.

(g) Those containing information from files similar to medical and personnel files where there would be a clearly unwarranted invasion of the personal privacy of a person if the information were disclosed.

(1) Examples of similar files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, whether civilian, military or industrial, for security clearance.

(ii) Containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken or has been taken.

(iii) Containing information about an individual's personal or financial affairs that the individual would not normally disclose publicly. Included are: DD Form 1555, "Confidential Statement of Employment and Financial Interests DOD Personnel" and DD Form 1555 1, "Confidential Statement of Employment and Financial Interests (for use by special DOD Employees)."

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases

such as those involving alleged misconduct, to: (i) The amount of time that has passed since the alleged misconduct, (ii) the degree to which the individual's privacy has already been invaded, and (iii) the relationship of the alleged misconduct to an employee's official duties. The release of information concerning alleged misconduct that is closely related to official duties, has occurred recently, and has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(3) When the sole and exclusive basis for withholding information is protection of an individual's personal privacy, the information should not be withheld from him or from his designated legal representative.

(4) Information from such files may be withheld from an individual or from his legal representative for reasons other than protection of his personal privacy when authorized by Civil Service Commission regulations or other directives.

(h) Those containing information from investigatory files compiled to enforce civil, criminal, or military law, including Executive Orders or regulations validly adopted pursuant to law. Included within this exemption are:

(1) Reports, statements of witnesses, and other material based on the information developed during the course of an investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings. OSI reports, for example concerning suspected violations of the Uniform Code of Military Justice and other laws come within this provision.

(2) Investigatory files compiled to enforce Executive orders or the directives of a component of the Department of Defense.

(3) Lists or identifications of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

Subpart C—Processing Requests To Inspect or Copy Records

§ 806.6 Persons authorized to disclose or not to disclose records requested by members of the public.

(a) Anyone having the authority to disclose and release unclassified records and other documentary material is called a disclosure authority. Except for categories of records listed in paragraph (d) of this section, or as specially authorized by other Air Force directives, the following have authority to make available unclassified records or other documentary material:

(1) Chiefs of offices at directorate or higher level at Hq USAF.

(2) Commanders at major command or comparable level. Major commands may delegate this authority to directorate or comparable level. Major commands may delegate this authority to directorate or comparable level at major command headquarters, and to the level of installation, wing or comparable commanders.

(b) In each case the authority to release records and documentary material of a routine nature which heretofore by policy or practice have been made available to the general public may be delegated to a lower level, but must be maintained high enough to insure that releases are made by a responsible authority and are in accordance with the regulations in this part. Examples of such types of records and documentary material are: Unclassified publications, photographs, local reports and statistics, etc., not designated "For Official Use Only."

(c) When appropriate under this part, a disclosure authority at the major command or comparable level or directorate or higher authority within Hq USAF is authorized to refuse to make available unclassified records or other documentary material to members of the public. Commanders of major commands may delegate this authority to directorate or comparable level at major command headquarters, and to the level of installation, wing, or comparable commanders. Such delegation must be made with sufficient restrictions to insure uniformity in release policies, and must include, as a minimum safeguard a procedure for consultation with the major command Staff Judge Advocate before denial of a request.

(d) The activities and persons listed below may either disclose, or refuse to disclose, the types of records cited when appropriate under this part.

Type of record	*Disclosure authority*
For use in litigation	The Judge Advocate General, or other authority listed in Part 840 of this chapter.
Records of trial after courts-martial	The Judge Advocate General, or other authority listed in Subpart F of this part.
Medical records	The director of base medical services or a designated medical officer, subject to the requirements of AFM 168–4 (Uniformed Services Health Benefits Program in Areas Other than the United States, Puerto Rico, Canada, Mexico, and countries within the U.S. European Command).
Inspector General reports of Investigation.	Secretary of the Air Force as outlined in AFR 120–3 (Administrative Inquiries and Investigations).
Accident/Incident Investigations (ground/explosives accidents are excluded from this requirement).	Secretary of the Air Force as outlined in AFR 127–4 (Investigating and Reporting USAF Accidents and Incidents).

(e) A copy of each denial made per authority of this section will be sent to Hq USAF (AF/JAC), Washington, D.C. 20314, along with a copy of the request being denied.

§ 806.7 Expedited handling required.

Activities at all echelons must expedite their handling of any request from members of the public to inspect or copy records. They should make every effort to avoid creating procedural obstacles when internal Air Force organizational problems arise, particularly where reorganization or transfer of function contributes to an improperly directed request. Air Force personnel will make all reasonable efforts to assist private persons in directing requests for records and other documentary material to the appropriate authorities.

Subpart D—How the Public Submits Requests for Documents

§ 806.8 Identifying material requested.

Request to inspect or obtain copies of records or other documentary material normally should be made in writing. It should contain at least the following information:

(a) All identification as complete as possible of the desired material, including (if known) its title or description, its date, and the issuing authority.

(b) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security account number of the individual concerned, if known.

(c) A statement as to whether the requester wishes to inspect the record or obtain copies of it.

(d) Standard Form 180, "Request Pertaining to Military Records", is used by Federal agencies to obtain information from military service records that are in the National Personnel Records Center (Military Personnel Records). Agencies may furnish copies of SF 180 to the public to facilitate unofficial inquiries and may direct nongovernment organizations to the Superintendent of Documents to purchase quantities of the form.

§ 806.9 Addressing requests.

Requesters should address their requests as follows:

Nature of request	*Address*
For matters of official record for use in litigation.	Hq USAF (AF/JACL) Washington, D.C. 20314, or the activity where the record is located, if known.
For matters of record concerning civilian employees currently employed by the Air Force.	Civilian personnel officer of base or activity where person is employed.
For matters of record concerning civilian employees no longer employed in the Federal service.	National Personnel Records Center, GSA, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.
For matters of record concerning members and former members of the Air Force, Air Force Reserve, or Air National Guard.	See § 806.10.
For matters of record concerning standard (administrative type) publications, that is Air Force Regulations, Manuals, Pamphlets, etc.	Hq USAF (AFDADP) or Director of Chief of Administration of any Air Force Base.
For matters of record concerning Air Force technical, supply and engineering publication and data.	See § 806.10.
For matters of record concerning Major Command standard (administrative) type publications.	Director of Administration of the major command concerned.
For other records, where the location of the record is known.	Director or Chief of Administration, activity where record is located.
For records retired to record centers	AFM 12–50 and § 806.10.
For other records, where location is not known.	Hq USAF (AFDADP), Washington, D.C. 20330.

§ 806.10 Addressing requests for records of military personnel.

ADDRESSING REQUESTS FOR RECORDS OF MILITARY PERSONNEL

If the individual is presently—	And he is/was—	Then inquiry should be addressed to—
On extended active duty	A commissioned officer or warrant officer.	His organization of assignment if known, otherwise: USAFMPC (AFPMDRO) Randolph AFB TX 78148.
	An airman	His organization of assignment, if known, otherwise: USAFMPC (AFPMDRA) Randolph AFB TX 78148.
A member of the Air Force Reserve not on extended active duty.	A commissioned officer, warrant officer, or airman.	ARPC, 3800 York St., Denver, CO 80205.
A member of the Air National Guard not on active duty.	A commissioned officer or warrant officer.	Chief, National Guard Bureau, Wash., D.C. 20310
	An airman	Air Adjutant General of the appropriate State, District of Columbia, or Commonwealth of Puerto Rico.
Retired for temporary physical disability.	A commissioned officer or warrant officer.	USAFMPC (AFPMDRO) Randolph AFB TX 78148.
	An airman	USAFMPC (AFPMDRA) Randolph AFB TX 78148.
Retired (with pay)	A general officer	USAFMPC (AFPMDRO) Randolph AFB TX 78148.
	Other than a general officer	National Personnel Records Center, (Military Personnel Records), 9700 Page Blvd., St. Louis MO 63132.
Former members who no longer have an Air Force affiliation.	A commissioned officer, warrant officer or airman.	

NOTE: If member's status is unknown, address request to USAFMPC (AFPMDRF) Randolph AFB TX 78148

Subpart E—Appeals From Refusals To Make Records Available

§ 806.11 Filing an appeal.

(a) A person whose request to copy or inspect a record or other documentary material is denied may appeal this decision to the Secretary of the Air Force within 45 days of denial. A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a Secretarial decision has been made. This decision will be the final action of the Air Force on the request.

(b) An appeal is filed when the requester sends a copy of the letter of denial to the Secretary of the Air Force together with a request that the denial be reconsidered.

(c) Any statement of reason or arguments must be submitted in writing when the appeal is filed. A personal appearance is allowed only at the discretion of the Secretary.

(d) The appeal should be addressed to Hq USAF (AF/JAC) Washington, DC 20314.

§ 806.12 Processing an appeal.

(a) A decision on the appeal must not be unnecessarily delayed. If the request to copy or inspect a record is denied on appeal, the decision must be explained to the requester in writing.

(b) A copy of this explanation is sent to the General Counsel, Department of Defense, Washington, DC 20301, in instances where the requester seeks reconsideration by the Secretary, or initiates legal action to compel release of the record.

Subpart F—Disclosure of Unclassified Records of Trial After Courts-Martial

§ 806.13 Purpose.

The policy and instructions set forth in this subpart govern disclosure of unclassified records of trial after courts-martial. It implements 5 U.S.C. 552 and DOD Directive 5400.7, June 23, 1967.

§ 806.14 Basic disclosure policies.

(a) When properly requested, unclassified records of trial by court-martial which are final under UCMJ, Article 76, should be made available by the disclosure authority responsible for final action on the case.

(b) The term "record of trial" includes the record proper and all exhibits, together with all actions taken and court-martial orders promulgated in the case. It does not include the allied papers in the record. (Requests for allied papers are submitted under Subpart D of this subchapter.) In any case governed by UCMJ, Article 65 (a) or (b), the written review of the staff judge advocate to the officer exercising general court-martial jurisdiction, add the opinion of the Court of Military Review if applicable, should be made available if the requestor specifies in his request that he desires these opinions as well as the record of trial.

(c) Normally, records of trial should be made available only after completion of the review procedures provided for by the UCMJ. However, records may be made available before completion of appellate review if it is determined that the circumstances so warrant and that disclosure will not interfere with the orderly processing of the case. This determination is made by the disclosure authority at the highest level of review within the Air Force provided by the UCMJ for a record of trial of the type requested.

(d) A requestor may not browse through entire files to find the record he desires so that he may then request it. Records or groups of records which are not individually identified in a request should not be made available.

§ 806.15 Disclosure authority.

The disclosure authority indicated below should take action to obtain the record requested from the appropriate records disposition facility when the record has been retired. The Judge Advocate General (AF/JAJ) is authorized to act as disclosure authority on any request for a record of trial, regardless of the type of court martial involved or the status of the record as active or retired.

DISCLOSURE AUTHORITY

Rule	If type of trial is—	Then disclosure authority—
1	General court-martial	The Judge Advocate General (AF/JAG).
2	Special court-martial with bad conduct discharge approved by convening authority and by officer exercising general court-martial jurisdiction.	
3	Special court-martial other than in Rule 2.	Staff judge advocate to officer exercising general court-martial jurisdiction.
4	Summary court-martial	

§ 806.16 Submitting requests.

(a) The request for a record of trial should contain as complete identification of the record as possible (full name, rank, and identification number of the accused, date and place of trial, and identification of the convening authority by command designation). If the requestor submits only a part of the identifying details, the Air Force will make a reasonable effort to locate the record requested. The request should state whether the requestor desires to inspect or to obtain copies of the record of trial.

(1) If the location of the record is known, the request should be addressed to the disclosure authority indicated in § 806.15.

(2) If the location of the record requested is not known, the request should be addressed to Hq USAF (AF/JAJM), Washington DC 20314.

§ 806.17 Processing requests.

(a) If a request is received by an Air Force activity other than the appropriate disclosure authority, it should be forwarded promptly to the disclosure authority indicated in § 806.15. A request for a record under Rule 3 or Rule 4 in § 806.15, should be forwarded to Hq USAF (AF/JAJM), Washington, DC 20314, when the disclosure authority cannot be readily identified by the activity receiving the request. The Air Force will make all reasonable efforts to assist private persons in directing a request for a record of trial to the appropriate disclosure authority. When such authority is identifiable, the request should be forwarded there, even though the record may have been retired.

(b) Upon receipt of a request, the disclosure authority specified in § 806.15 should arrange to make the record of trial available upon payment of the applicable fees, unless payment in advance is waived because the request is an urgent one. The disclosure authority should communicate with the requestor to inform him of the following matters, as appropriate:

(1) Tell him when and where the record of trial may be inspected. If a search fee is to be charged under Part 813 of this chapter, inform him of the cost, and tell him he must pay this amount before inspecting the record, unless the disclosure authority determines the request is an urgent one and authorizes payment after inspection.

(2) Advise him of the amount of fee required under Part 813 of this chapter for a copy of the record. Inform him that a copy will be furnished only after payment is received, unless the request is determined to be an urgent one and payment in advance is waived. (Any copies of the record to be furnished should be reproduced as expeditiously as possible without impairing the ability of Air Force activities to perform their other duties. When necessary, military reproduction facilities should assist the disclosure authority in fulfilling the request.)

(3) Advise the requestor that the record has been retired and that further information will be furnished when the record has been received by the disclosure authority. (Upon receipt of the record, follow up to inform him of the matters in paragraph (b) of this section, as appropriate.)

(c) The disclosure authority should maintain, with the original record of trial, a record of persons to whom that record of trial has been made available, with the addresses of such persons, dates of access, and information concerning any copies furnished under this part and Part 813 of this chapter.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-3303 Filed 3-10-71;8:45 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

De Soto National Wildlife Refuge, Iowa-Nebraska

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

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

IOWA-NEBRASKA
DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the De Soto National Wildlife Refuge subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreational use is from April 15, 1971, through September 15, 1971. During this period, the public recreational use area is open daily between the hours of 6 a.m. and 9 p.m., c.d.s.t. Admittance onto the area after 8 p.m. is prohibited. Two separate mushroom picking areas are open daily to the public during the month of May; hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry to the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Entrance fees.* Entry to the public use area shall be subject to fee charging for an entrance permit, as required for all designated areas under the Land and Water Conservation Fund Act. The types of entry permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at refuge headquarters and at fee collection stations located at two entrance points.

(6) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls, and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted in grills only.

(d) Access to refuge waters with airboats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator's left, except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone." Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(i) All boats are prohibited from loading or unloading passengers from the swimming area.

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

Regulations, Part 28, and are effective through September 15, 1971.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 2, 1971.

[FR Doc.71-3345 Filed 3-10-71;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Florida, Georgia and Maryland

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

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

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 47,481 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted on the open areas year round except during the waterfowl hunting season when fishing is limited to the open waters of Mosquito Lagoon, Banana Creek, the open waters of Banana River south of NASA Causeway East, the open waters of Dummitt Creek, the Indian River lying within the refuge, and the ocean beach.

(2) Bank fishing along Banana Creek and Banana River except that portion around Canaveral Harbor is prohibited.

(3) Fishing may be prohibited at certain times in all or part of Mosquito Lagoon, Banana Creek, Banana River and along the ocean beach when safety operational factors by NASA so require. At such times the areas will be posted as closed.

(4) Fishermen may not leave fishing rods and/or poles unattended.

(5) Trot lines, set lines or bush hooks are prohibited.

(6) Air-thrust boats are prohibited. Inboard and outboard boats are permitted in the waters open to fishing except in areas specifically designated by suitable posting by the refuge officer-in-charge as closed to motor boat operation.

(7) Fishing is permitted on the open waters of Mosquito Lagoon, Banana River, Indian River lying within the Refuge, and the ocean beach 24 hours a day. Access to the other areas is permitted only during the period from 1 hour before sunrise to 1 hour after sunset.

(8) Taking of any fish with spears or bow and arrow is prohibited.

GEORGIA

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Ga. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign the register when they enter the swamp and again when they leave. Use of launching facilities is permitted as long as parking regulations are not violated. Parking regulations are posted at registration station.

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Sport fishing and crabbing on the Blackwater National Wildlife Refuge, Cambridge, Md., is permitted only on those areas designated by signs as open to fishing. These open areas, comprising approximately 2,700 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing and crabbing shall be in accordance with all applicable State regulations except for the following special conditions.

(1) Season: April 1–September 30. Daylight hours only.

(2) Boat launching from refuge lands prohibited.

(3) All fish and crab lines must be attended. No set tackle may be used.

(4) Use of airboats prohibited.

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

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

MARCH 4, 1971.

[FR Doc.71-3346 Filed 3-10-71;8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

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

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available to at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, MN 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 1, 1971 to September 15, 1971, daylight hours only.

(2) The use of boats, with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1971.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

MARCH 3, 1971.

[FR Doc.71-3347 Filed 3-10-71;8:45 am]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 229]

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

Limitation of Handling

§ 907.529 Navel Orange Regulation 229.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted

by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 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 March 12, 1971, through March 18, 1971, are hereby fixed as follows:

(i) District 1: 852,000 cartons;

(ii) District 2: 348,000 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: March 10, 1971.

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

[FR Doc.71-3520 Filed 3-10-71;11:18 am]

[Valencia Orange Reg. 338]

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

Limitation of Handling

§ 908.638 Valencia Orange Regulation 338.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Azrizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 12, through March 18, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 108,276 Cartons.

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

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

Dated: March 10, 1971.

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

[FR Doc.71-3319 Filed 3-10-71;11:18 am]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE, U.S.-FLAG VESSELS

Notice of Proposed Rule Making

The Assistant Secretary of Commerce for Maritime Affairs has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901 (b) of the Merchant Marine Act, 1936, as amended (65 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, as provided in section 27 of the Merchant Marine Act of 1970, Public Law 91–469. The first of such proposed regulations are set forth in F.R. Doc. 71–577 published in the FEDERAL REGISTER issue of January 15, 1971 (36 F.R. 609).

The Act provides that the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of certain Government generated cargoes which may be transported on ocean vessels shall be transported on privately-owned U.S.-flag commercial vessels to the extent such vessels are available at fair and reasonable rates for U.S.-flag commercial vessels—

* * * in such manner as will insure a fair and reasonable participation of U.S.-flag commercial vessels in such cargoes by geographic areas: * * *

Inequities may result when the gross tonnage of liner-parcel cargoes apportioned U.S.-flag vessels under Public Law 83–664 requirements consists predominantly of the lower-rated commodities being shipped under a particular loan, grant or purchase transaction. In order to insure that the gross tonnage allocation for U.S.-flag vessels represents "fair and reasonable participation" in such cargoes being shipped, the value and the freight revenues of the cargoes must be considered.

Therefore, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533) that the Assistant Secretary of Commerce for Maritime Affairs pursuant to sections 204(b), 212(d), and 901(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), and the authority delegated to him by the Secretary of Commerce under section 3 of Department Organization Order 10–8, 36 F.R. 1223, proposes to add the following regulations to those set forth in F.R. Doc. 71–577:

§ 381.2 Definition.

* * * * *

(e) "Liner parcel" means any cargo, dry or liquid, normally carried under berth terms by common carriers in ocean trades.

* * * * *

§ 381.4 Fair and reasonable participation.

In order to insure a fair and reasonable participation by U.S.-flag commercial vessels in liner parcel cargoes subject to the Cargo Preference Act of 1954, as required by that Act, the head of each department or agency having responsibility under that Act shall prescribe a formal procedure providing for the cargo mix of liner parcel cargoes transported on ocean vessels to be divided between privately-owned U.S.-flag vessels and foreign-flag vessels in such a manner as to yield to the U.S.-flag vessels freight revenue per long ton at least equal to the freight revenue per long ton afforded the foreign-flag vessels participating in the same grant, loan or purchase transaction. A copy of the procedure established by each department or agency shall be furnished to the Maritime Administration.

All interested persons are invited to submit their views and comments on the foregoing proposed regulations in writing to the Maritime Administration, Washington, D.C. 20235, on or before March 31, 1971. Except where it is requested that such communications not be disclosed, they will be considered to be available for public inspection.

Dated: March 5, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.71–3503 Filed 3–10–71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10896]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes. It has been determined that a hazardous drift may occur in the Voltage Sensing Unit due to collector-emitter leakage current. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the existing transistor T.1 in the Rotax Voltage Sensing Unit U.3619 or U.3619/1 with a new transistor, P/N.19723511, on British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 12, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 series airplanes.

