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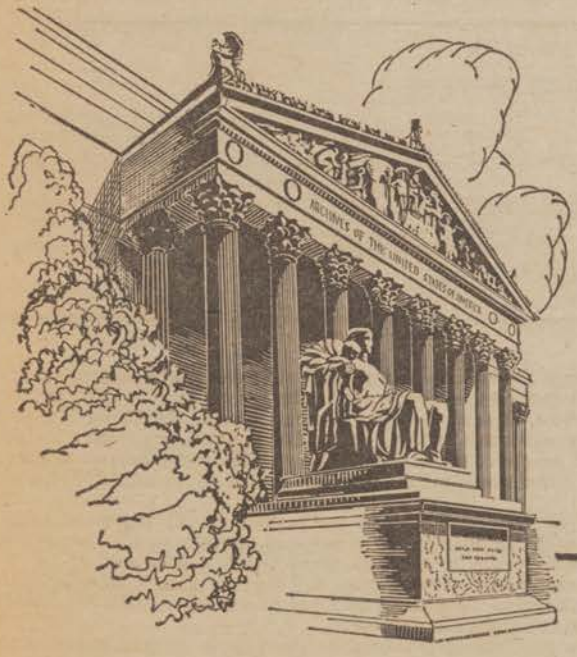
Part I

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1934

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1971 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1971. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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26	Parts:	
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	1 (§§ 1.301–1.400)	1