To prevent a hazardous drift in the Voltage Sensing Unit, within the next 500 hours' time in service after the effective date of this AD incorporate Rotax Modification SP 7174 by replacing the transistor T.1 in the Rotax Voltage Sensing Unit Type U.3619 or U.3619/1 with a new transistor, P/N.19723511, in accordance with Rotax Service Bulletin No. 24–368 dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin 24–PM 4641, Revision 2, dated June 15, 1970, refers to this subject.)

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71–3368 Filed 3–10–71;8:47 am]

[14 CFR Part 39]

[Docket No. 10897]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corporation Model BAC 1–11 200 and 400 series airplanes.

Amendment 39–890, AD 69–25–9, as amended by Amendment 39–898 and Amendment 39–966, was issued to provide corrective action to reduce the possibility of fire in the flight deck roof panel "E" area due to electrical overheating of the regavolt dimmer switches. Subsequent to the issuance of Amendment 39–966, the manufacturer has developed additional modifications to increase the electrical and mechanical overheat protection in the panel "E" area to further reduce the possibility of fire. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the flight deck roof panel "E" installation and the flight deck panel lighting electrical system in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM–4477, dated March 30, 1970, or later ARB-approved issue or an FAA-approved equivalent.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 12, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 series airplanes.

Compliance is required within the next 750 hours' time in service after the effective date of this AD unless already accomplished.

To reduce the possibility of fire which could result from overheating of the materials in and around the flight deck center roof panel "E" area, accomplish the following:

(a) For Model BAC 1–11, 200 series airplanes, modify the flight deck roof panel "E" installation and the flight deck panel lighting electrical system in accordance with parts (b), (c), and (d), of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM–4477, dated March 30, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(b) For Model BAC 1–11, 400 series airplanes, modify the flight deck roof panel "E" installation and the flight deck panel lighting electrical system in accordance with parts (a), (b), (c), (d), and (e) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM–4477, dated March 30, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM–4169, Issue 4, dated June 7, 1970, refers to this subject.)

Issued in Washington, D.C., on March 4, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71–3369 Filed 3–10–71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71–EA–18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Latrobe, Pa., control zone (36 F.R. 2097) and transition area (36 F.R. 2218).

New LOC (BC) RWY 5 and ILS RWY 23 instrument approach procedures have been authorized for Latrobe Airport. Additionally, the NDB RWY 23 approach has been revised and the NDB (ADF) RWY 21 and LOC RWY 23 approaches have been cancelled. A review of the terminal airspace requirements for Latrobe, Pa. indicates that alteration of the control zone and 700-foot-floor transition area is required because of these actions and to provide controlled airspace protection for aircraft executing the new instrument approach procedures for Latrobe Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Latrobe, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., control zone and insert the following in lieu thereof:

Within a 6-mile radius of the center, 40°16'39" N., 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile-radius zone to 1.5 miles southwest of the Latrobe RBN 40°22'32" N., 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°16'39" N., 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile-radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN 40°22'32" N., 79°16'19" W., extending from the 5-mile-radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southwest of the Latrobe RBN to 27 miles southwest of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 18, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–3365 Filed 3–10–71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71–WE–11]

TRANSITION AREA

Proposed Alteration

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

would alter the description of the Lemoore, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The Lemoore NAS, Calif., proposes to revise the current HI–NDB–A instrument approach procedure to provide for straight-in approach capability to RWY 32L. The revised instrument procedure has been reviewed in accordance with criteria contained in U.S. Standard for Terminal Instrument Procedures (TERPs). As a result, it has been determined that an additional 700-foot-transition area is required to provide controlled airspace protection for aircraft executing the prescribed instrument procedure while operating between 1,500 feet and 1,000 feet above the surface.

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

In § 71.181 (36 F.R. 2140) the description of the Lemoore, Calif., transition area is amended as follows:

Delete all before "* * * and that airspace extending upward from 1,200 feet * * *" and substitute "* * * That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile-radius area to 13.0 miles southeast of the RBN; * * *" therefore

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

Issued in Los Angeles, Calif., on February 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-3367 Filed 3-10-71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71-CE-26]

JET ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Fargo, N. Dak., and Sault Ste. Marie, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would designate Jet Route No. 140 from the Fargo, N. Dak., VORTAC to the Sault Ste. Marie, Mich., VORTAC, via the Duluth, Minn., VORTAC.

The proposed jet route would join J–36 at Fargo with Canadian HL–500 at Sault Ste. Marie. This would provide greater utilization of the airspace in the northern portion of the Minneapolis Air Route Traffic Control Center 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 section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 3, 1971.

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

[FR Doc.71-3366 Filed 3-10-71;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 13300]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 5, 1971.

The Forest Service, United States Department of Agriculture, has filed application Serial No. NM 13300, for the withdrawal of the lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Santa Fe National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

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, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

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. 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 lands for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He 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 it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

PARCEL 1

Beginning at the most northerly corner of the parcel from which the 5-mile corner on the northerly boundary of the Canon de San Diego Grant bears N. 69°44'58" E., 4,552.48 feet; thence, S. 51°15'00" E., 2,387.76 feet to the most easterly corner of the parcel herein described; thence, S. 38°43'39" W., 148.33 feet; thence, S. 52°12'55" W., 1,270.12 feet; thence, S. 36°28'20" W., 1,210.23 feet; thence, N. 75°22'55" W., 501.64 feet; thence, S. 62°17'46" W., 652.24 feet to the most southerly corner of the parcel herein described; thence, N. 35°28'30" W., 2,660.04 feet to the most westerly corner of the parcel herein described; thence, S. 87°10'30" E., 1,223.65 feet; thence, N. 20°19'30" E., 684.09 feet; thence, N. 45°19'30" E., 787.83 feet; thence, N. 66°19'30" E., 590.09 feet to the most northerly corner and place of beginning of the parcel herein described and containing 180.094 acres, more or less.

PARCEL 2

That portion of Parcel 2, Rio Cebolla Canyon, as prepared by Robert K. Walsh, NMLS No. 2127, under date of July 20, 1966, more particularly described as follows:

Beginning at a point which is located S. 56°21' W., 5,468.90 feet from the 5½-mile corner on the north boundary of the Canon de San Diego Grant; thence, S. 360°02' E., 342 feet along the Fish and Game Department's fence to the gate in Fenton feeding area; thence, S. 42°22'10" W., 888 feet to Corner "F" of Nevitt tract; thence, along southeast side of Nevitt tract S. 46°30'30" W., 1,268.52 feet to Corner "E" of Nevitt tract; thence S. 31°51'02" W., 733.80 feet to point on southwest boundary of Hardin tract; thence N. 38°30'00" W., 4,550 feet to point on boundary of national forest land; thence along property line N. 77°47'22" E., 872.51 feet; thence S. 77°29'46" E., 448.95 feet; thence S. 74°37'18" E., 450.22 feet; thence N. 61°16'01" E., 290.81 feet; thence N. 25°36'55" E., 647.43 feet; thence N. 54°47'34" W., 392.86 feet; thence N. 27°37'56" E., 799.49 feet; thence N. 07°35'47" W., 1,835.91 feet to north boundary of Canon de San Diego Grant; thence along Grant boundary S. 77°20'26" E., 2,156.01 feet; thence along national forest property line S. 28°23'33" W., 900.30 feet; thence N. 86°58'14" E., 976.36 feet; thence S. 20°09'20" E., 306.47 feet; thence S. 42°43'28" W., 1.025.83 feet; thence N. 80°44'57" E., 600.92 feet; thence S. 75°39'54" E., 70.54 feet to corner of national forest, Hardin and Tinnin properties; thence S. 67°30'00" W., 1,641.28 feet; thence S. 35°28'30" E., 2,179.41 feet to point of beginning; less 10 acres of land, being more particularly described by Quit-claim Deed filed for record in Vol. DR-9, Folio 179, Sandoval County, N. Mex.

The areas described aggregate 520.157 acres in Sandoval County.

MICHAEL T. SOLAN,
Land Office Manager.

[FR Doc.71-3348 Filed 3-10-71;8:45 am]

IDAHO

Notice of Restricted Snowmobile and Other Over-the-Snow Vehicle Use; Closure Order

Notice is hereby given in accordance with Title 43 CFR 6010.4 that the following described lands under the administration of the Bureau of Land Management, located within Caribou County, Idaho, are closed to snowmobiles and other over-the-snow vehicles.

The legal description of these lands is as follows:

T. 7 S., R. 46 E., Boise Meridian, Caribou County,
Sec. 8, N½NE¼;
Sec. 9, NE¼NE¼, W½W½;
Sec. 10, W½NE¼, NW¼, NW¼SE¼;
Sec. 15, all;
Sec. 22, all;
Sec. 23, lots 1, 2, 3, and 4, W½;
Sec. 26, lots 1 and 2, NW¼, NW¼SW¼;
Sec. 27, NE¼NE¼;
Containing 2,520 acres.

These lands are located approximately east and north of Stump Creek which is 10 miles northwest of Afton, Wyo., in the area bounded by the Stump Creek road on the west and south, the Wyoming-Idaho State line on the east and the Caribou National Forest on the north.

It is found that the use of snowmobiles and other over-the-snow vehicles in this area is causing big game animals wintering in the area to leave the area during their normal grazing periods because of their fear of these motorized vehicles. Continued use of the area by such vehicles will destroy the wildlife habitat for big game animals accustomed to wintering in the area.

This closure order will be posted in the FEDERAL REGISTER. Signs will be posted to identify the exterior boundaries of the closed area. Maps showing the closed area are posted in the post offices at Afton, Wyo., and Soda Springs, Idaho, in the Caribou Courthouse at Soda Springs, Idaho, and in the Burley District Office of the Bureau of Land Management located at 200 South Oakley Highway, Burley, Idaho 83318.

The cooperation and assistance of the public will be sincerely appreciated in order to protect the big game animals wintering in this area of Caribou County.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-3390 Filed 3-10-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (36 F.R. 3205) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.)

and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to sheep with respect to Grote Meat Co., Establishment 2369, is deleted. The reference to sheep with respect to Clayton Packing Co., Establishment 2373, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Raskin Packing Co	237M	(*)						
Litvak Packing Co	465	(*)						
Armour & Co	579	(*)				(*)		
Coffeyville Packing Co., Inc	583	(*)						
Western Meat Packers, Inc	662	(*)	(*)	(*)		(*)		
Dean Sausage Co., Inc	6021					(*)		
The Ross Abattoir Co	6780	(*)	(*)					
Nemetz Packinghouse	6866	(*)						
Muskogee Meat & Food Lockers	7015	(*)				(*)		
Guillot Packing Co., Inc	7086	(*)	(*)					
Dinner Bell Meat Products, Inc	7440	(*)						
Stanley Locker Service	7632	(*)				(*)		
New establishments reported: 12.								
Central Packing Co., Inc	96		(*)					
Valleydale Packers, Inc	922	(*)						
P&H Packing Co., Inc	2211					(*)		
Rollins Packing Co	2285					(*)		
Mount Vernon Meat Co., Inc	6039					(*)		
Schenk Packing Co	6056			(*)				
C. Rice Packing Co., Inc	6545		(*)					
Milliner & Swanick	7602					(*)		
Casselton Cold Storage	7611		(*)					
Dakota Meat, Inc	7636		(*)	(*)				
City Meat & Locker	7644			(*)				
Wetsch Jack & Jill	7646			(*)				
Species Added: 13.								

Done at Washington, D.C., on March 4, 1971.

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

[FR Doc.71-3364 Filed 3-10-71;8:47 am]

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

On the basis of the February 22, 1971 declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Mississippi are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

MISSISSIPPI

Benton.	Tippah.
Holmes.	Warren.
Lafayette.	Washington.
Leflore.	Yalobusha.
Marshall.	Yazoo.
Pontotoc.	

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 8th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-3403 Filed 3-10-71;8:50 am]

NEBRASKA

Designation of Areas for Emergency Loans

On the basis of the February 23, 1971, declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Nebraska are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

NEBRASKA

Burt.	Dodge.
Colfax.	Platte.
Cuming.	Thurston.
Dakota.	Washington.
Dixon.	

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 8th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-3404 Filed 3-10-71;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. G-490]

SHERMAN R. NECAISE

Notice of Loan Application

MARCH 5, 1971.

Sherman R. Necaise, Post Office Box 55A, Lake Shore, MS 39558, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 53-foot length overall wood vessel to operate in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3343 Filed 3-10-71;8:45 am]

[Docket No. B-506]

GILBERT POST

Notice of Loan Application

MARCH 5, 1971.

Gilbert Post, Spruce Head, Maine 04859, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 32-foot length overall wood vessel to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in

writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3344 Filed 3-10-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONVENTIONAL MORTGAGES ELIGIBLE FOR PURCHASE BY FEDERAL NATIONAL MORTGAGE ASSOCIATION

Proposed Forms

The Federal National Mortgage Association (FNMA) is a Government-sponsored private corporation chartered by title III of the National Housing Act ("FNMA Charter Act", 12 U.S.C. 1716) to operate a secondary market for home mortgages insured or guaranteed by the Government under various acts. The Secretary of Housing and Urban Development has general regulatory power over FNMA, under section 309(h) of the Charter Act. Section 302(b)(2) of the Act (added by the Emergency Home Finance Act of 1970, 84 Stat. 450) also authorizes FNMA to deal in conventional mortgages, with the approval of the Secretary.

Preparatory to establishing a secondary market for conventional mortgages, FNMA in conjunction with the Federal Home Loan Mortgage Corporation (created by the Emergency Home Finance Act of 1970) has prepared draft forms of mortgages, deeds of trust, and promissory notes and circulated them for comment primarily with industry related groups. Because of the great diversity in state law and practice, the draft forms contain only the uniform covenants and provide for insertion of nonuniform covenants to reflect the laws and customs of each jurisdiction.

The Secretary believes that public comment concerning the draft forms will assist him in exercising his general regulatory power and his approval power with respect to the establishment by FNMA of a secondary market in conventional mortgages. The Secretary has therefore decided to publish the proposed forms to afford the public an opportunity for comment. Interested persons are invited to participate by submitting, on or before April 12, 1971, two copies of written data, views or arguments pertaining to the proposed forms to Mr. Maxwell, General Counsel of Housing and Urban Development, Room 10214, 451 Seventh Street SW., Washington, DC 20410; and one copy to Mr. Murray, General Counsel of the Federal National Mortgage Association, 1133 15th Street NW., Washington, DC 20005. All communications will be made available for public inspection in the HUD Information Center, Room 1202, 451 Seventh Street SW., upon receipt thereof.

Interested persons have also been invited to participate in a public meeting to be conducted jointly by FNMA and FHLMC on the proposed forms on a date to be announced by those organizations. All relevant comments submitted to the Secretary or expressed at the public meeting will be considered by the Secretary in acting on the forms proposed by FNMA.

The proposed forms are set out below.

Dated: March 8, 1971.

RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development.

NOTE

US $_____

_____, _____,
City State

_____, 19__.

For value received, the undersigned promise to pay _____, or order, the principal sum of _____ _____ Dollars, with interest on the unpaid principal balance from the date of this Note, until paid, at the rate of _____ percent per annum. The principal and interest shall be payable at _____, or such other place as the holder hereof may designate in writing, in consecutive monthly installments of _____ Dollars (US $_____), on the _____ day of each month beginning _____, 19__, until the entire indebteness evidenced hereby is fully paid, except that any remaining indebtedness if not sooner paid, shall be due and payable on the _____ day of _____, _____.

If any monthly installment under this Note is not paid when due and if such payment is not made within 30 days thereafter, the entire principal amount outstanding hereunder and accrued interest thereon shall at once become due and payable, without notice, at the option of the holder hereof. Failure to exercise such option shall not constitute a waiver of the right to exercise such option in the event of any subsequent default. In the event of any default in the payment of this Note, and if the Note is referred to an attorney at law for collection or suit is brought hereon, the undersigned shall pay, in either case, all costs of collection, including reasonable attorney's fees.

The undersigned shall pay to the holder hereof a late charge of _____ percent of any monthly installment not received by the holder hereof within _____ days after the installment is due.

The undersigned may prepay the principal amount outstanding hereunder in whole or in part on the date monthly installments are due, provided that the holder hereof may designate that partial prepayments shall be in the amount of that part of one or more of the monthly installments next due under this Note which would be applicable to principal. The undersigned shall pay to the holder hereof _____ percent of the amount by which prepayments made in the calendar year of the date of this Note or in any of the next _____ succeeding calendar years exceed 20 percent of the original principal amount of this Note. Any partial prepayment shall be applied against the principal amount outstanding hereunder and shall not extend or postpone the due date of any subsequent monthly installments or change the amount of such installments, unless the holder hereof shall otherwise agree in writing.

Presentment, notice of dishonor, and protest are hereby waived by all makers, sureties, guarantors and endorsers hereof. This Note shall be the joint and several obligation of all makers, sureties, guarantors and endorsers, and shall be binding upon them and their successors and assigns. In the event any clause or provision of this Note conflicts with applicable law, such conflict shall not affect other provisions of this Note which can be given effect without the conflicting provision, and to this end the provisions of this Note are declared to be severable.

The indebtedness evidenced by this Note is secured by and may be also accelerated pursuant to the provisions of a Mortgage or Deed of Trust, dated of even date herewith.

_____ _____
_____ _____

(Name of State)
(Date)

MORTGAGE

This Mortgage is made this _____ day of _____, 19__, between the Mortgagor, _____ (herein "Borrower"), and the Mortgagee, _____ _____, a corporation organized and existing under the laws of _____, whose address is _____ (herein "Lender").

Whereas, Borrower is indebted to Lender in the principal sum of _____ Dollars, which indebtedness is evidenced by a certain note of even date herewith (herein "Note"), providing for monthly installments of principal and interest, with the balance of the indebtness, if not sooner paid, due and payable on_____, _____;

To secure to Lender (a) the repayment of the indebtedness evidenced by the Note, with interest thereon, the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Mortgage, and the performance of the covenants and agreements of Borrower herein contained, and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 20 hereof (herein "Future Advances"), Borrower does hereby mortgage, grant and convey to Lender the following described property located in the _____, County of _____, (State:)

Together with all the improvements, tenements and appurtenances now or hereafter erected on the property, and all easements, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to or used in connection with the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing, together with said property (or the leasehold estate in the event this Mortgage is on a leasehold) are herein referred to as the "Property".

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property, and that Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to easements and restrictions of record.

Uniform covenants. Borrower further covenants and agrees as follows:

1. *Payment of Principal and Interest.* Borrower shall promptly pay when due the principal of and interest on the indebtedness evidenced by the Note, prepayment and late charges as provided in the Note, and the principal and interest on any Future Advances secured by this Mortgage.

2. *Funds for Taxes and Insurance.* Borrower shall pay to Lender on the day monthly installments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments which may attain priority over this Mortgage, and ground rents, if any, plus one-twelfth of yearly premium instalments for hazard insurance required under paragraph 5 hereof, plus one-twelfth of any yearly premiums for mortgage insurance, all as estimated initially and from time to time by Lender, to be applied by Lender to pay said taxes, assessments, insurance premiums and ground rents. The Funds are pledged as additional security for the sums secured by this Mortgage. No earnings or interest shall be payable to Borrower on the Funds. Lender shall have the right to hold the Funds in any manner Lender selects and may commingle the Funds with other monies held by Lender.

If the amount of the Funds held by Lender shall exceed at any time the amount deemed necessary by Lender to provide for the payment of taxes, assessments, insurance premiums and ground rents, as they fall due, such excess shall be either promptly repaid to Borrower or credited to Borrower on monthly installments of Funds payable over the subsequent 12 months as Lender may determine. If the amount of the Funds held by Lender shall not be sufficient at any time to pay taxes, assessments and insurance premiums and ground rents as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency upon notice from Lender to Borrower requesting payment thereof.

Upon payment in full of all sums secured by this Mortgage, Lender shall promptly credit to Borrower any Funds held by Lender.

If under paragraph 18 hereof the Property is sold or the Property is otherwise acquired by Lender, Lender shall apply, no later than the date of sale of the Property or its acquisition by Lender, any Funds held by Lender at the time of application as a credit against the sums secured by this Mortgage.

3. *Application of Payments.* All payments received by Lender under the Note and paragraphs 1 and 2 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower under paragraph 2 hereof, then to interest payable on the Note and on Future Advances, if any, and then to the principal of the Note and to the principal of Future Advances, if any.

4. *Charges; Liens.* Borrower shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Mortgage, and ground rents, if any, in accordance with paragraph 2 hereof, or if Lender so designates, by Borrower making payment, when due, directly to the payee thereof. Borrower shall promptly furnish to Lender all notices of amounts due under this paragraph, and in the event Borrower shall make payment directly, Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has priority over this Mortgage: *Provided,* That Borrower shall not be required to discharge any such lien so long as Borrower shall agree to the payment of the obligation secured by such lien in a manner acceptable to Lender, or shall, in good faith, contest such lien by appropriate legal proceedings which shall operate to prevent the enforcement of the lien or forfeiture of the Property or any part thereof.

5. *Hazard Insurance.* Borrower shall keep the improvements now existing or hereafter erected on the Property insured by insurance carriers satisfactory to Lender against loss by fire, hazards included within the term "extended coverage", and such other hazards as Lender shall designate and in such amounts and for such periods as Lender shall require. Borrower shall pay all premiums on insurance policies in accordance with paragraph 2 hereof or, if Lender so designates, by Borrower making payment, when due, directly to the insurance carriers. All insurance policies and renewals thereof shall be in form acceptable to Lender and shall include a mortgage clause in favor of and in form acceptable to Lender. Lender shall have the right to hold the policies and renewals thereof, and Borrower shall promptly furnish to Lender all renewal notices and all paid-premium receipts. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender, and Lender may make proof of loss if not made promptly by Borrower. Lender is authorized and empowered to collect and receive insurance proceeds, and to apply the insurance proceeds or any part thereof at Lender's option to the restoration or repair of the Property damaged or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof or change the amount of such installments. If under paragraph 18 hereof the Property is acquired by Lender, all right, title and interest of Borrower in and to any insurance policies and in and to the proceeds thereof resulting from damage to the Property prior to the sale or acquisition shall pass to Lender.

6. *Preservation and Maintenance of Property and Leaseholds.* Borrower shall keep the Property in good repair and shall not permit or commit waste, impairment, or deterioration of the Property and shall comply with the provisions of any lease, if this Mortgage is on a leasehold, and with all laws, ordinances, regulations and requirements of any governmental body applicable to the Property.

7. *Protection of Lender's Security.* If Borrower fails to perform the covenants and agreements contained in this Mortgage, or if any action or proceeding is commenced which affects the Property or title thereto, or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, and arrangements and proceedings involving a bankrupt or decedent, then Lender at Lender's option, upon notice to Borrower, may make such appearances, disburse such sums and take such action as Lender deems necessary to protect Lender's interest, including, but not limited to, disbursement of reasonable attorney's fees and entry upon the Property to make repairs. Any amounts disbursed by Lender pursuant to this paragraph 7, with interest thereon, shall become additional indebtedness of Borrower secured by this Mortgage. Unless Borrower and Lender agree to other terms of payment, such amount shall be payable upon notice from Lender to Borrower requesting payment thereof, and shall bear interest from the date of disbursement at the rate stated in the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate permissible by applicable law: *Provided,* That Borrower shall have the right to repay such amounts in whole or in part at any time. Nothing contained in this paragraph 7 shall require Lender to incur any expense or do any act hereunder.

8. *Inspection.* Upon notice to Borrower, Lender may make or cause to be made reasonable entries upon and inspections of the Property.

9. *Condemnation.* All awards, proceeds or damages, direct or consequential, in connection with any condemnation or injury to the Property, or part thereof, or for conveyances in lieu of condemnation, are hereby assigned and shall be paid to Lender to the extent of the sums secured by this Mortgage. Lender is hereby authorized in the name of Borrower to execute and deliver valid acquittances thereof and may appeal from any such award. Lender at its option shall apply such awards, proceeds, or damages to restoration of the Property or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof, or change the amount of such installments.

10. *Borrower Not Released.* Extension of the time for payment or modification of amortization of the sums secured by this Mortgage granted by Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Mortgage by reason of any demand made by the original Borrower and Borrower's successors in interest.

11. *Forbearance by Lender Not a Waiver.* Any delay by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy hereunder. The failure of Lender to exercise any option to accelerate maturity of the sums secured by this Mortgage, the forbearance by Lender before or after the exercise of such option, or the withdrawal or abandonment of proceedings provided for by this Mortgage shall not be a waiver of the right to exercise such option or to accelerate the maturity of such sums by reason of any past, present or future event which would permit acceleration under paragraph 17 hereof. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness hereby secured. Lender's receipt of any awards, proceeds or damages under paragraphs 5 and 9 hereof shall not operate to cure or waive default by Borrower under paragraph 17 hereof.

12. *Lender's Remedies Cumulative.* All remedies of Lender are distinct and cumulative to any other right or remedy under this Mortgage or afforded by law or equity, and may be exercised concurrently or independently.

13. *Successors and Assigns Bound; Number; Gender; Joint and Several Liability; Captions.* The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. All covenants and agreements of Borrower shall be joint and several. The captions and headings of the paragraphs of this Mortgage are for convenience only and are not to be used to interpret or define the provisions hereof.

14. *Notice.* Any notice from Lender to Borrower under this Mortgage shall be deemed to have been given by Lender and received by Borrower, when mailed by certified mail by Lender to Borrower at the Property Address stated below or at such other address as Borrower may designate to Lender by certified mail received by Lender at Lender's address stated above, or at such other address designated by Lender to Borrower.

15. *Uniform Mortgage; Governing Law.* This form of mortgage is intended to be a uniform instrument for use in jurisdictions in which a mortgage may be used as a security instrument covering real property. This Mortgage shall be governed by the law of the jurisdiction in which the property covered by this Mortgage is located. In the event that any provision or clause of this Mortgage conflicts with applicable law, such conflict shall not affect other provisions of this Mortgage which can be given effect without the conflicting provisions, and to this end the provisions of the Mortgage are declared to be severable. In the event that any applicable law in effect on the date hereof limiting the amount of interest which may be lawfully charged is interpreted in a manner that any payment provided for in this Mortgage or in the Note, whether considered separately or together with other payments that are considered a part of this Mortgage and Note transaction, violates such law, and Borrower is entitled to the benefit of such law, such payment is hereby reduced to the extent necessary to eliminate such violation.

16. *Assumption.* In the event Lender consents in writing to a sale or transfer of the Property under paragraph 17(c) of this Mortgage and upon assumption by Borrower's successor in interest of all obligations of Borrower under this Mortgage and the Note, Lender shall release Borrower from any obligations of Borrower under this Mortgage and the Note, notwithstanding the provisions of paragaph 10 of this Mortgage.

17. *Acceleration.* Upon the occurrence of any of the following events of default, Lender may during the continuance of such event, by notice to Borrower, declare the sums secured by this Mortgage to be immediately due and payable, without demand:

(a) Failure by Borrower to pay when due any sum secured by this Mortgage and the continuance of such failure for 30 days, or

(b) Breach by Borrower of any other covenant or agreement of Borrower in this Mortgage, and the continuance of such breach for 30 days after notice from Lender to Borrower of such breach, or

(c) Without Lender's prior written consent, the sale or transfer by Borrower of the Property, or any part thereof or interest therein, not, however, including the creation of any lien or encumbrance subordinate to this Mortgage, a transfer by devise or descent, or the grant of any leasehold interest or 3 years or less not containing an option to purchase.

Nonuniform Covenants. Borrower further covenants and agrees as follows:

18. *Remedies.*

19. *Assignment of Rents; Appointment of Receiver; Lender in Possession.*

20. *Future Advances.*

21. *Waivers.* (E.g. Homestead Exemption, Redemption.)

22. *Release.*

23. (Other provisions required by State law.)

(Execution and Acknowledgment To Conform to State Law and Practice)

(Name of State)
(Date)

DEED OF TRUST

This Deed of Trust is made this _____ day of _____, 19__, among the Trustor, _____ (herein "Borrower"), _____ (herein "Trustee"), and the Beneficiary, _____, a corporation organized and existing under the laws of _____, whose address is _____ (herein "Lender").

Borrower, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the _____, County of _____, (State):

Together with all the improvements, tenements and appurtenances now or hereafter erected on the property, and all easements, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to or used in connection with the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Deed of Trust and all of the foregoing, together with said property (or the leasehold estate in the event this Deed of Trust is on a leasehold) are herein referred to as the "Property".

To secure to Lender (a) the repayment of the indebtedness evidenced by a certain note of even date herewith (herein "Note"), in the principal sum of _____ Dollars, with interest thereon, providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on _____, _____; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained; and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 20 hereof (herein "Future Advances").

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to easements and restrictions of records.

Uniform Covenants. Borrower further covenants and agrees as follows:

1. *Payment of Principal and Interest.* Borrower shall promptly pay when due the principal of and interest on the indebtedness evidenced by the Note, prepayment and late charges as provided in the Note, and the principal and interest on any Future Advances secured by this Deed of Trust.

2. *Funds for Taxes and Insurance.* Borrower shall pay to Lender on the day monthly installments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments which may attain priority over the Deed of Trust, and ground rents, if any, plus one-twelfth of yearly premium installments for hazard insurance required under paragraph 5 hereof, plus one-twelfth of any yearly premiums for mortgage insurance, all as estimated initially and from time to time by Lender, to be applied by Lender to pay said taxes, assessments, insurance premiums and ground rents. The Funds are pledged as additional security for the sums secured by this Deed of Trust. No earnings or interest shall be payable to Borrower on the Funds. Lender shall have the right to hold the Funds in any manner Lender selects and may commingle the Funds with other monies held by Lender.

If the amount of the Funds held by Lender shall exceed at any time the amount deemed necessary by Lender to provide for the payment of taxes, assessments, insurance premiums and ground rents, as they fall due, such excess shall be either promptly repaid to Borrower or credited to Borrower on monthly installments of Funds payable over the subsequent 12 months as Lender may determine. If the amount of the Funds held by Lender shall not be sufficient at any time to pay taxes, assessments and insurance premiums and ground rents as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency upon notice from Lender to Borrower requesting payment thereof.

Upon payment in full of all sums secured by this Deed of Trust, Lender shall promptly credit to Borrower any Funds held by Lender.

If under paragraph 18 hereof the Property is sold or the Property is otherwise acquired by Lender, Lender shall apply, no later than the date of sale of the Property or its acquisition by Lender, any Funds held by Lender at the time of application as a credit against the sums secured by this Deed of Trust.

3. *Application of Payments.* All payments received by Lender under the Note and paragraphs 1 and 2 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower under paragraph 2 hereof, then to interest payable on the Note and on Future Advances, if any, and then to the principal of the Note and to the principal of Future Advances, if any.

4. *Charges; Liens.* Borrower shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Deed of Trust, and ground rents, if any, in accordance with paragraph 2 hereof, or if Lender so designates, by Borrower making payment, when due, directly to the payee thereof. Borrower shall promptly furnish to Lender all notices of amounts due under this paragraph, and in the event Borrower shall make payment directly. Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has priority over this Deed of Trust; provided that Borrower shall not be required to discharge any such lien so long as Borrower shall agree to the payment of the obligation secured by such lien in a manner acceptable to Lender, or shall, in good faith, contest such lien by appropriate legal proceedings which shall operate to prevent the enforcement of the lien or forfeiture of the Property or any part thereof.

5. *Hazard Insurance.* Borrower shall keep the improvements now existing or hereafter erected on the Property insured by insurance carriers satisfactory to Lender against loss by fire, hazards included within the term "extended coverage", and such other hazards as Lender shall designate and in such amounts and for such periods as Lender shall require. Borrower shall pay all premiums on insurance policies in accordance with paragraph 2 hereof or, if Lender so designates, by Borrower making payment, when due, directly to the insurance carriers. All insurance policies and renewals thereof shall be in form acceptable to Lender and shall include a mortgage clause in favor of and in form acceptable to Lender. Lender shall have the right to hold the policies and renewals thereof, and Borrower shall promptly furnish to Lender all renewal notices and all paid-premium receipts. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender, and Lender may make proof of loss if not made promptly by

Borrower. Lender is authorized and empowered to collect and receive insurance proceeds, and to apply the insurance proceeds or any part thereof at Lender's option to the restoration or repair of the Property damaged or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof or change the amount of such installments. If under paragraph 18 hereof the Property is acquired by Lender, all right, title and interest of Borrower in and to any insurance policies and in and to the proceeds thereof resulting from damage to the Property prior to the sale or acquisition shall pass to Lender.

6. *Preservation and Maintenance of Property and Leaseholds.* Borrower shall keep the Property in good repair and shall not permit or commit waste, impairment, or deterioration of the Property and shall comply with the provisions of any lease, if this Deed of Trust is on a leasehold, and with all laws, ordinances, regulations and requirements of any governmental body applicable to the Property.

7. *Protection of Lender's Security.* If Borrower fails to perform the covenants and agreements contained in this Deed of Trust, or if any action or proceeding is commenced which affects the Property or title thereto, or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, and arrangements and proceedings involving a bankrupt or decedent, then Lender at Lender's option, upon notice to Borrower, may make such appearances, disburse such sums and take such action as Lender deems necessary to protect Lender's interest, including, but not limited to, disbursement of reasonable attorney's fees and entry upon the Property to make repairs. Any amounts disbursed by Lender pursuant to this paragraph 7, with interest thereon, shall become additional indebtedness of Borrower secured by this Deed of Trust. Unless Borrower and Lender agree to other terms of payment, such amount shall be payable upon notice from Lender to Borrower requesting payment thereof, and shall bear interest from the date of disbursement at the rate stated in the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate permissible by applicable law; provided that Borrower shall have the right to repay such amounts in whole or in part at any time. Nothing contained in this paragraph 7 shall require Lender to incur any expense or do any act hereunder.

8. *Inspection.* Upon notice to Borrower, Lender may make or cause to be made reasonable entries upon and inspections of the Property.

9. *Condemnation.* All awards, proceeds or damages, direct or consequential, in connection with any condemnation or injury to the Property, or part thereof, or for conveyances in lieu of condemnation, are hereby assigned and shall be paid to Lender to the extent of the sums secured by this Deed of Trust. Lender is hereby authorized in the name of Borrower to execute and deliver valid acquittances thereof and may appeal from any such award. Lender at its option shall apply such awards, proceeds or damages to restoration of the Property or to the reduction of the principal of the Note or to the reduction of the principal of Future Advances, if any. Any such application to principal shall not extend or postpone the due date of the monthly installments referred to in paragraphs 1 and 2 hereof, or change the amount of such installments.

10. *Borrower Not Released.* Extension of the time for payment or modification of amortization of the sums secured by this Deed of Trust granted by Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Deed of Trust by reason of any demand made by the original Borrower and Borrower's successors in interest.

11. *Forbearance by Lender Not a Waiver.* Any delay by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy hereunder. The failure of Lender to exercise any option to accelerate maturity of the sums secured by this Deed of Trust, the forbearance by Lender before or after the exercise of such option, or the withdrawal or abandonment of proceedings provided for by this Deed of Trust shall not be a waiver of the right to exercise such option or to accelerate the maturity of such sums by reason of any past, present or future event which would permit acceleration under paragraph 17 hereof. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness hereby secured. Lender's receipt of any awards, proceeds or damages under paragraphs 5 and 9 hereof shall not operate to cure or waive default by Borrower under paragraph 17 hereof.

12. *Lender's Remedies Cumulative.* All remedies of Lender are distinct and cumulative to any other right or remedy under this Deed of Trust or afforded by law or equity, and may be exercised concurrently or independently.

13. *Successors and Assigns Bound; Number; Gender; Joint and Several Liability; Captions.* The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. Whenever used, the singular number shall include the plural, the plural of the singular, and the use of any gender shall be applicable to all genders. All covenants and agreements of Borrower shall be joint and several. The captions and headings of the paragraphs of this Deed of Trust are for convenience only and are not to be used to interpret or define the provisions hereof.

14. *Notice.* Any notice from Lender to Borrower under this Deed of Trust shall be deemed to have been given by Lender and received by Borrower when mailed by certified mail by Lender to Borrower at the Property Address stated below or at such other address as Borrower may designate to Lender by certified mail received by Lender at Lender's address stated above, or at such other address designated by Lender to Borrower.

15. *Uniform Deed of Trust; Governing Law.* This form of deed of trust is intended to be a uniform instrument for use in jurisdictions in which a deed of trust may be used as a security instrument covering real property. This Deed of Trust shall be governed by the law of the jurisdiction in which the property covered by this Deed of Trust is located. In the event that any provision or clause of this Deed of Trust conflicts with applicable law, such conflict shall not affect other provisions of this Deed of Trust which can be given effect without the conflicting provision, and to this end the provisions of the Deed of Trust are declared to be severable. In the event that any applicable law in effect on the date hereof limiting the amount of interest which may be lawfully charged is interpreted in a manner that any payment provided for in this Deed of Trust or in the Note, whether considered separately or together with other payments that are considered a part of this Deed of Trust and Note transaction, violates such law, and Borrower is entitled to the benefit of such law, such payment is hereby reduced to the extent necessary to eliminate such violation.

16. *Assumption.* In the event Lender consents to a sale or transfer of the Property under paragraph 17(c) of this Deed of Trust and upon assumption by Borrower's successor in interest of all obligations of Borrower under this Deed of Trust and the Note, Lender shall release Borrower from any obligations under this Deed of Trust and the Note, notwithstanding the provisions of paragraph 10 of this Deed of Trust.

17. *Acceleration.* Upon the occurrence of any of the following events of default, Lender may during the continuance of such event, by notice to Borrower, declare the sums secured by this Deed of Trust to be immediately due and payable, without demand:

(a) Failure by Borrower to pay when due any sum secured by this Deed of Trust and the continuance of such failure for 30 days, or

(b) Breach by Borrower of any other covenant or agreement of Borrower in this Deed of Trust, and the continuance of such breach for 30 days after notice from Lender to Borrower of such breach, or

(c) Without Lender's prior written consent, the sale or transfer by Borrower of the Property, or any part thereof or interest therein, not, however, including the creation of any lien or encumbrance subordinate to this Deed of Trust, a transfer by devise or descent, or the grant of any leasehold interest of 3 years or less not containing an option to purchase.

Nonuniform covenants. Borrower further covenants and agrees as follows:

18. *Remedies.*

19. *Assignment of Rents; Appointment of Receiver; Lender in Possession.*

20. *Future Advances.*

21. *Waivers.* (E.g. Homestead Exemption, Redemption.)

22. *Substitute Trustee.*

23. *Acceptance of Trust; Trustee's Duties.* (If required by State law.)

24. *Reconveyance or Release.*

25. (Other provisions required by State law.)

(Execution and Acknowledgment To Conform to State Law and Practice)

[FR Doc.71-3408 Filed 3-10-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Co., 1000 Chestnut Street, Philadelphia, PA 19105, pursuant to the Atomic Energy Act of

1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 587 acres located on the Schuylkill River about 1.7 miles southeast of Pottstown, in Limerick Township, Montgomery County, Pa.

The proposed nuclear reactors, designated by the applicant as the Limerick Generating Station Units 1 and 2, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts per unit.

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 February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Public Library, 500 High Street, Pottstown, PA.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2404 Filed 2-24-71;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Co., 80 Park Place, Newark, NJ 07101, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 530 acres located in Bordentown Township, Burlington County, N.J. The proposed site is situated on Newbold Island, which is in the Delaware River approximately 5 miles south of the city limits of Trenton, N.J., and approximately 11 miles northeast of the Philadelphia city limits.

The proposed nuclear reactors, designated by the applicant as the Newbold Island Nuclear Generating Station, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,088 megawatts per unit.

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 February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Offices of the Public Service Electric and Gas Co. located at 222 East State Street, Trenton, NJ, and at 437 High Street, Burlington, NJ.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2405 Filed 2-24-71;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, NJ 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic Coast, approximately 2 miles south of the community of Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

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 February 18, 1971.

The proposed nuclear power plant is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,129 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the office of the Mayor of Lacey Township, Frog Hill Road, Forked River, N.J.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2318 Filed 2-17-71;9:52 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Duke Power Co., 422 South Church Street, Charlotte, NC 28201, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated September 18, 1970, for permits to construct and licenses to operate two pressurized water nuclear reactors, designated as the William B. McGuire Nuclear Station Units 1 and 2, on the applicant's site in Mecklenburg County, N.C. The site is located on the shore of Lake Norman, approximately 17 miles north-northwest of Charlotte, N.C., and is immediately east of Duke Power Co.'s Cowan Ford Hydroelectric Station.

The proposed nuclear station will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,180 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 March 11, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the County Manager, Mecklenburg County, 720 East Fourth Street, Charlotte, NC.

Dated at Bethesda, Md., this 25th day February 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Director.
Division of Reactor Licensing.

[FR Doc.71-3286 Filed 3-10-71;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO., PALISADES PLANT

Notice of Conference and Hearing

On February 11, 1971, the Atomic Safety and Licensing Board convened a conference-at-the-bench type of hearing and considered with the parties and their attorneys methods and proposals to expedite the presentation of evidence in this proceeding. Since that time, the Board has been informed of both some progress in this regard as well as some specific proposals to resolve the contentions asserted in this proceeding.

On March 3 and March 4, 1971, the Board ascertained the availability of the parties for a conference and a hearing in further consideration of the status of this proceeding.

Wherefore, it is ordered, pursuant to the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a public conference and hearing shall convene at 9:30 a.m. on Friday, March 19, 1971, in Room 1736, Federal Office Building, 21 South Dearborn Street, Chicago, IL, in an effort to develop an interim or initial operation at

a low power level which will permit a demonstration of the quality of the construction of this nuclear power project and the development of other data which can later be presented for consideration at public hearings later to be held at Kalamazoo, Mich., after adequate public notice.

Issued: March 5, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-3360 Filed 3-10-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23080, etc.; Order 71-2-92]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Order Reclassifying Stations

Correction

In F.R. Doc. 71-2660 appearing on page 3542 in the issue of Friday, February 26, 1971, the following changes should be made:

1. The words "require reclassification." should be added to the last sentence of the third paragraph.

2. The second and third line of the fourth paragraph should read as follows: "formulas, which were designed to provide a".

[Docket No. 20682; Order 71-3-36]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-10-90, October 20, 1969, in Docket 20682, is currently in effect for the above-captioned air taxi, operating under 14 CFR, Part 298. This rate is based on six round trips per week between Spokane, Wash., and Boise, Idaho, via Lewiston, Idaho.

The Postmaster General filed a petition on January 28, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.83 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after January 28, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.83 cents per great circle aircraft mile between Spokane, Wash., and Boise, Idaho, via Lewiston, Idaho.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this Order;

3. If notice of objection is not filed within 10 days after service of this Order, or if notice is filed and answer is not filed within 30 days after service of this Order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., and United Air Lines, Inc.

This Order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3399 Filed 3-10-71;8:49 am]

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 20380; Order 71-3-37]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-10-90, October 20, 1969, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR, Part 298. This rate is based on six round trips per week between Medford and Portland, via Klamath Falls and Bend, Oreg.

The Postmaster General filed a petition on January 28, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 47.20 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after January 28, 1971, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 47.20 cents per great circle aircraft mile between Medford and Portland, via Klamath Falls and Bend, Oreg.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR,

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

Part 302, 14 CFR, Part 298, and 14 CFR 385.16(g),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this Order, or if notice is filed and answer is not filed within 30 days after service of this Order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Hughes Air Corp., and United Air Lines, Inc.

This Order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3400 Filed 3-10-71;8:49 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 17, 1971. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on the following subjects:

A. A proposed amendment to the rules of practice and procedure by the addition thereto of a new section 2-3.5.3 as follows:

SEC. 2-3.5.3 *Siting studies for major electric generating projects.* (a) In addition to the required environmental statement, the applicant shall submit as part of an application under section 3.8 of the Compact a site selection analysis as part of any application for approval of an electric generating project.

(b) The site selection analysis shall show the relationship of the proposed project to a master siting plan describing all existing major electric generating projects which use the water resources of the basin and all such projects proposed or planned for the ensuing 20-year period. The master siting plan shall include a description with as much detail as is available, of the location, concept, capacity, fuel source, quantity and method of heat dissipation, radiological effects, and water resource requirements of all existing, proposed and planned electric generating facilities of the applicant and of other public utilities using the water resources of the basin.

(c) Prior to submitting the site selection analysis, the applicant shall circulate it for comment among all other interested public utilities and such major water users as the Commission shall designate, and such comments shall be appended to and submitted together with the application.

(d) The Commission will review each application for a major electric generating project under the requirements of the doctrine of equitable apportionment, including such priority of uses as will recognize alternative sources of power supply, the increasing demands on the water resources of the basin and the optimum beneficial use of the water resources of the basin.

(e) The requirements of this Section will apply to all electric generating projects in excess of 100,000 kilowatts capacity using Delaware Basin water resources. The Commission will receive and act upon applications for approval of preliminary stages of proposed major electric generating projects only if the project has been previously included as an identified part of the master siting plan approved by the Commission.

B. Proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Mount Holly Sewerage Authority.* Expansion of the Authority's existing sewage treatment plant located in Mount Holly, Burlington County, N.J. Capacity of the treatment plant will be increased from 2 to 5 million gallons per day. Interceptor sewers and pumping stations will be constructed. Ninety percent of BOD_5 will be removed from effluent prior to discharge into Rancocas Creek.

2. *Horsham Township Sewer Authority.* A sewage interceptor in the Authority's service area in Horsham Township, Montgomery County, Pa. The interceptor will ultimately serve 8,000 persons and will connect to the sewage collection lines of the Upper Moreland-Hatboro Sewer Authority. Secondary treatment will be provided at the latter's treatment plant in Upper Moreland Township, Pa.

3. *Lake Wynonah Utilities, Inc.* A well water supply project located in Wayne and South Manheim Townships, Schuylkill County, Pa. Designated as Well Nos. 1 and 2, the two new facilities are expected to provide 10.5 million gallons per month to supply a recreational real estate development.

4. *Township of Burlington.* A well water supply project to develop public supplies in Burlington Township, Burlington County, N.J. Three new wells will be utilized to provide a ultimate groundwater withdrawal of 2.7 million gallons per day.

5. *Bethel Township Water Company.* A water supply project to augment public supplies in Brandywine Hundred New Castle County, Del. Up to 1.5 million gallons per day will be purchased by the company from the Chester Water Authority at a connection point in Concord Township, Delaware County, Pa. The water will be transported by pipeline to the Wilmington Suburban Water Corporation.

6. *Rutgers—College of Agriculture and Environmental Science.* A well water supply project to provide water for use at the College's South Jersey Research Center in Upper Deerfield Township, Cumberland County, N.J. A maximum of 2.3 million gallons per month will be withdrawn from the proposed well and used for various domestic, irrigation, and research purposes.

C. Proposed revisions to the seventh annual Water Resources Program as mandated by section 13.2 of the Delaware River Basin Compact. Revisions relate to development of water resources projects in the Basin.

Copies of the proposed revisions to the Water Resources Program may be obtained from the Commission upon request. Documents relating to the other items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

MARCH 3, 1971.

[FR Doc.71-3391 Filed 3-10-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19126; FCC 71-180]

BELK BROADCASTING CO. OF FLORIDA, INC.

Memorandum Opinion and Order Amending Order Designating Application for Hearing on Stated Issues

In regard application of Belk Broadcasting Co. of Florida, Inc. for renewal of license of Radio Station WPDQ Jacksonville, Fla., Docket No. 19126, file No. BR-1186.

1. The Commission has under consideration: (a) The Order, FCC 70-1257, released December 3, 1970, designating the above-captioned application for hearing; (b) a petition filed January 4,

1971, by Belk Broadcasting for severance of this proceeding from the case involving Star Stations of Indiana, Inc. (WIFE), et al. (FCC 70–1256, released as corrected on December 15, 1970); (c) an opposition, filed January 20, 1971, by the Chief, Broadcast Bureau; and (d) a reply, filed February 1, 1971, by Belk.

2. In designating the above-captioned application for hearing, we recognized an interrelationship between this proceeding and the renewal proceeding of Star Stations of Indiana, which we designated for hearing on the same day. This connection consists of the role of Don W. Burden, a principal in the Star proceeding, in an alleged unauthorized assumption of control of Belk's Station WPDQ. Accordingly, we ordered that Burden be made a party to this proceeding and that "the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensees of Stations WIFE, WIFE–FM, KOIL, KOIL–FM, and KISN possess the requisite qualifications to be and remain licensees of the Commission, and that the said Hearing Examiner shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee or licensees in that proceeding".[1]

3. In its petition for severance,[2] Belk requests that the trial of the issues in this proceeding be disassociated from trial of the issues in the Star proceeding and that different Hearing Examiners be appointed for the two proceedings. Belk contends that our order requiring the same Hearing Examiner (Mr. Chester F. Naumowicz, Jr., has been assigned both cases by the Chief Hearing Examiner) to "take cognizance" of evidence and findings of fact in one proceeding with respect to the other, involving totally different issues, violates due process of law in that Belk will have no method of anticipating or, since it was not made a party to the Star proceeding, of challenging the matters from that proceeding upon which the Examiner places reliance in the subject hearing. Belk also argues that the assignment of the same Hearing Examiner to the two proceedings is prejudicial in that the Examiner might improperly incorporate factors from one case (such as the reliability of a witness or even actual threads of his testimony) into the other case.

4. While stressing that it does not challenge the integrity of the Examiner involved, Belk questions whether even the most careful Examiner "could wholly ignore or overlook impressions gained of a witness in one case when assessing that witness's testimony in another case even on an unrelated issue." In addition, Belk asserts that the association of the two proceedings has saddled Belk with an unfair dilemma: it can monitor the trial of the 25 issues in the Star proceeding at enormous expense to itself or it can ignore the Star proceeding at its peril if the Examiner should decide to take cognizance of something adverse to its interests.

5. In opposition, the Broadcast Bureau urges that the designation orders should be construed to permit evidence relating to Burden's activities in this proceeding to be considered in the Star proceeding, but not to allow evidence in the Star proceeding to be used against Belk here. The Bureau asserts that such an interpretation is proper, since Burden was made a party to this case, whereas Belk was not originally made a party to the Star proceeding and none of the Star proceeding issues relate to Belk in any way. The Bureau also contends that an unauthorized transfer of control issue is not required in the Star proceeding in view of the presence of that issue and Burden's status as a party in this proceeding. Thus, the Bureau concludes that no unwarranted harm can come to Belk as a result of the interrelationship of these proceedings and that no basis exists for severance or for appointment of a new examiner.

6. Belk replies that the Bureau's interpretation runs "contrary to the clear language of the ordering clauses as they now stand * * *." Belk claims that these clauses clearly permit the Examiner to take cognizance of matters in the Star proceeding which might have a bearing upon Belk's qualifications to remain a licensee of the Commission. Belk argues that, if the Bureau's interpretation of the clause is correct, the language should at the very least be changed to conform with that interpretation. Belk also submits that, even if clarification of the ordering clause or severance is granted, there still may be prejudice to Belk in having the same Examiner hear both cases, because nuances of a witness' testimony in one proceeding may affect the assessment of his credibility in the other proceeding. Accordingly, Belk renews its request that different Examiners be assigned to these proceedings.

7. While we recognize that the provisions of the designation orders concerning the interrelationship of these proceedings may possibly be somewhat ambiguous, the Bureau's interpretation of the intent of our language is correct. In order that any findings in this proceeding with respect to Burden may be considered in determining his qualifications to continue as a licensee in the Star proceeding, we ordered the same Examiner to hear both cases and to use all revelant evidence in this case in deciding the Star proceeding. Since Burden is a party to this proceeding, having the Examiner take cognizance of such evidence will permit the development of a full record without requiring the consolidation of this case with the Star proceeding—an alternative which would have needlessly delayed the final determination on Belk's renewal application until all of the complex questions in the Star proceeding had been resolved.

8. Thus, it is clear that the restricted integration of these proceedings will serve both the public and Belk's private interest and that its petition for severance should be denied. However, in view of Belk's concern about this matter, we believe that it would be appropriate to revise the language in the designation orders of this and the Star proceedings so that there is no doubt that evidence in the Star proceeding is not ot be used in the disposition of this case, unless, of course, such evidence is resubmitted, accepted in evidence and made subject to cross examination and the other usual procedural safeguards in this proceeding. Under these circumstances, we are confident that the presiding Examiner will exercise care in limiting his findings and conclusions concerning Belk's renewal application to the record compiled in this proceeding. For these reasons, we are convinced that the public interest will be best served by the assignment of a single Examiner to these proceedings and that Belk's substantive and procedural rights will not be adversely affected in any way.

9. *Accordingly, it is ordered:* (a) That the petition for severance filed January 4, 1971, by Belk Broadcasting Co. of Florida, Inc. is granted to the extent reflected in this Memorandum Opinion and Order and is denied in all other respects; and

(b) That paragraph 7 of the Order, FCC 70–1257, released December 3, 1970, is revised to read as follows:

7. *It is further ordered,* That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensees of Station WIFE, WIFE–FM, KOIL, KOIL–FM, and KISN possess the requisite qualifications to be and remain licensees of the Commission, and

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[1] Similarly, in the Star proceeding we ordered "That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensee of Station WPDQ possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Hearing Examiner shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee or licensees in that proceeding." Although Belk was not originally made a party to the Star proceeding, it has since filed a petition for leave to intervene in that proceeding, which was granted by the Examiner on Feb. 2, 1971.

[2] Belk's petition was directed to the Review Board, but it was informally referred to us by the Board. See Florida-Georgia Television Company, Inc., 12 FCC 2d 332 (1968). Foreseeing this possibility, Belk requests a waiver of § 1.111 of our rules concerning petitions for reconsideration of designation orders if necessary. On Feb. 3, 1971, Belk filed a petition for reconsideration and grant without hearing pursuant to § 1.111(a)(2). While the Bureau objects to waiver of § 1.111, the present petition for severance could have been included as a part of the petition for reconsideration, and the request for severance would have been entitled to full consideration, and the request for severance ritaeo erations under § 1.111(b). Since such a request should be resolved as quickly as possible, we are convinced that the public interest will be served by consideration of the merits of Belk's petition for severance at this time.

that the said Hearing Examiner shall take cognizance of any findings of fact in this proceeding which bear upon the qualifications of the licensee or licensees in the proceeding involving the renewal applications for Stations WIFE, WIFE–FM, KOIL, KOIL–FM, and KISN.

Adopted: February 24, 1971.

Released: March 2, 1971.

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

[FR Doc.71–3410 Filed 3–10–71;8:50 am]

[Dockets Nos. 19122–19125; FCC 71–181]

STAR STATIONS OF INDIANA, INC. ET AL.

Order Amending Order Designating Applications for Hearing on Stated Issues

In regard applications of Star Stations of Indiana, Inc., for renewal of license of WIFE and WIFE–FM, Indianapolis, Ind., Docket No. 19122, File Nos. BR–1144, BRH–1276; Indianapolis Broadcasting, Inc., for a construction permit for a standard broadcast station, Indianapolis, Ind., Docket No. 19123, File No. BP–18706; Central States Broadcasting, Inc., for renewal of license of KOIL and KOIL–FM, Omaha, Nebr., Docket No. 19124, File Nos. BR–516, BRH–992; Star Broadcasting, Inc., for renewal of license of KISN, Vancouver, Wash., Docket No. 19125, File No. BR–1027.

1. The Commission has before it for consideration: (a) Its order, FCC 70–1256, released as corrected on December 15, 1970, designating the above-captioned applications for hearing; and (b) its memorandum opinion and order in the Belk Broadcasting Co. of Florida, Inc. proceeding, Docket No. 19126, adopted today.

2. *It is ordered,* That paragraph 10 of the order, FCC 70–1256, released as corrected December 15, 1970, is revised to read as follows:

10. *It is further ordered,* That the Chief Hearing Examiner assign the same Hearing Examiner to conduct this hearing who is assigned to conduct the hearing ordered this day to determine whether the licensee of Station WPDQ possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Hearing Examiner shall take cognizance of any findings of fact in the proceeding involving the renewal application for Station WPDQ which bear upon the qualifications of the licensee or licensees in this proceeding.

Adopted: February 24, 1971.

Released: March 2, 1971.

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

[FR Doc.71–3411 Filed 3–10–71;8:50 am]

FEDERAL MARITIME COMMISSION

PORT OF OAKLAND AND SEATRAIN TERMINALS OF CALIFORNIA

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:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, Post Office Box 2064, 66 Jack London Square, Oakland, CA 94607.

Agreement No. T–2480–1, between the Port of Oakland (Port) and Seatrain Terminals of California (Seatrain), modifies the basic agreement which provides for the lease of certain terminal area facilities and the nonexclusive preferential assignment of berthing area by the Port to Seatrain. The purpose of the modification is to preclude use of the Construction Fund (which is to be created by the sale of certain certificates of indebtedness to be issued by the Port) for the payment of rent due under said Lease and Preferential Assignment Agreement, to permit certain retentions from earnings from said Construction Fund, and to limit the amount of fire and extended coverage insurance to be maintained in accordance with the terms of the said Lease and Preferential Assignment Agreement to the value of improvements on the premises.

Dated: March 8, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3444 Filed 3–9–71;12:35 pm]

PORT OF OAKLAND AND SEATRAIN TERMINALS OF CALIFORNIA

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:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T–2479–1, between the Port of Oakland (Port) and Seatrain Terminals of California (Seatrain), modifies the basic agreement which provides for the sale of certain land, buildings, improvements, and equipment to the Port by Seatrain. The purpose of the modification is to permit the reduction in the principal amount of the certificates of indebtedness to be issued by the Port to finance the acquisition of the property sold under Agreement No. T–2479, and to authorize payment of a premium upon redemption of said certificates. The Escrow Agreement, being Exhibit 10 to the basic agreement, has been amended by Exhibit 10a to permit extension of the closing date, and Exhibit 13 to the basic agreement has been amended by Exhibit 13a to permit the Port to acquire the cranes and spreaders therein described subsequent to the closing date, upon compliance by Seatrain with the provision of Exhibit 13a.

Dated: March 8, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–3443 Filed 3–9–71;12:35 pm]

FEDERAL POWER COMMISSION

[Docket No. G-8044 etc.]

RANCHO OIL CO. ET AL.

Findings and Order

MARCH 2, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing proceedings, terminating proceedings, making successors co-respondents, redesignating proceedings, accepting agreements for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, or add to natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Alamo Petroleum Co., applicant in Docket No. CI63-66, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Sword Co. et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI64-696 and applicant has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Getty Oil Co., applicant in Docket No. CI71-377, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64-1138 to be made pursuant to Texaco, Inc. (Operator) et al., FPC Gas Rate Schedule No. 328 from the interest of The Estate of James A. Chapman, deceased, in Chapman and McFarlin Producing Co. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under Texaco's rate schedule is in effect subject to refund in Docket No. RI70-201. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refunds of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Dugan Production Corp., applicant in Dockets Nos. CI71-426, CI71-427, CI71-428, CI71-429, CI71-430, CI71-431, and CI71-432, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. CI70-1078, G-17559, G-5317, CI65-404, G-17460, G-10995, and G-17548, respectively, to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 243, Skelly Oil Co. FPC Gas Rate Schedule No. 141, Skelly Oil Co. FPC Gas Rate Schedule No. 47, Texas Oil & Gas Corp. FPC Gas Rate Schedule No. 40, Skelly Oil Co. FPC Gas Rate Schedule No. 140, Skelly Oil Co. FPC Gas Rate Schedule No. 107, and Skelly Oil Co. FPC Gas Rate Schedule No. 144, respectively, at rates presently in effect subject to refund in Dockets Nos. RI71-177, RI69-362, RI69-389, RI70-19, RI69-362, RI69-389, and RI69-389, respectively. Applicant has filed motions to be made co-respondent in each of the latter proceedings and indicates in its certificate applications that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act it intends to be responsible for the total refunds from the dates the increased rates of the assignors became effective subject to refund. Applicant has submitted agreements and undertakings to assure its refunds. Therefore, applicant will be made a co-respondent in each of said proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Dakota Mining & Development Corp., applicant in Docket No. CI71-450, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4846 to be made pursuant to Alvin Wilson et al., FPC Gas Rate Schedule No. 1. The present rate under Wilson's rate schedule is in effect subject to refund in Docket No. RI70-685. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

C & K Petroleum, Inc., applicant in Docket No. CI71-478, proposes to continue in part the sale of natural gas made under the small producer certificate issued to Chambers & Kennedy in Docket No. CS67-41. The present rate for the sale by Chambers & Kennedy is in effect subject to refund in Docket No. RI70-1484 and applicant has filed a motion to be made a co-respondent in said proceeding. Therefore, applicant will be made a co-respondent; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI69-1048 and petitions to intervene by The Brooklyn Union Gas Co. and Consolidated Edison Company of New York, Inc., were filed in Dockets Nos. CI69-1037 and CI69-1048, in the matter of the applications filed on May 12, 1969, and May 15, 1969, respectively. Said interventions have been withdrawn. No other petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on February 25, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and

operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate proceedings pending in Dockets Nos. G–10988, G–10989, G–16331, and G–16332 should be severed from the proceedings in Docket No. AR64–2 et al., and terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Alamo Petroleum Co. should be made a co-respondent in the proceeding pending in Docket No. RI64–696, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Alamo should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Getty Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI67–201 and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dugan Production Corp. should be made a co-respondent in the proceedings pending in Dockets Nos. RI69–362, RI69–389, RI70–19, and RI71–177; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted by Dugan in said proceedings should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dakota Mining & Development Corp. should be made a co-respondent in the proceeding pending in Docket No. RI70–685, that said proceeding should be redesignated accordingly, and that Dakota Mining & Development Corp. should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that C & K Petroleum, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI70–1484; that said proceeding should be redesignated accordingly; and that C & K Petroleum, Inc., should be required to file an agreement and undertaking.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. G–17113, CI70–469, CI70–961, CI71–132, CI71–305, CI71–307, CI71–454, CI71–472, and CI71–478 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, and Opinion No. 586, whichever are applicable, as adjusted for quality of gas, or the contract rates, whichever are lower.

(b) The authorization granted in Docket No. CI62–289 shall be subject to Opinion No. 586.

(c) Within 90 days from the date of initial delivery applicants in Dockets Nos. G–17113, CI70–469, CI70–961, CI71–132, and CI71–305 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(d) Within 90 days from the date of this order applicants in Dockets Nos. CI71–454 and CI71–478 shall file three copies of a rate schedule quality statement in the forms prescribed in Opinion No. 586 and Opinion No. 468–A, whichever are applicable.

(e) If the quality of the gas delivered by applicants in Dockets Nos. G–17113, CI70–469, CI70–961, CI71–132, CI71–305, CI71–307, CI71–454, CI71–472, and CI71–478 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A and Opinion No. 586, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(f) In the event that any amounts are collected in excess of the applicable area rate, as adjusted for quality of the gas, applicant in Docket No. G–17113 shall refund to the buyer, with interest at the rate of 7 percent per annum, all excess amounts so collected from the date of initial delivery.

(g) The rate for sales authorized in Dockets Nos. CI63–356, CI71–235, and CI71–329 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(h) The initial rate for the sale authorized in Docket No. CI71–443 shall be 15.384 cents per Mcf at 15.025 p.s.i.a.

(i) The initial rate for the sale authorized in Docket No. CI71–446 shall be 16 cents per Mcf at 14.65 p.s.i.a.

(j) In Docket No. CI71–446 the provisions contained in paragraph 2 of article X of the subject contract providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(k) The authorization granted in Docket No. CI71–307 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(l) The acceptance for filing of the rate schedules for sales authorized in Dockets Nos. CI71–307, CI71–409, and CI71–443 are subject to any determination which may be made in the proceeding pending in Docket No. R–400 with

regard to provisions in rate schedules relating to minimum take provisions.

(E) The order issuing a certificate in Docket No. G–17113 is amended by adding thereto authorization to sell natural gas as described in the tabulation herein.

(F) The order issuing a certificate in Docket No. CI70–469 is amended to include the interest of the co-owner as described in the tabulation herein.

(G) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to Delete Acreage	*New Certificates*
G–4846	CI71–450
G–5317	CI71–428
G–10995	CI71–431
G–12868	CI71–305
G–13324	CI71–132
G–17460	CI71–430
G–17548	CI71–432
G–17559	CI71–427
CI64–1138	CI71–377
CI65–404	CI71–429
CI69–535	CI71–454
CI70–1078	CI71–426

(H) The orders issuing certificates in Dockets Nos. CI62–289, CI63–66, CI63–356, and CI65–548 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(I) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(J) The certificates heretofore issued in Dockets Nos. G–8044, G–8065, G–10206, CI60–234, CI60–745, and CI70–587 are terminated and the related rate schedules are canceled.

(K) The rate proceedings pending in Dockets Nos. G–10988, G–10989, G–16331, and G–16332 are severed from the proceedings in Docket No. AR64–2 et al., and are terminated.

(L) Alamo Petroleum Co. is made a co-respondent in the proceeding pending in Docket No. RI64–696, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by Alamo in said proceeding is accepted for filing. Alamo shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(M) Getty Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI70–201 and said proceeding is redesignated accordingly. Getty shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(N) Dugan Production Corp. is made a co-respondent in the proceedings pending in Dockets Nos. RI69–362, RI69–389, RI70–19, and RI71–177; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by Dugan in said proceedings are accepted for filing. Dugan shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(O) Dakota Mining & Development Corp. is made a co-respondent in the proceeding pending in Docket No. RI70–685 and said proceeding is redesignated accordingly. Dakota shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(P) Within 30 days from the date of this order, Dakota Mining & Development Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI70–685 to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Q) C & K Petroleum, Inc., is made a co-respondent in the proceeding pending in Docket No. RI70–1484 and said proceeding is redesignated accordingly. C & K shall charge and collect the rate of 16.5 cents per Mcf at 14.65 p.s.i.a. for sales from July 1, 1969, through September 24, 1970, and the rate, including tax reimbursement, of 17.5656 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI70–1484 for sales from September 25, 1970. C & K shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Within 30 days from the date of this order, C & K Petroleum, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI70–1484 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule: Description and date of document	No.	Supp.
G–8044 [1]	Rancho Oil Co.	Natural Gas Pipeline Co. of America, Fairbanks Area, Harris County, Tex.	(2 3)	4 1	4
G–8065 [1]	Gem Oil Co.	do.	(2 3)	5 1	4
G–10206 [6]	Gem Oil Co. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Columbine Field, Logan County, Colo.	Notice of cancellation 10–4–61 [3 7]	2	1
G–17113 C 9–10–70	Skelly Oil Co.[8]	Cities Service Gas Co., acreage in Texas County, Okla.	Amendatory agreement 8–28–70 [9 10]	137	7
CI60–745 B 11–21–60 [11]	Midwest Oil Corp.	United Gas Pipe Line Co., Bourg Field, Terrebonne and Lafourche Parishes, La.	Notice of cancellation 2–22–62 [2 3]	21	3
CI60–834 [1]	Discovery Oil & Gas Co., Inc. (Operator) et al.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	(2 3)	1	
CI62–289 E 10–26–70	Shenandoah Oil Corp. (successor to James Davis, Jr., d.b.a. Solar Oil Co.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	James Davis, Jr. d.b.a. Solar Oil Co., FPC GRS No. 2	16	
			Supplement No. 1	16	1
			Notice of succession 10–22–70		
			Assignment 6–30–70		
CI63–66 E 12–14–70	Alamo Petroleum Co. (successor to Sword et al.).	El Paso Natural Gas Co., Man Federal No. 1 Well, San Juan County, N. Mex.	Sword Co. et al., FPC GRS No. 2.	4	
			Supplements Nos. 1–6	4	1–6
			Notice of succession 12–10–70		
			Conveyance 4–21–69	4	7
			Effective date: 1–1–69		
CI63–356 C 10–12–70	Marathon Oil Co.[12]	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Amendment 7–15–70	83	1
			Letter 12–9–70	83	13
CI65–548 E 11–27–70 [13]	Beco Engineering Production Supplies, Inc., et al. (successor to Carol Daube Sutton et al.).	Lone Star Gas Co., Nellie Field, Stephens County, Okla.	Carol Daube Sutton et al., FPC GRS No. 3.	1	
			Notice of succession 11–24–70		
			Assignment 6–19–70	1	1
			Effective date: 6–19–70		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule: Description and date of document	No.	Supp.
CI69-1037 ..... A 5-12-69 E 12-14-70	Tonkawa Gas Processing Co. (successor to Southwest Gas Producing Co., Inc.).	Transcontinental Gas Pipe Line Corp., Nancy and East Nancy Fields, Clark County, Miss.	Southwest Gas Producing Co., Inc., FPC GRS No. 24.	1	----
			Notice of succession 12-14-70.	----	
			Assignment 11-6-70	1	1
CI69-1048 ..... A 5-15-69 E 12-14-70	Tonkawa Gas Processing Co. (successor to Placid Oil Co.).	do	Placid Oil Co., FPC GRS No. 45.	2	----
			Notice of succession 12-14-70.	----	
			Assignment 11-6-70		1
CI70-469 ..... 9-18-70 [14]	Gulf Oil Corp.[13] (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., West Reydon Field, Roger Mills County, Okla.	Letter agreement 1-29-70 [10]	415	6
CI70-961 ..... A 4-22-70 C 8-21-70 [16]	Cities Service Oil Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 3-26-70	326	----
			Amendatory agreement 7-10-70.	326	2
CI71-132 ..... (G-13324) F 8-10-70 [17]	Texas Oil & Gas Corp. (Operator) et al. (successor to Mobil Oil Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 3-9-57 [18]	72	----
			Letter agreement 7-19-57	72	1
			Amendatory agreement 12-28-66.	72	2
			Assignment 6-17-70 [10 19]	72	3
CI71-235 ..... A 9-4-70	Patrick A. Doheny, [20] et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Monell Unit, Patrick Draw Field, Sweetwater County, Wyo.	Ratified 6-3-70	7	----
			Contract 3-29-61	7	1
			Amendment 2-1-62	7	2
			Amendment 12-17-63	7	3
			Letter agreement 8-4-65	7	4
			Amendment 9-15-65	7	5
CI71-305 ..... (G-12868) F 10-2-70 [21]	Texas Oil & Gas Corp. (Operator) et al. (successor to Pan American Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 3-9-57 [22]	74	----
			Assignment 6-17-70 [10 23]	74	1
CI71-307 ..... A 10-7-70	Samedan Oil Corp. et al.	Panhandle Eastern Pipe Line Co., Buffalo Wallow Field, Hemphill County, Tex.	Contract 8-20-70	37	----
			Compliance 12-8-70 [10 24]	37	1
CI71-329 ..... A 10-8-70 [25]	E. Lyle Johnson, et al.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	Ratified agreement 9-30-70	7	----
			Contract 1-13-69	7	1
CI71-377 ..... (CI64-1138) F 10-27-70	Getty Oil Co. (successor to Texaco, Inc. (Operator) et al.).	El Paso Natural Gas Co., Fuller Gasoline Plant, Scurry County, Tex.	Contract 2-27-64 [26]	184	----
			Ratified 4-27-64 [27]	184	1
			Supplemental agreement 1-4-67.	184	2
			Assignment 4-28-70 [28]	184	3
			Assignment 9-14-70 [29]	184	4
			Effective date: 1-1-70		
CI71-409 ..... A 11-12-70	Biglane Operating Co.	Mid Louisiana Gas Co., Majorca Field, Adams County, Miss.	Contract 10-1-70	1	----
			Compliance 12-7-70 [10 30]	1	1
CI71-410 ..... A 11-12-70	Rose F. Wilson	El Paso Natural Gas Co., Ballard Field, San Juan County, N. Mex.	Contract 12-27-62 [31]	1	----
			Supplemental agreement 10-28-68.	1	1
			Letter agreement 4-1-69	1	2
			Letter agreement 2-9-70 [10]	1	3
CI71-426 ..... (CI70-1078) F 11-16-70	Dugan Production Corp. (successor to Skelly Oil Co.).	Southern Union Gathering Co., Pictured Cliffs Formation, San Juan County, N. Mex.	Contract 6-18-59 [32]	3	----
			Assignment 8-1-70 [33]	3	1
			Effective date: 8-1-70		
CI71-427 ..... (G-17559) F 11-16-70	Dugan Production Corp—Continued	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	Contract 1-5-59 [34]	4	----
			Supplemental agreement 2-9-60.	4	1
			Supplemental agreement 2-10-60.	4	2
			Supplemental agreement 6-28-60.	4	3
			Supplemental agreement 9-16-60.	4	4
			Supplemental agreement 1-6-61.	4	5
			Letter agreement 7-5-60	4	6
			Supplemental agreement 4-18-61.	4	7
			Supplemental agreement 6-26-61.	4	8
			Supplemental agreement 8-21-62.	4	9
			Supplemental agreement 9-10-62.	4	10
			Supplemental agreement 10-16-62.	4	11
			Supplemental agreement 3-18-63.	4	12
			Supplemental agreement 9-5-63.	4	13
			Supplemental agreement 11-5-64.	4	14
			Assignment 7-29-70 [33]	4	15
			Assignment 8-4-70 [33]	4	16
			Effective date: 8-1-70		
CI71-428 ..... (G-5317) F 11-16-70	do	El Paso Natural Gas Co., Fulcher-Kutz, Ballard, Gavilan, and South Blanco Fields, Pictured Cliffs Formation, San Juan and Rio Arriba Counties, N. Mex.	Contract 3-9-53 [35]	5	----
			Letter agreement 3-23-53	5	1
			Letter agreement 4-13-53	5	2
			Supplemental agreement 10-30-53.	5	3
			Letter agreement 11-13-53	5	4
			Letter agreement 11-19-53	5	5
			Letter agreement 1-8-54	5	6
			Supplemental agreement 4-10-56.	5	7
			Supplemental agreement 4-24-56.	5	8
			Supplemental agreement 5-1-56.	5	9
			Supplemental agreement 6-1-56.	5	10
			Supplemental agreement 9-11-56.	5	11
			Letter agreement 11-20-56	5	12
			Supplemental agreement 2-19-57.	5	13
			Supplemental agreement 3-6-57.	5	14
			Supplemental agreement 3-18-57.	5	15
			Supplemental agreement 4-17-57.	5	16
			Supplemental agreement 7-15-57.	5	17
			Supplemental agreement 2-3-58.	5	18
			Supplemental agreement 7-25-58.	5	19
			Letter agreement 7-5-60	5	20
		(Turner No. 7)	Assignment 8-1-70.[33]	5	21
		(Turner No. 8)	Assignment 8-1-70.[33]	5	22
		(Turner No. 9)	Assignment 8-1-70.[33]	5	23
		(Farming "B" No. 1)	Assignment 8-1-70.[33]	5	24
		(Farming "D" No. 1)	Assignment 8-1-70.[33]	5	25
		(Federal No. 13 and Federal No. 19).	Assignment 8-4-70.[33]	5	26
			Effective date: 8-1-70		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule		
			Description and date of document	No.	Supp.
CI71-429 (CI65-404) F 11-16-70	Dugan Production Corp. (successor to Texas Oil & Gas Corp.).	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	Contract 10-5-64 [36]	6	
			Supplemental agreement 2-9-65.	6	1
			Assignment 8-19-70 [37]	6	2
			Assignment 8-19-70 [37]	6	3
			Effective date: 8-1-70		
CI71-430 (G-17460) F 11-16-70	Dugan Production Corp. (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Contract 1-2-59 [38]	7	
			Supplemental agreement 9-2-60.	7	1
			Letter agreement 7-5-60	7	2
			Supplemental agreement 12-7-61.	7	3
			Supplemental agreement 8-23-62.	7	4
			Supplemental agreement 11-12-62.	7	5
			Supplemental agreement 2-13-63.	7	6
			Supplemental agreement 11-5-64.	7	7
			Assignment 8-1-70 [33] (Bondad Unit)	7	8
			Assignment 8-1-70 [33] (Ignacio Unit)	7	9
			Assignment 8-5-70 [33]	7	10
			Effective date: 8-1-70		
CI71-431 (G-10995) F 11-16-70	do	El Paso Natural Gas Co., Ignacio-Blanco and South Blanco Fields, Rio Arriba County N. Mex., and La Plata County, Colo.	Contarct 3-21-56 [39]	8	
			Letter agreement 9-5-56	8	1
			Letter agreement 10-24-56	8	2
			Letter agreement 9-19-56	8	3
			Letter agreement 6-28-57	8	4
			Letter agreement 2-6-58	8	5
			Letter agreement 2-19-58	8	6
			Supplemental agreement 8-23-60.	8	7
			Letter agreement 11-30-61	8	8
			Letter agreement 3-8-63	8	9
			Supplemental agreement 9-1-63.	8	10
			Assignment 8-4-70 [33]	8	11
			Assignment 8-5-70 [33]	8	12
			Effective date: 8-1-70		
CI71-432 (G-17548) F 11-16-70	do	El Paso Natural Gas Co., Gavilan, South Blanco, Ballard and Aztec Fields, San Juan and Rio Arriba Counties, N. Mex.	Contract 1-5-59 [40]	9	
			Supplemental agreement 5-11-59.	9	1
			Supplemental agreement 10-6-59.	9	2
			Supplemental agreement 12-8-59.	9	3
			Supplemental agreement 12-30-59.	9	4
			Supplemental agreement 2-9-60.	9	5
			Letter agreement 7-5-60	9	6
			Supplemental agreement 7-2-68.	9	7
			Supplemental agreement 11-8-68.	9	8
			Assignment 8-4-70 [33]	9	9
			(Federal No. 15) Assignment 8-4-70 [33].	9	10
			(Federal No. 28) Assignment 8-4-70 [33].	9	11
			(Federal "C" No. 8) Assignment 8-4-70 [33].	9	12
			(Federal No. 11) Assignment 8-4-7 [33].	9	13
			(Federal "F" No. 22) Assignment 8-4-70 [33].	9	14
			(Fee No. 2) Assignment 8-4-70 [33].	9	15
			(Federal No. 11, 13, and 19) Effective date: 8-1-70.		
CI71-443 A 11-27-70	Tenneco Oil Co. [41]	Montana-Dakota Utilities Co., Slick Creek Field, Washakie County, Wyo.	Contract 11-20-70 [10]	265	
CI71-446 A 12-1-70	Pan American [42] Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Luby and Petronilla Fields, Nueces County, Tex.	Contract 11-25-70 [10]	559	
CI71-450 (G-4846) F 12-2-70	Dakota Mining & Development Corp. (successor to Alvin Wilson).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bethany Field, Panola County, Tex.	Statement 10-21-70 [43]	1	
			Effective date: 2-18-70		
CI71-454 (CI69-535) F 12-1-70	R. J. Patrick (successor to Shenandoah Oil Corp. (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Contract 9-20-68 [44]	2	
			Assignment 10-1-70 [45]	2	1
			Effective date: 10-1-70		
CI71-465 (CI70-587) B 12-10-70	Gulf Oil Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nathan Tatman A-631 Survey, Tyler County, Tex.	Notice of Cancellation 12-9-70. [23]	416	1
CI71-472 A 12-14-70	George W. Armor et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	Contract 11-15-70	1	
CI71-477 A 12-16-70	Ashland Oil, Inc	The Inland Gas Co., Inc., acreage in Knott County, Ky.	Contract 6-19-67 [31] (No. 25)	204	
			Letter 11-6-70	204	1
			Letter 11-23-70 [46] [47]	204	2
CI71-478 (CS67-41) F 12-14-70	C & K Petroleum, Inc. (successor to Chambers & Kennedy).	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	Contract 1-5-67 [48]	1	
			Assignment 8-31-70 [49]	1	1
			Effective date: 7-1-69		

[1] No filing sumbitted; termination of the certificate and cancellation of the related rate schedule on the Commission's own motion, since all efforts to obtain 7(b) filings were unsuccessful and buyer states that no deliveries have been made.

[2] Source of gas depleted.

[3] Effective date: Date of this order.

[4] Rates of 15.74976 cents and 16.99 cents suspended in Dockets Nos. G-10988 and G-16332, respectively and were never placed into effect; therefore, the proceedings pending in said dockets will be severed from the proceedings in Docket No. AR64-2 et al., and terminated.

[5] Rates of 15.74976 cents and 16.99 cents suspended in Dockets Nos. G-10989 and G-16331, respectively, and were never placed into effect; therefore, the proceedings pending in said dockets will be severed from the proceedings in Docket No. AR64-2 et al., and terminated.

[6] No filing submitted; termination of the certificate and cancellation of the related rate schedule on the Commission's own motion.

[7] Letter agreement between Gem and Kansas-Nebraska canceling contract. Filing submitted Dec. 14, 1970 by Kansas-Nebraska advising that the Jan. 25, 1956, contract (Gem's FPC GRS No. 2) was canceled by Oct. 4, 1961 agreement.

[8] By letter filed Dec. 10, 1970, applicant amended its application to reflect the 20-cent rate in accordance with its contract as amended.

[9] In addition to adding acreage, applicant has renegotiated the pricing provisions of the contract.

[10] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).

[11] Notice of withdrawal of the application for a certificate being construed as an abandonment application.

[12] Contract provides for rate of 19.015 cents per Mcf, however, applicant states willingness to accept permanent authorization conditioned to an initial rate of 15 cents per Mcf.

[13] Assignment filed Dec. 7, 1970. Application also amended to correct estimated sale volume.

[14] Amendment to the certificate filed to add interest of co-owner, Lone Star Producing Co.

[15] By letter dated Nov. 9, 1970, applicant advised of willingness to accept permanent authorization in accordance with the commitment that it made in the original application.

[16] By letter dated Jan. 4, 1971, applicant expressed willingness to accept permanent authorization consistent with Opinion No. 586.

[17] By letter dated Jan. 14, 1971, applicant expressed willingness to accept a permanent certificate at the area ceiling rate of 18.5 cents consistent with Opinion No. 586.

[18] Currently on file as Mobil Oil Corp. FPC GRS No. 170.

[19] Conveys interest from Mobil Oil Corp. to applicant.

[20] By letter dated Nov. 9, 1970, applicant agreed to accept a permanent certificate at 15 cents per Mcf at 14.65 p.s.i.a. under the conditions imposed by the temporary certificate.
[21] By letter dated Jan. 14, 1971, applicant expressed willingness to accept a permanent certificate at the area ceiling rate of 18.5 cents consistent with Opinion No. 586.
[22] Concurrently on file as Pan American Petroleum Corp. FPC GRS No. 238.
[23] Conveys interest from Pan American Petroleum Corp. to applicant.
[24] Accepts temporary certificate issued Nov. 20, 1970. Applicant is willing to accept a permanent certificate conditioned similarly to the temporary certificate issued.
[25] By letter filed Dec. 21, 1970, applicant expressed willingness to accept a permanent certificate conditioned to the area ceiling rate of 15 cents.
[26] Presently on file as Texaco, Inc. (Operator) et al., FPC GRS No. 328.
[27] By Chapman and McFarlin Producing Co. The interest of Chapman and McFarlin remain covered by Texaco's rate schedule.
[28] From the Estate of James A. Chapman, Deceased (as successor to a portion of the interest of Chapman and McFarlin) to Getty Oil Co.
[29] Transfer of 50 percent of the interest acquired by Getty to Skelly Oil Co. Skelly's interest is not covered by this filing, therefore, in the absence of a filing by Skelly its interest will remain covered by the operator's rate schedule (Texaco's FPC GRS No. 328).
[30] Complies with temporary certificate dated Dec. 3, 1970. Applicant agrees to accept a permanent certificate limiting buyers take-or-pay obligations to a 1 to 7,300 reserve ratio.
[31] Sale being rendered without prior Commission authorization.
[32] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 243.
[33] From Skelly Oil Co. to applicant.
[34] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 141.
[35] Between Skelly Oil Co. and El Paso Natural Gas Co.; on file as Skelly Oil Co. FPC GRS No. 47.
[36] Between Tex-Star Oil & Gas Corp. (now Texas Oil & Gas Corp.) and buyer; on file as Texas Oil & Gas Corp., FPC GRS No. 40.
[37] From Texas Oil & Gas Corp. to applicant.
[38] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 140.
[39] Between Skelly Oil Co. and Pacific Northwest Pipeline Co. (now El Paso Natural Gas Co.); on file as Skelly Oil Co. FPC GRS No. 107.
[40] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 144.
[41] By letter filed Dec. 24, 1970, applicant agreed to accept a permanent certificate under the same conditions imposed by the temporary certificate.
[42] Contract provides for rate of 25 cents per Mcf, however, applicant agrees to accept a permanent certificate at 16 cents per Mcf.
[43] Filed as short form rate schedule pursuant to section 154.92(c) of the Regulations. Sales are under contract dated Apr. 26, 1954, on file as Alvin Wilson et al., FPC GRS No. 1.
[44] Currently on file as Shenandoah Oil Corp. (Operator) et al., FPC GRS No. 9.
[45] Conveys interest from Shenandoah et al., to applicant.
[46] Advises that gas is being commingled with gas moving in interstate commerce pursuant to order issued July 20, 1970, in Docket No. CP70-246, thus necessitating instant filing by applicant.
[47] Effective date: Date of initial delivery in interstate commerce.
[48] Between Chambers & Kennedy and El Paso. Sales under subject contract are covered under small producer certificate issued to Chambers & Kennedy in Docket No. CS67-41.
[49] From Chambers & Kennedy to applicant.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 19--.

(Name of Respondent)

By ----------

Attest:

[FR Doc.71-3218 Filed 3-10-71;8:45 am]

[Docket No. RI71-645]

CHEVRON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

MARCH 3, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-645..	Chevron Oil Co.----------	17	1-14	El Paso Natural Gas Co. (Eumont Field, Lea County) (New Mexico, Permian Basin).	$1,250	2-1-71	3-4-71	[1] Accepted	17.3908	17.9117	RI70-1340.
		23	1-13	El Paso Natural Gas Co. (Langhe-Mattix Field, Lea County, N. Mex.) (Permian Basin).	186	2-1-71	3-4-71	[1] Accepted	[2] 16.880	17.9117	RI69-684.
	Chevron Oil Co. et al.------	24	1-23	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex., Permian Basin).	38,018	2-1-71	3-4-71	[1] Acceppte	16.88	17.9117	RI69-684.
		24	[3] 1-24	----do----------	1,533	2-1-71	3-4-71	[1] Accepted	15.86	16.8882	RI69-684.
		26	1-7	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex. Permian Basin).	56,604	2-1-71	3-4-71	[1] Accepted	18.0	21.1016	RI69-748.

* The pressure base is 14.65 p.s.i.a.
[1] Accepted, subject to the existing suspension proceeding in Docket No. RI71-645.
[2] Applicable to Warren's Monument Plant only.

Chevron has submitted corrections to its previously filed increased rates which initially were suspended in Docket No. RI71-645 until June 28, 1971, reflecting errors it had made in its original filings in computing tax reimbursement. In these circumstances we shall accept these substitute filings subject to the suspension period provided in Docket No. RI71-645 with respect to the original filings. Due to the issuance of the order issued February 18, 1971, accompanying Order No. 423 the suspension period in Docket No. RI71-645 was shortened so as to expire after March 20, 1971. Consequently, the substitute rates involved here shall be collected, subject to refund as of March 21, 1971, without any further action by Chevron or by the Commission.

Chevron's proposed increased rates and charges exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, section 2.56).

[FR Doc.71-3394 Filed 3-10-71;8:49 am]

[Docket No. E-7610]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

MARCH 5, 1971.

Take notice that on March 1, 1971, Community Public Service Co. (Community), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue $8 million principal amount of First Mortgage Bonds.

Community is incorporated in the State of Texas and is domesticated in the State of New Mexico with its principal place of business office at Fort Worth, Tex. Community is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution, and sale of natural gas. It provides electricity and natural gas service to a total of 116 communities in Texas and New Mexico.

Community proposes to issue $8 million principal amount of First Mortgage Bonds which will be secured by Community's Indenture of Mortgage and Deed of Trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Company of Chicago, trustee, as supplemented and to be supplemented by a 12th Supplemental Indenture creating the proposed bonds. Community proposes to issue the bonds in accordance with the competitive bidding requirements of the Commission's regulations under the Federal Power Act and expects to invite bids on or about April 28, 1971. Community indicates that the bonds will bear an issuance date of May 1, 1971, and that the date of maturity will be May 1, 2001. The interest rate of the bonds will be determined by competitive bidding.

Community states that it proposes to use the proceeds from the sale of the First Mortgage Bonds for payment of additions and improvements to its properties, including the repayment of short-term bank loans obtained for such purposes, in the aggregate principal amount of $6 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3395 Filed 3-10-71;8:49 am]

[Docket No. E-7560]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Rate Changes

MARCH 5, 1971.

Take notice that on February 24, 1971, Delmarva Power & Light Co., Delmarva Power & Light Company of Maryland and Delmarva Power & Light Company of Virginia (Delmarva System), requested leave to withdraw its fuel adjustment clause filing of January 22, 1971, and tender for filing a substitute fuel adjustment clause. The tendered filing proposes to change existing electric tariffs and rate schedules; to amend the various tariff changes, rate schedule supplements, and proposed tariffs previously filed and suspended by Commission order issued November 27, 1970; to supplement rate schedule FPC No. 35 applying to the city of Dover, Del.: and to supplement rate schedules FPC No. 29, FPC No. 8 and FPC No. 4, as they apply to various REA Cooperatives served by the Delmarva System.

Delmarva System proposes that the tendered fuel adjustment clause became effective as of March 1, 1971, with respect to all presently effective rate schedules. Delmarva System has requested that the tendered filing be accepted as a revision of its January 22, 1971, filing which would allow the period of notice to begin as of, that date, or in the alternative, that the Commission waive the notice requirements.

The proposed changes in rates would increase charges for applicable sales by approximately $497,000 during the remainder of 1971.

Delmarva System states that its presently effective fuel adjustment clause will not reimburse the Company for increased cost of fuel used to generate electricity due to the substantial lag before increased fuel costs are reflected in its adjustment figure.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1971, file with the Federal Power Commission, Washington, D.C. 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 become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3396 Filed 3-10-71;8:49 am]

[Docket No. E-7607]

EL PASO ELECTRIC CO.

Notice of Application

MARCH 5, 1971.

Take notice that on February 25, 1971, El Paso Electric Co. (applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue $16 million principal amount of First Mortgage Bonds, due 2001.

The applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Tex., and is engaged in the electric utility business in 19 communities in Texas and 22 communities in New Mexico.

The proposed bonds will be secured by the applicant's Indenture of Mortgage dated as of October 1, 1946, with State Street Trust Co. (now known as State Street Bank and Trust Co.) of Boston, Mass., as Trustee, as supplemented and modified and to be further supplemented by a 10th Supplemental Indenture.

The applicant proposes to sell the bonds at competitive bidding in accordance with the Commission's regulations. The applicant expects to invite bids on or about April 13, 1971. The bonds will not be refundable at a lower interest cost prior to April 1, 1976.

The proceeds from the sale of the bonds will be used to pay off various short-term bank loans and commercial paper of the applicant and to finance a portion of the applicant's construction program. Applicant's 1971 construction program has an estimated cost of $17,219,000. This program includes $13,719,000 for generating equipment and $2,975,000 for transmission lines and substations.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before March 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3397 Filed 3-10-71;8:49 am]

[Docket No. CP71-211]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 4, 1971.

Take notice that on February 26, 1971, Kansas-Nebraska Natural Gas Co., Inc. (applicant), 300 North St. Joseph Avenue, Hastings, NE 68901 filed in Docket No. CP71-211 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon three 40-horsepower compressor units and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities necessary for initial service to the community of Bladen, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks permission and approvel to abandon three 40-horsepower compressor units from its compressor station near Clay Center, Nebr. Applicant states that the purchase of natural gas from Northern Natural Gas Co., at a point of delivery near Milligan, Nebr., heretofore authorized by the Commission in Docket No. CP62-209, eliminates the need for these compressor units. The proposed abandonment will reduce the compressor horsepower at the Clay Center station from 495 to 375 horsepower.

Applicant also seeks authorization to construct, at an approximate cost of $68,000, and operate 8.6 miles of 3-inch pipeline extending from its existing 16-inch transmission pipeline near Campbell, Nebr., to Bladen, Nebr., and a town border station to enable applicant to initiate natural gas service to the town of Bladen, Nebr.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3398 Filed 3-10-71;8:49 am]

[Docket No. E-7611]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Proposed Changes in Rates and Charges

MARCH 9, 1971.

Take notice that Virginia Electric and Power Co. (Vepco) on March 2, 1971, tendered for fiilng proposed changes in its FPC Electric Tariff Original Volumes Nos. 1 and 2 applicable to municipal and investor-owned utility customers, and in its rate schedules applicable to rural electric cooperative customers, to become effective July 1, 1970. Based on sales estimates for the 12 months ending March 31, 1972, the proposed rates would increase Vepco's revenues by $1,018,750 from its 19 cooperative customers and by $965,290 from its 21 municipal customers and one investor-owned utility customer. Vepco proposes that the increase in rates for service from July 1, 1970 to the date that the Commission grants the requested increase be paid on a deferred basis by adjustments to customers' future bi lings.

Vepco cites as principal reasons for the proposed rate increase, increases in the cost of capital and fuel.

Vepco requests waiver of section 205 (d) of the Federal Power Act, and §§ 35.2 and 35.13(4) (i) of the regulations thereunder to permit the proposed rates to become effective without suspension July 1, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1970, file with the Federal Power Commission, Washington, D.C. 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3502 Filed 3-10-71;8:51 am]

FEDERAL TRADE COMMISSION

ADVISORY COUNCIL ON COMMISSION'S RULES OF PRACTICE

Resolution

Notice is hereby given that the Federal Trade Commission has approved, adopted, and entered of record the following resolution:

Whereas the Federal Trade Commission, on April 30, 1970, determined to create an Advisory Council on Rules of Practice and Procedure (the "Advisory Council") for the principal purposes of studying the Commission's rules, and making recommendations to the Commission, in order to accomplish "the elimination of delay in adjudicative proceedings while providing fairness to all parties"; and

Whereas the Commission, on May 27, 1970, issued a news release announcing the formation of the Advisory Council, and stating in part that the Commission's "goal, through the Council's efforts, is to make our rules a model of fairness, fast action, and efficiency"; and

Whereas the Commission believes that a formal resolution relating to the establishment of the Advisory Council may be required under Executive Order No. 11007:

Now, therefore, I have determined that the formation of the Advisory Council on April 30, 1970, was, and its continued employment continues to be, in the public interest in connection with the performance of duties imposed on the Federal Trade Commission by law.

MILES W. KIRKPATRICK,
Chairman.

Adopted: February 23, 1971.

By direction of the Commission dated February 23, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-3350 Filed 3-10-71;8:46 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT TAX ACT

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement

Tax Act (26 U.S.C. section 3221(c)) as amended by section 5(a) of Public Law 91–215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each manhour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1971, shall be at the rate of 6 cents.

Dated: March 5, 171.

By Authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[FR Doc.71–3354 Filed 3–10–71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812–2905]

FIRST PROVIDENT CO., INC. ET AL.

Notice of Filing of Application for Order

MARCH 4, 1971.

In the matter of The First Provident Co., Inc., 132–146 South Moore Street, Sanford, NC; State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester, MA; Charles M. Reeves, Jr., Carthage Highway, Sanford, N.C.; Loften L. Tart, Fairfield Circle, Dunn, N.C.; The George Putnam Fund of Boston, 265 Franklin Street, Boston, MA; 812–2905.

Notice is hereby given that The First Provident Co., Inc. (First Provident), the George Putnam Fund of Boston (Fund), a registered open-end investment company, and certain other stockholders of First Provident, as described below (collectively Applicants) have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d–1 thereunder for an order permitting Applicants to jointly sell shares of common stock of First Provident in a proposed public offering of First Provident common stock. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

The Fund owns 10 percent of the outstanding common stock of First Provident. State Mutual Life Assurance Company of America (State Mutual) owns 10 percent of the outstanding common stock of First Provident. Charles M. Reeves, Jr. is Chairman of the Board of Directors and the President of First Provident and the beneficial owner of 48.4 percent of the outstanding common stock of First Provident. Loften L. Tart is a Vice President of First Provident and the beneficial owner of 2.3 percent of the outstanding common stock of First Provident.

By reason of the fact that the Fund owns more than 5 percent of the outstanding voting securities of First Provident, First Provident is an affiliated person of the Fund. By reason of the facts that State Mutual owns more than 5 percent of the outstanding voting securities of First Provident, Reeves owns more than 5 percent of the outstanding voting securities of First Provident and is an officer and director of First Provident, and Tart is an officer of First Provident, each is an affiliated person of an affiliated person of the Fund within the meaning of section 2(a)(3) of the Act.

First Provident has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of common stock of First Provident. Such offering will consist of an aggregate of 200,000 shares of common stock of First Provident, of which 125,000 shares would be offered by First Provident, 30,000 shares by Reeves, 5,000 by Tart, 20,000 by State Mutual and 20,000 by the Fund. The expenses of the registration of the shares to be sold by the Fund and by State Mutual (other than underwriting discounts) will be borne by First Provident, pursuant to agreements entered into at the time such shares were purchased by the Fund and by State Mutual in 1961. The expenses of registration of the shares to be sold by the First Provident, Reeves, and Tart will be borne by each of them. First Provident has agreed with the Fund and with State Mutual that if registration of the remaining shares of First Provident owned by each should be required, First Provident will at its expense file another registration statement under the Securities Act of 1933 with respect to such shares.

The total number of shares of common stock of First Provident to be offered in the public offering was determined by agreement between First Provident and Wheat & Co., Inc., as representative of the underwriters at the recommendation of Wheat & Co., Inc. (Wheat) based on the judgment of Wheat as to the probable market for the shares of First Provident. At the time the public offering was first considered, it was not contemplated that the Fund or State Mutual would participate as selling shareholders in the public offering. It was contemplated at that time that First Provident would offer for sale 170,000 shares and that Reeves would offer for sale 30,000 shares. Subsequently, it was decided that First Provident would offer only 125,000 shares, Reeves would offer 30,000 shares and the balance of the 200,000 shares would be allocated among the Fund, State Mutual, and Tart on a mutually agreeable basis. The allocation was agreed upon voluntarily among the parties as set forth above. The Fund has at no time requested that more than 20,000 of its shares of First Provident be included in the public offering.

The Applicants have agreed with Wheat as representatives of underwriters, that after the effective date of the registration statement none of them will offer any additional shares of common stock of First Provident to the public for 120 days. The purpose of this agreement is to facilitate the sale of the shares to be offered in the public offering.

There has not heretofore been any public market for the shares of common stock of First Provident. It is the opinion of the management of the Fund that the creation of such a public market which will result from the public offering of shares herein referred to will be in the best interests of the Fund.

The Applicants state that the participation of the Fund in the proposed public offering on the basis proposed is consistent with the provisions, policies and purposes of the Act and, to the extent that such participation is on a basis different from that of other participants, it is more favorable to the Fund than to such other participants.

Rule 17d–1, adopted under section 17(d) of the Act, provides, inter alia, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than March 22, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether

a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3355 Filed 3-10-71;8:46 am]

[7-3621]

SAXON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Saxon Industries, Inc., File No. 7-3621.

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3356 Filed 3-10-71;8:46 am]

[File Nos. 7-3622—7-3624]

BANISTER CONTINENTAL CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Banister Continental Corp	7-3622
Missouri Public Service Co	7-3623
National Health Enterprises, Inc	7-3624

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the applicant with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3357 Filed 3-10-71;8:46 am]

[File No. 7-3625]

UNITED STATES SMELTING AND REFINING & MINING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

United States Smelting Refining & Mining Co., warrants (expiring Jan. 15, 1979) File No. 7-3625.

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3358 Filed 3-10-71;8:46 am]

[File No. 7-3620]

SAXON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 4, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Saxon Industries, Inc., File No. 7-3620.

Upon receipt of a request, on or before March 19, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3359 Filed 3-10-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 810]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in all areas affected in northwestern Illinois suffered damage or destruction resulting from floods commencing on February 19, 1971, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, IL 60604.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1971.

Dated: March 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3352 Filed 3-10-71;8:46 am]

[Declaration of Disaster Loan Area 811]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Miracle Mile Shopping Center, Rochester, Minn., suffered damage or destruction resulting from fire occurring on February 20, 1971.

OFFICE

Small Business Administration District Office, 816 Second Avenue, South, Minneapolis, MN 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1971.

Dated: March 3, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-3353 Filed 3-10-71;8:46 am]

TARIFF COMMISSION

[AA1921-67]

CAPACITORS FROM JAPAN

Determination of No Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on December 8, 1970, that aluminum electrolytic and ceramic capacitors from Japan are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-67 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on January 19, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 12, 1970 (35 F.R. 18939).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined unanimously[1] that no industry in the United States is being, or is likely to be, injured or prevented from being established by reason of the importation of aluminum electrolytic and ceramic capacitors from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

[1] Chairman Mize did not participate in the determination.

STATEMENT OF REASONS

In our opinion no industry in the United States is being, or is likely to be, injured or prevented from being established, by reason of the importation of aluminum electrolytic and ceramic capacitors from Japan sold at less than fair value (LTFV). Imports of LTFV capacitors from Japan have been extremely small in relation to the size of the domestic market and the margins of dumping (the amounts by which the capacitors were sold below the Japanese home market price) have been so small in relation to the margins of underselling by the sellers of the Japanese capacitors that they have virtually no influence on U.S. market prices for such capacitors.

The industry. The industry or industries considered in this case consist of those establishments in the United States engaged in the production and sale of either or both aluminum electrolytic and ceramic capacitors and/or the production of component materials for such capacitors.

The U.S. market. Aluminum electrolytic and ceramic capacitors are used in the United States as components in numerous electronic products. The market for the use of such products is scattered throughout the United States and there are no discernible geographical markets in which sales are concentrated or peculiarly different.

Tests for injury. The market penetration by LTFV imports of capacitors from Japan has been extremely small. An examination of the sales of domestic aluminum electrolytic and ceramic capacitors during a recent 28-month period, when sales of LTFV capacitors were at their height, revealed that the import sales amounted to less than 0.7 percent of all U.S. sales. Even had these imports of LTFV capacitors been subject to a dumping duty, moreover, the amount of such duty collected on imports of ceramic capacitors would have been trivial and that collected on imports of aluminum electrolytic capacitors, while much larger, would have been equivalent to only a small part of the difference in prices between the domestic and imported capacitors.

About 84 percent of all LTFV imports consisted of aluminum electrolytic capacitors. The prices of such imports in the U.S. market were far below the prices of comparable domestic capacitors. Weighed average prices for comparable U.S. products during the last 5 years ranged from 78 to 506 percent higher than the average prices of the imported LTFV capacitors. There is some evidence that these large differences in weighted average prices resulted partly from differences in the size of individual sales—the Japanese making mostly large sales and the domestic producers making both large and small sales. Since the prices of capacitors are generally highly responsive to the volume sold, the size of individual sales can affect prices

materially. It is clear, nevertheless, that the Japanese capacitors markedly undersold comparable domestic capacitors in the U.S. market. The amounts of price discrimination (dumping margin), moreover, averaged only about 1.6 percent of the average prices of the domestic capacitors. Under these circumstances, we conclude that the dumping margins had virtually no influence on the pricing practices of the sellers of the Japanese capacitors who clearly undersell the domestic producers in the U.S. market and can continue to do so without regard to whether the minor price discrimination practice is continued. Dumping is not a factor in the competition for sales between domestic and imported capacitors.

About 16 percent of the LTFV imports consisted of ceramic capacitors. Of five common types of these capacitors which were sold at prices significantly below the prices of comparable domestic capacitors during the last 5 years, the margins of underselling exceeded the margins of dumping by about 100 percent in two cases, more than 250 percent in one case, 350 percent in one case, and 1,100 percent in another. Some of the remaining types were sold at prices higher than the prices for the comparable domestic capacitors; the margins of dumping with respect to other types were slight. It was noted that there is a general downward price trend with respect to ceramic capacitors, a phenomenon which is occurring without regard to LTFV sales. Except for two types of the LTFV capacitors it appeared that dumping margins could have had little causal effect on prices. The volume of such imports was minuscule in relation to the size of the U.S. market.

Conclusion. As the market penetration by LTFV imports is extremely small and as the dumping margins in this case have virtually no causal effect on prices for the subject capacitors in the U.S. market, we conclude that if the industry is injured by reason of imports of aluminum electrolytic and ceramic capacitors from Japan, sold at less than fair value, such injury is de minimis. Moreover, because the dumping margins have had virtually no causal effect on prices of the subject capacitors in the U.S. market, we conclude that there is no likelihood of injury to a domestic industry as contemplated by the Antidumping Act.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3414 Filed 3-10-71;8:51 am]

DEPARTMENT OF LABOR

Office of the Secretary

NOTICE OF AVAILABILITY OF EXTENDED UNEMPLOYMENT COMPENSATION

New York

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Alfred L. Green, Executive Director, New York Division of Employment has determined that there was a State "on" indicator in New York for the week beginning December 20, 1970, and that an extended benefit period began in the State with the week beginning January 10, 1971.

Signed at Washington, D.C., this 1st day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3349 Filed 3-10-71;8:46 am]

NOTICE OF AVAILABILITY OF EXTENDED UNEMPLOYMENT COMPENSATION

Vermont

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Stella B. Hackel, Commissioner, Vermont Department of Employment Security, has determined that there was a State "on" indicator in Vermont for the week beginning December 13, 1970, and that an extended benefit period began in the State with the week beginning January 3, 1971.

Signed at Washington, D.C., this 1st day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3351 Filed 3-10-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 18]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 5, 1971.

The following applications are governed by Special Rule 100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

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

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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 13250 (Sub-No. 109), filed February 18, 1971. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, TX 78701. Authority

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

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Antipollution systems and equipment;* (2) *liquid cooling and vapor and condensing systems and equipment;* (3) *environmental control and protection systems and equipment;* (4) *parts and attachments* for the items named in (1), (2), and (3) above; and (5) *machinery, equipment, materials, and supplies* used in the construction, installation, operation and maintenance of the items named in (1), (2), and (3) above, between points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illionis, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Oklahoma City, Okla., and Los Angeles, Calif.

No. MC 30837 (Sub-No. 425), filed February 16, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies* (except those which because of size or weight require the use of special equipment), from Oakland, Calif., to all points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 30837 (Sub-No. 426), filed February 16, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs*, from De Witt, Iowa, to all points in the United States (excluding 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 Chicago, Ill.

No. MC 31389 (Sub-No. 137), filed February 9, 1971. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughton Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Spring Park, Minn., as an off-route point in connection with carrier's regular-route operations from and to Minneapolis-St. Paul, Minn. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 46300 (Sub-No. 3), filed February 5, 1971. Applicant: KENNETH NARROD MOVING CO., a corporation, 1120 Glen Rock Avenue, Waukegan, IL 60085. 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: *Household goods and hold baggage*, between North Chicago, Ill., on the one hand, and, on the other, points in Boone, Bureau, Cook, De Kalb, Du Page, Kane, Kendall, Lake, La Salle, Lee, McHenry, Ogle, Putnam, Will, and Winnebago, Counties, Ill., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that 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 52704 (Sub-No. 83), filed February 8, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from the plantsite of J. Aron & Co., Inc., at Supreme, La., to points in Virginia 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 Atlanta, Ga., or New Orleans, La.

No. MC 59194 (Sub-No. 15), filed February 16, 1971. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, NJ 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages;* (a) between points in the commercial zones of New York, N.Y., and Philadelphia, Pa.; and (b) between points in the commercial zones of New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Lawrenceville, N.J., and 5 miles thereof, restricted to the transportation of fungible commodities in containers having a prior or subsequent movement by water and which either are received or delivered by the carrier directly into or from the container but not both. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 60852 (Sub-No. 3), filed February 8, 1971. Applicant: WARCO SERVICE, INC., Route U.S. 22, Green Brook, NJ 08812. 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: *Magazines, periodicals, paper-back books, and advertising matter*, between Dunellen, N.J., and New York, N.Y., on the one hand, and, on the other, Carle Place, Hauppauge, Westbury, Spring Valley, White Plains, N.Y.; Stamford, Conn.; and points in Bergen, Union, Essex, Middlesex, Passaic, and Hudson Counties, N.J. NOTE: Applicant states that it would tack the requested authority with its existing authority at Green Brook, N.J.-Somerset County, N.J., Camden and Trenton, N.J., and Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 63838 (Sub-No. 5), filed February 4, 1971. Applicant: FRANK BOLUS, doing business as BOLUS MOTOR LINES, 700 North Keyser Avenue, Scranton, PA 18504. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, insulating board, and ceiling tiles*, from the plantsite of Celotex Corp. at Harding, Pa., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 64932 (Sub-No. 490), filed February 4, 1971. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl E. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Muscatine, 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 Chicago, Ill.

No. MC 69492 (Sub-No. 38), filed February 16, 1971. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, KY 42301. 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: (1) *Malt beverages, and related advertising materials*, from Peoria, Ill., to Jackson, Tenn.;

and (2) *feed and feed ingredients*, except in bulk, from Decatur, Ill., to Clinton, Ky. NOTE: Applicant states authority to deliver feed and feed ingredients at Clinton, Ky., could be tacked, but applicant does not propose to do so. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Memphis, Tenn.

No. MC 76032 (Sub-No. 278), filed February 10, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Guardian Industries, Inc., in Ash Township (Monroe County), Mich. (near Carleton, Mich.), as an off-route point in connection with authorized operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 76032 (Sub-No. 279), filed February 10, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, not including those requiring refrigeration, and those injurious or contaminating to other lading), between Santa Fe, N. Mex., and Espanola, N. Mex., from Santa Fe over Interstate Highway 285 to junction U.S. Highway 285 and New Mexico Highway 76, thence over New Mexico Highway 76 to Espanola, N. Mex., and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Santa Fe, N. Mex., or Denver, Colo.

No. MC 77016 (Sub-No. 11), filed February 1, 1971. Applicant: BUDIG TRUCKING CO., a corporation, 100 Gest Street, Cincinnati, OH 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Maysville, Ky., and the junction of U.S. Highway 68 and Ohio Highway 125 over U.S. Highway 68; and (2) between Maysville, Ky., and West Union, Ohio, from Maysville across the Ohio River over U.S. Highway 68 to Aberdeen, Ohio, thence over Ohio Highway 41 to West Union and return over the same route, serving no intermediate points and serving the routes, in (1) and (2) above for purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 82063 (Sub-No. 32), filed February 9, 1971. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Avenue, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ark., to points in Louisiana, Mississippi, Alabama, Arkansas, Missouri, Illinois, Kansas, Kentucky, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 94350 (Sub-No. 286), filed February 11, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC. Applicant's representatives: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602, and Ames, Hill & Ames, 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 Hillsboro County, N.H., to points in New York, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, & New Jersey, and Maine. 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 Concord, N.H.

No. MC 95540 (Sub-No. 795), filed February 8, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and bakery goods*, from Jackson, Tenn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Memphis, Tenn., or Washington, D.C.

No. MC 104004 (Sub-No. 184), filed February 1, 1971. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, 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, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Covington, Va., and Lewisburg, W. Va., from Covington over U.S. Highway 60 to Lewisburg and return over the same route, serving no intermediate points, and serving the termini for purposes of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 107002 (Sub-No. 400), filed February 16, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, 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 Memphis, Tenn., or Birmingham, Ala.

No. MC 107002 (Sub-No. 401), filed February 16, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representatives: John J. Borth, Post Office Box 1123, Jackson, MS and H. D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores and naval store products*, in bulk, in tank vehicles, from Mobile, Ala., to points in Michigan and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 107295 (Sub-No. 483), filed February 8, 1971. Applicant: PRE-FAB

TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and wood panels*, from Jamaica, N.Y., to points in Alabama, Louisiana, Mississippi, Texas, Florida, Maryland, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107299 (Sub-No. 8), filed February 12, 1971. Applicant: ROBERTS CARTAGE COMPANY, a corporation, 3200 Archer Avenue, Chicago, IL 60608. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhibits, exhibits materials, displays, and display materials*, between Chicago, Ill., on the one hand, and, on the other, points in the United States. NOTE: Applicant states that the requested authority would be tacked at Chicago, Ill., to serve Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 735), filed February 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift & Co. at or near St. Charles, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Mississippi, Louisiana, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it proposes to tack with its Sub-No. 623 authority at Louisville, Ky., to serve the States of Arkansas, West Virginia, Maryland, Delaware, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 736), filed February 11, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, packinghouse products, and articles distributed by meat packing plant*, from San Benito, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis and points in its commercial zone), Virginia, Maryland, and the District of Columbia. NOTE: Applicant states it proposes to tack with its Sub-507 authority at Gatesville, N.C., to serve the additional States of Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, and Maine. If a hearing is deemed necessary, applicant requests it be held at Brownsville or Houston, Tex.

No. MC 107818 (Sub-No. 53), filed February 8, 1971. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 603, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides, and commodities in bulk, in tank vehicles), and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsites of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Alabama, Florida, Georgia, South 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 Chicago, Ill.

No. MC 108298 (Sub-No. 31), filed February 8, 1971. Applicant: ELLIS TRUCKING CO., 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: *General commodities*, between Memphis, Tenn., on the one hand, and, on the other, Aberdeen and Prairie, Miss., and Jonesboro, Ark. NOTE: Applicant states that the requested authority will be tacked with presently held authority at Memphis, Tenn., in MC 108298. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Memphis, Tenn.

No. MC 107993 (Sub-No. 18), filed February 10, 1971. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, TX 79760. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems; (1) between points in Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Utah, and Wyoming; and (2) between points named in (1) above, on the one hand, and, on the other, 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 either Oklahoma City, Okla., Tulsa, Okla., Houston or Dallas, Tex.

No. MC 108449 (Sub-No. 321), filed February 8, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as applicant), and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Dubuque, Iowa, to points in Minnesota, Wisconsin, and Illinois. 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., or Minneapolis, Minn.

No. MC 110420 (Sub-No. 628), filed February 8, 1971. 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: *Phosphoric acid and phosphatic fertilizer solution, liquid*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Colorado, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio. 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 110563 (Sub-No. 58), filed February 12, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, North Ohio Avenue, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen seafood, prepared seafoods, and seafood dinners including stuffed lobster*

and lobster Newburg, from Watertown and Gloucester, Mass., Portland, Maine, and West Chester, Pa., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Ohio, and Texas; (2) *frozen foods*, from the warehouse facilities of Marketers' Cold Storage, Inc., at or near Pittston, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, Minnesota, and Wisconsin; (3) *frozen foods*, from Kingston and Swoyersville, Pa., to points in Illinois, Michigan and Ohio; and (4) *canned beverages*, from Bridgeport, Pa., to points in Illinois, Indiana, Michigan, and Ohio, restricted in (1), (3), and (4) to traffic originating at the designated origin points and in (2) to traffic having a prior storage at the public warehouse facilities of Marketers' Cold Storage, Inc., at the designated origin point. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111302 (Sub-No. 65), filed February 11, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, TN 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds*, industrial process water treating, and *chemicals*, in bulk, in tank vehicles, from points in Bibb County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that tacking is intended where feasible on chemicals and liquid chemicals at Knoxville, Tenn., to the extent of authority held in MC 111302. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112304 (Sub-No. 44), filed February 22, 1971. 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: *Refractories and refractory products*, from points in Gasconade County, Mo., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New York, New Jersey, North Carolina, Ohio, Pennsylvania, 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 Pittsburgh, Pa.

No. MC 114087 (Sub-No. 12), filed February 5, 1971. Applicant: DECATUR PETROLEUM HAULERS, INC., 161 First Avenue NE., Decatur, AL. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt* in bulk, in tank trailers, from Birmingham, Ala., to points in Georgia, Mississippi, and Tennessee under contract with Chevron Asphalt Co., and (2) *fuel oil*, in bulk, in tank trailers, from barge terminals at Decatur, Ala., and points within 3 miles thereof, to the plantsite of U.S. Plywood-Champion Papers, Inc., near Courtland, Ala., under contract with Plywood-Champion Papers, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114273 (Sub-No. 78), filed February 10, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, 2720 First Avenue, NE., Cedar Rapids, IA 52406, and Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson Beef & Lamb Co., at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The services proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114274 (Sub-No. 15), filed February 8, 1971. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Post Office Box 1703, Des Moines, IA 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. 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 defined 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 skins), from the plant and warehouse sites of Bookey Packing Co. at Des Moines, Iowa, and the plant and warehouse sites of Swift & Co. at Marshalltown, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant and warehouse sites of Bookey Packing Co. at Des Moines, Iowa, and the plant and warehouse sites of Swift & Co. at Marshalltown, Iowa, and destined to points in the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 114457 (Sub-No. 105), filed February 5, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meat and dairy products), from Minneapolis, Minn., to points in Iowa, Nebraska, South Dakota, North Dakota, Kansas, Missouri, Arkansas, Louisiana, Oklahoma, Texas, and Mississippi. NOTE: Applicant states it could tack its Sub 2 authority to application and handle canned goods from points in Wisconsin to Arkansas, Louisiana, Oklahoma, Texas, and Mississippi. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114533 (Sub-No. 224), filed February 10, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood and blood products*, between Wichita, Kans., on the one hand, and, on the other, Kankakee, Ill. 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 Kansas City, Mo., or Wichita, Kans.

No. MC 114697 (Sub-No. 3), filed February 8, 1971. Applicant: LEWISBURG CONSTRUCTION AND TRUCKING, INC., 1801 East First Street, Dayton, OH 45403. Applicant's representative: Paul R. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Pendleton County, Ky., to points in Indiana, Ohio, Pennsylvania, West Virginia, Tennessee, Michigan, and Illinois. NOTE: Applicant states that there is a tacking possibility. However, it does not intend to tack and, therefore, it has not identified the territory that may be served by tacking.

Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115113 (Sub-No. 20), filed February 12, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities utilized by Wilson Sinclair Co., at or near Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115181 (Sub-No. 24), filed February 10, 1971. Applicant: HAROLD M. FELTY, INC., Rural Route No. 1, Pine Grove, PA 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, PA 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight slag*, from the plantsite of Arundel Corp. at Sparrows Point, Md., to the plantsite of York Building Products Co., Inc., at Harrisburg, 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 Philadelphia, Pa., or Washington, D.C.

No. MC 115654 (Sub-No. 12) (Amendment), filed December 9, 1970, published in the FEDERAL REGISTER issue of January 7, 1971, and republished as amended this issue. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Nashville, TN 37202. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), moving in vehicles equipped with mechanical refrigeration, including *advertising materials and premiums*, from Cincinnati, Ohio, to Nashville, Tenn. NOTE: Applicant states that it intends to tack the requested authority with its presently held authority in its Sub 5 certificate at Nashville, Tenn., to provide through service to numerous points in Kentucky. The authority held in said Sub 5 certificate authorizes the transportation of confectionery products, in vehicles equipped with mechanical refrigeration (except in bulk or tank vehicles), from Nashville to certain specified portions of Tennessee and Kentucky which are on and west of U.S. Highway 127. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115841 (Sub-No. 400), filed February 12, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cherokee, Iowa, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, North Carolina, South Carolina, Tennessee, Georgia, Kentucky, Alabama, Arkansas, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116254 (Sub-No. 124), filed February 16, 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: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), from Hamilton, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Sheffield, Ala., and Barfield, Ark., and points within 10 miles thereof, in its sub 5 and sub 52 certificates respectively, wherein under these two subs it conducts operations in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 116763 (Sub-No. 188), filed February 11, 1971. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, FL, North West Street, Versailles, OH 45380. Applicant's Representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, and printed materials*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Harrisburg, Pa., points in Pennsylvania on and west of U.S. Highway 15, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin; and (2) *paper mill rolls*, between points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, on the one hand, and, on the other, points in Michigan, Ohio, and Wisconsin. NOTE: Applicant states that it does not intend to tack. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 116791 (Sub-No. 23), filed February 10, 1971. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, MN 56343. 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: *Animal and poultry feeds and feed ingredients*, in bags and in bulk, from New Richmond, Wis., to points in South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117765 (Sub-No. 118), filed February 10, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers and *related advertising material* in mixed loads with malt beverages; (a) from Galveston and Houston, Tex., to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma; (b) from St. Paul, Minn., to points in Oklahoma; (c) from St. Louis, Mo., to Altus and Elk City, Okla.; and (d) from Peoria, Ill., to Kansas City and Topeka, Kans., and (2) *oats, oat products, and oat byproducts*, from Harlan, Iowa, to points in Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 39), filed February 11, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 520 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Kennett Square, Pa., to points in Colorado, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority under MC 114789 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 111), filed February 5, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Ocoma Foods Co. Berryville, Ark., and storage facilities used by Ocoma Foods Co., at Springdale, Ark., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Washington, D.C., Dallas, Tex., or Oklahoma City, Okla.

No. MC 118336 (Sub-No. 4), filed February 16, 1971. Applicant: W. B. GIBSON, Route 16, Grantsville, WV 26147. Applicant's representative: J. M. Friedman, Post Office Box 426, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic and/or metal pipe fittings*, from Glenville, W. Va., to Talledega, Ala.; Allendale, Ill.; Orwigsbury, Pa.; Morgan, Utah; Ottawa, Kans.; and points in 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 Charleston, W. Va., Chicago, Ill., or Columbus, Ohio.

No. MC 119302 (Sub-No. 12), filed February 16, 1971. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, 3911 State Route 183, Edinburg, OH, Post Office Box 6077, Akron, OH 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric tools and component parts*, from Hampstead, Md., to Fayetteville and Tarboro, N.C.; and (2) *electric tools and lawn and garden equipment*, from Fayetteville and Tarboro, N.C., to Hampstead, Md., under a continuing contract or contracts with the Black & Decker Manufacturing Co., at Towson, Md. NOTE: Applicant is authorized to operate as a common carrier under MC 87103 and subs, therefore, common control and dual operations may be involved. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 119741 (Sub-No. 36), filed February 11, 1971. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Ohio, restricted to traffic destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 123389 (Sub-No. 12), filed February 22, 1971. Applicant: CROUSE CARTAGE COMPANY, a corporation, Carroll, IA 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Storm Lake, Iowa to points in Indiana, Kansas, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities utilized by Hygrade at or near Storm Lake, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 123639 (Sub-No. 132), filed February 8, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (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 packinghouse*, from Cherokee, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Illinois Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restriction: Restricted against service from Cherokee, Iowa, to points in Illinois and from Omaha, Nebr., to the Chicago, Ill., commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 124078 (Sub-No. 474), filed February 5, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Muscogee County, Ga., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that tacking is possible, but not intended 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 Atlanta, Ga.

No. MC 124211 (Sub-No. 175), filed February 12, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, foods, food products, and grain products*, from points in Buffalo, Lancaster, Madison, and Otoe Counties, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin. Restriction: The authority sought herein to the extent it duplicates authority presently held by applicant shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states tacking possibilities with Sub-Nos. 14, 16, 18, 28, 36, 39, 62, 97, 105, 109, 113, 118, 119, 121, 124, 125, 127, 131, 132, 133, and 112, at named origins; although not all tacking possibilities are reasonable due to circuity involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 124236 (Sub-No. 37), filed February 9, 1971. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building,

Dallas, TX 75201. Applicant's representative: Wm. E. Livingstone III, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Fort Worth, Tex., to points in Oklahoma and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 125433 (Sub-No. 24), filed February 1, 1971. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South, Salt Lake City, UT 84119. Applicant's representatives: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, and David J. Lister (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and composition board*, from points in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) *plywood, composition board, molding, doors, wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in Los Angeles and Riverside Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Los Angeles, Calif.

No. MC 124174 (Sub-No. 82), filed February 22, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, IA 51301. Applicant's representatives: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and Karl E. Momsen, 6801 L Street, Omaha, NE 68117. Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: (a) *Inedible animal byproducts*, (1) between points in Colorado, Iowa, Kansas, Minnesota, Nebraska, and South Dakota on the one hand, and, on the other, St. Joseph, Mo.; and (2) between points in Colorado, Iowa, Kansas, Nebraska, and South Dakota on the one hand, and, on the other, St. Paul, Minn.; Chicago, Ill.; Omaha, Nebr.; and Sioux City and Sergeant Bluff, Iowa; (b) *cracklings, meat scraps, tankage, and feed ingredients*, from Milwaukee, Oak Creek, Green Bay, and Jefferson, Wis., to points in Dakota, Hennepin, Ramsey, and Redwood Counties, Minn. 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 Omaha, Nebr.

No. MC 125777 (Sub-No. 133), filed February 16, 1971. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Leonard R. Kotkin, 39 La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals*, in dump vehicles; (a) between points in Montana, Wyoming, Colorado, Arizona, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, and Louisiana; (b) between points in Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; (c) between points in Illinois, West Virginia, Maryland, Delaware, New Jersey, Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (d) from points in New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland, to points in Ohio; (2) *animal and poultry feed and feed ingredients*, in dump vehicles, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin; and (3) *pig iron*, in dump vehicles, from Chicago, Ill., to points in 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 Chicago, Ill.

No. MC 127699 (Sub-No. 5), filed January 29, 1971. Applicant: LEE CARTAGE CO., a corporation, 2026 Cleveland Avenue SW., Canton, OH 44707. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for steel buildings*, from Canton, Ohio, to points in Pennsylvania (except in that part of Pennsylvania bounded by a line beginning at Sharon and extending along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to Clarion, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 136 (formerly portion Pennsylvania Highway 31), thence along Pennsylvania Highway 136 to junction Pennsylvania Highway 844 (formerly portion Pennsylvania Highway 31), thence along Pennsylvania Highway 844 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line to the point of beginning), and points in Illinois, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, and the District of Columbia, under contract with Macomber, Inc., Canton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128030 (Sub-No. 24), filed January 28, 1971. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages in containers* from Milwaukee, Wis., to points in Bloomington, Ill.; and (2) *empty malt beverage containers* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 128279 (Sub-No. 14), filed Februrary 8, 1971, Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, Albuquerque, NM 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating units, storage units and heating and storage units combined*, between the plantsite of CEI Enterprises, Inc., at or near Albuquerque, N. Mex., on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Nevada, Oklahoma, Nebraska, North Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds no duplicating authority. If a hearing is deemed necessary, applicant requests that it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 128592 (Sub-No. 1), filed February 8, 1971. Applicant: KLM DISTRIBUTING, INC., 2102 Old Brandon Road, Post Office Box 6066, Jackson, MS 39208. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hamburger patties and precooked, packaged meats and meat products;* and (2) *commodities*, the transportation of which falls within partial exemption of section 203(B)(6) of the Interstate Commerce Act when moving in mixed loads with any of the commodities specified in (1), in vehicles equipped with mechanical refrigeration, from the plantsite or warehouse facilities of Davmor Industries, Inc., located at Atlanta, Ga., to points in Chicago, Ill., Romulus, Mich., and St. Louis, Mo., under continuing contract with Davmor Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Atlanta, Ga.

No. MC 128675 (Sub-No. 3), filed February 16, 1971. Applicant: EDWARD T.

WALSH, doing business as WALSH CARRIAGE, 597 Harry L. Drive, Johnson City, NY 13790. Applicant's representative: Donald C. Carmien, 500 O'Neil Building, Binghamton, NY 13901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned food products*, from Johnson City and Binghamton, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and points in Iowa, Missouri, Arkansas, Minnesota, Louisiana, and Texas; (B) *frozen meats* in boxes, *rejected or returned canned food products, foodstuffs*, not frozen (except in bulk) used in the manufacture of food products, carton labels and empty cans, from the above-described destinations to Johnson City and Binghamton, N.Y. Restriction: The operations described immediately above under (A) and (B) are limited to a transportation service to be performed under a continuing contract, or contracts, with Specialty Foods Corp.; and (C) *such merchandise as is dealt in by wholesale, retail, and food business houses* (except in bulk), from points in Georgia, Virginia, Pennsylvania, Maryland, New Jersey, Delaware, Maine, Massachusetts, and Illinois, to Binghamton, N.Y. Restriction: The operations described immediately above under (C) are limited to a transportation service to be performed under a continuing contract, or contracts, with Polar Food Service, Inc. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 128981 (Sub-No. 5), filed January 29, 1971. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, MO 64116. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to transportation of traffic with a prior subsequent air haul and/or in substituted truck-for-air service, between Chicago, Ill., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, Kentucky, Wisconsin, and Tennessee; between St. Louis, Mo., on the one hand, and on the other, points in Missouri, Illinois, Indiana, Kentucky, Wisconsin, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority at St. Louis, Mo., and Wichita, Kans. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 128981 (Sub-No. 6), filed January 29, 1971. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, MO 64116. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between Kansas City, Mo.-Kans., commercial zone and Wichita, Kans., on the one hand, and, on the other, points in Oklahoma, Arkansas, and Texas; and (2) between Springfield, Mo., on the one hand, and, on the other, points in Arkansas, Missouri, Oklahoma, and Texas, restricted in (1) and (2) above to the transportation of traffic having a prior or subsequent air haul and/or in substituted truck-for-air service. NOTE: Applicant states it intends to tack at St. Louis, Mo., and Wichita, Kans., to permit a through service. Applicant now holds a pending contract carrier application in No. MC 129546 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 133013 (Sub-No. 2), filed February 11, 1971. Applicant: E. P. & P. TRUCKING CO., a corporation, 3500 Walnut Street, McKeesport, PA 15130. Applicant's representative: Jon A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal awnings, metal carports and metal patio covers and component parts thereof, coated sheet metals and materials, equipment and supplies* (except in bulk), used in the production, manufacture, or distribution of the above-named commodities, between the city of Portage, Porter County, Ind., on the one hand, and, on the other, the States of Arkansas, Illinois, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Enamel Products & Plating Co., Artcraft Awning Co., and Artcraft Industries, Inc., all of McKeesport, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 133133 (Sub-No. 2), filed February 16, 1971. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, OH 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, between points in Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also is authorized to operate as a contract carrier under MC 74857 and subs. therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Indianapolis, Ind., or Louisville, Ky.

No. MC 133583 (Sub-No. 4), filed February 5, 1971. Applicant: CENTRAL MOVING AND STORAGE, INC., 7801 North Pan Am Expressway, San Antonio, TX 78218. Applicant's representative: Jack D. Albright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between San Antonio, Tex., on the one hand, and, on the other, points in Atasocsa, Bandera, Blanco, Comal, De Witt, Wilson, Frio, Gillespie, Gonzales, Guadalupe, Hays, Karnes, Kendall, Kerr, La Salle, Lavaca, McMullen, and Medina Counties, Tex., on traffic having a prior or out-of-State movement. Restriction: The authority sought herein is restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: 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 Antonio, Fort Worth, Dallas, or Houston, Tex.

No. MC 133689 (Sub-No. 14), filed February 10, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representatives: James F. Sexton (same address as applicant), 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: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Sioux City, Iowa, commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76025 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 15), filed February 10, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representatives: James F. Sexton (same address as applicant), 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: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hamsphire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76025 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No MC 134422 (Sub-No. 2), filed February 12, 1971. Applicant: WINGARD & COKER, INC., Post Office Box 121, Turbeville, SC 29162. Applicant's representative: J. D. Wingard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from Wilmington and Regalwood, N.C., to points in Florence, Sumter and Clarendon Counties, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Florence or Columbia-Charleston, S.C.

No. MC 134454 (Sub-No. 3), filed February 16, 1971. 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: *Concrete products, pipe fittings, and materials and supplies*, incidental to the manufacture of concrete products, between the plantsites of Price Brothers Co. in Montgomery, Wyandot, Franklin, Muskingum, Lorain, Stark, and Portage Counties, Ohio, on the one hand, and, on the other, points in Illinois, Ohio, and Tennessee and Hattiesburg, Miss., under contract with Price Brothers Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134562 (Sub-No. 1), filed February 2, 1971. Applicant: BATTLE ENTERPRISES, INC., Post Office Box 211, Nichols, SC 29581. 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: *Liquid fertilizer*, from points in Orangeburg County, S.C., to points in Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Columbia, S.C., (2) Charlotte, N.C., or (3) Savannah, Ga.

No. MC 135079 (Sub-No. 1), filed February 8, 1971. Applicant: R. C. HOUSLEY, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Applicant's representative: Monty Schumacher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry and ingredients*, from Chicago Heights, Ill., to points in Georgia, Alabama, Tennessee, Florida, 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 Atlanta, Ga., or Chicago, Ill.

No. MC 135152 (Sub-No. 2), filed January 28, 1971. Applicant: CASKET DISTRIBUTORS, INC., West Harrison, Ind., Rural Route No. 2, Harrison, OH 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, caskets displays, funeral supplies, and crated caskets in mixed loads with uncrated caskets*, from points in Calhoun County, Ala.; Batesville, Ind.; Lancaster, Ky.; Cambridge, Mass.; Nashua, N.H.; Lodi, N.J.; Cincinnati and Columbus, Ohio; Pittsburgh and York, Pa.; Leesville, S.C.; Erwin and Nashville, Tenn.; Dallas and Waco, Tex.; and Clarksburg, W. Va.; to points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the purpose of the instant application is to seek to convert the contract carrier authority acquired pursuant to MC–F–10832 to common carrier authority. Applicant further states that its president also owns all of the capital stock of Arrow Transfer, Inc., a motor contract carrier in MC 11620 and subs, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 135153 (Sub-No. 4), filed February 4, 1971. Applicant: GREAT OVERLAND, INC., Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: Harley E. Laughlin, Post Office Box 1417, Dodge City, KS 67801. 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 defined by the Commission, between Dodge City, Kans., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135217 (Amendment), filed December 28, 1970, published in FEDERAL REGISTER issue of February 4, 1971, amended and republished as amended this issue. Applicant: ELBERT STAGGS, Route 1, Unionville, MO 63565. Applicant's representative: N. William Phillips, 103 North Market, Milan, MO 63556. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, lime, and rock* in bulk and dump vehicles, between points in Putnam, Mercer, Schuyler, Adair, and Sullivan Counties, Mo., on the one hand, and, on the other, points in Davis, Appanoose, and Wayne Counties, Iowa. NOTE: The purpose of this republication is to reflect applicant's correct name as "Elbert Staggs", in lieu of Elbert Stages, and to broaden the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 135232 (Correction), filed December 31, 1970, published in the FEDERAL REGISTER issue of February 4, 1971, and republished as corrected this issue. Applicant: CROWN METAL & SALVAGE CO., a corporation, Old Route 82, Brookfield, OH 44403. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, under contract with Columbia Iron & Metal Co. NOTE: The purpose of this republication is to show the authority sought as a *contract carrier* operation in lieu of common carrier operation which was inadvertently shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 135311, filed February 4, 1971. Applicant: NICHOLAS T. CAPPIELLO AND ROBERT N. CAPPIELLO, a partnership, doing business as CAPPIELLO TRUCKING, 38 Cerretta Street, Stamford, CT 06907. Applicant's representative: Robert N. Cappiello, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories*, between the plantsite of Toyota Motor Distributors, Inc., Lyndhurst, N.J., on the one hand, and, on the other, points in Connecticut, under contract with Toyota Motor Distributors, Inc., Lyndhurst, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 135336, filed February 11, 1971. Applicant: KENNETH E. SMITH, doing business as SMITTY'S DELIVERY SERVICE, 333 North 24th Street, Quincy, IL 62301. Applicant's representative: Delbert Loos, 510 Vermont Street, Quincy, IL 62301. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular route, transporting: *Drugs and medical supplies*, from points in St. Louis irregular routes, transporting: *Drugs and* County, Mo., to points in the Counties of Adams, Brown, Cass, Menard, Morgan, Hancock, McDonough, Henderson, Schuyler, Warren, Knox, Pike, Scott, Greene, and Sangamon, Ill., and to points in the counties of Lee and Des Moines, Iowa, and in the counties of Marion, Knox, and Lewis, Mo., all commodities so transferred will be by reason of operational necessity, routed via Quincy in the county of Adams, Ill., under contract with Drug Manufacturers in St. Louis County, Mo., and their customers in the counties listed above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Quincy or Springfield, Ill.

No. MC 135333, filed February 12, 1971. Applicant: ALAN BERNSON, Leeds Junction, ME 04263. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Leeds Junction, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, under contract with Maine Pallet Corp., of Leeds Junction, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

MOTOR CARRIERS OF PASSENGERS

No. MC 135254 (correction), filed January 18, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished this issue. Applicant: FERNANDO MIRELES, doing business as TRANSPORTERS "AZTECA", LTD., 1037 South Racine Avenue, Chicago, IL 60607. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in 13 passenger (exclusive of drivers) busses, in special operations, between Chicago, Ill., and Laredo, Tex. NOTE: The purpose of this republication is to reflect that applicant proposes to operate in 13 passenger (*exclusive of drivers*) busses. The previous publication erroneously reflected that the proposed operations would be in "13 passenger (*inclusive* of drivers) busses." If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135339, filed February 15, 1971. Applicant: STEIGERWALD'S WESTERN TOURS, INC., 2059 Lakeland Avenue, Lakewood, OH 44107. Applicant's representative: John H. Parker, 31300 Lake Road, Bay Village, OH 44140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in all expense special operations, from points in Cuyahoga County, Ohio, to points in Montana, North Dakota, Ohio, Oregon, Washington, Indiana, Illinois, Iowa, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada California, Wyoming, Idaho, South Dakota, Michigan, Minnesota, Wisconsin, Missouri, Kansas, Texas, and Oklahoma, and return. NOTE: Applicant states the proposed operations for 1971 will be from June 26 through July 30th. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130139 filed February 11, 1971. Applicant: LEISURE, INC., 1166 Washington Street, Dorchester, MA 02109. For a license (BMC 5) to engage in operations as a *broker* at Dorchester, Mass., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in round trip sightseeing, and pleasure tours, in special and charter operations, beginning and ending at points in the Boston, Mass., commercial zone, as defined by the Commission (31 M.C.C. 405) and extending to points in the United States, including Alaska and Hawaii.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3324 Filed 3-10-71;8:45 am]

[Notice 659]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1971.

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

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

No. MC-FC-72404. By order of February 16, 1971, the Motor Carrier Board approved the transfer to Letarte Transport Limitee, Drummondville, PQ Canada, of the operating rights in certificate No. MC-114003 (Sub-No. 1) issued October 23, 1967, to Dumont Express (1962) Limited, A Corporation, Quebec, PQ Canada, authorizing the transportation of pipe organs and parts thereof from the United States-Canada boundary line at Rouses Point, N.Y., North Troy, and Highgate Springs, Vt., and Port Huron, Mich., to points in the United States (except Alaska and Hawaii), and the District of Columbia. Jacques Gilbert, 500 Place d'Armes, Room 1063, Montreal, PQ Canada, representative for applicants.

No. MC-FC-72571. By order of February 12, 1971, Motor Carrier Board approved the transfer to Coburn Moving and Storage Co., Inc., 104 Dingess Street, Narrows, VA 24124, of the certificate in No. MC-37828 issued June 23, 1969, to Marshall A. Coburn, doing business as Coburn Moving & Storage, 104 Dingess Street, Narrows, VA 24124, authorizing transportation of scrap iron, from Narrows, Va., and points within 5 miles of Narrows, to Bluefield, Va., and Princeton, W. Va.; coal, from Bluefield, Kyle, and Keystone, W. Va., and Pocahontas, Va., to Narrows, Va., and points within 15 miles of Narrows; household goods, between Narrows, Va., and points within 10 miles of Narrows, on the one hand, and, on the other, points in West Virginia within 125 miles of Narrows, Va.; building materials and lumber, between Narrows, Va., and points within 10 miles of Narrows, on the one hand, and, on the other, points in West Virginia within 40 miles of Narrows, Va.; farm produce, between Narrows, Va., and points within 10 miles of Narrows, on the one hand, and, on the other, points in West Virginia within 50 miles of Narrows, Va.; and livestock, between Narrows and Christiansburg, Va., on the one hand, and, on the other, points in Mercer and Monroe Counties, W. Va.

No. MC-FC-72639. By order of February 12, 1971, the Motor Carrier Board approved the transfer to D. L. Landes and Helen L. Landes, a partnership, doing business as Ozark Transfer Co., Ozark, Mo. 65721, of the operating rights in certificates Nos. MC-14768 and MC-14768 (Sub-No. 1), issued October 17, 1960 and February 28, 1950, respectively, to Jack Landes, doing business as Ozark Transfer Co., Ozark, Mo. 65721, authorizing the transportation of general commodities, with specified exceptions between specified points in Missouri. Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101, attorney for applicants.

No. MC-FC-72648. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Carl D. Krantz, Barronett, Wis., of the operating rights in certificates Nos. MC-74158, MC-74158 (Sub-No. 4), MC-74158 (Sub-No. 5), and MC-74158 (Sub-No. 6), issued May 4, 1955, December 3, 1958, December 8, 1961, and September 25, 1963, respectively, to Emil A. Norton, Shell Lake, Wis., authorizing the transportation of various commodities of a general commodity nature from, to, and between points in Minnesota and Wisconsin. A. R. Fowler, registered practitioner, 2288 University Avenue, St. Paul, MN 55114.

No. MC-FC-72650. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Edgar J. Mason, doing business as Mason's Transfer, Inwood, W. Va., of the operating rights in certificates Nos. MC-60437 and MC-60437 (Sub-No. 4) (Corrected) issued August 19, 1960, and March 24, 1961, to Edgar Russell Mason, doing business as Mason's Transfer, Inwood, W. Va., authorizing the transportation of processed fruit products, fresh fruits, acid, and excelsior, empty carboys, machinery, and supplies, malt beverages, canned fruit, canned fruit products, sugar, and canned tomato juice and puree, from, to, and between numerous

specified points in West Virginia, New York, New Jersey, Pennsylvania, Maryland, Delaware, Indiana, Kentucky, Ohio, Virginia, and the District of Columbia. Anthony C. Vance, 1111 E Street NW., Washington, DC 20004, attorney for applicants.

No. MC-FC-72667. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Del Reye Van & Storage, Inc., Hawthorne, Calif., of the operating rights in certificate of registration in No. MC-99905 (Sub-No. 1) and certificate No. MC-99905 (Sub-No. 3), issued April 4, 1967 and November 2, 1970, respectively, to Clayton Miller, doing business as Del Reye Van & Storage, Hawthorne, Calif., the former evidencing a right to engage in transportation in interstate or foreign commerce solely within California pursuant to the Certificate of Public Convenience and Necessity granted in Decision No. 23611, dated April 20, 1931, as transferred by Decision No. 68804, dated March 30, 1965, and amended by Decision No. 69367, dated July 7, 1965, by the Public Utilities Commission of the State of California and the latter authorizing the transportation of used household goods between points in Kern, Los Angeles, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, San Bernardino, and Ventura Counties, Calif. Ernest D. Salm, registered practitioner, 3846 Evans Street, Los Angeles, CA, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3405 Filed 3-10-71;8:50 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MARCH

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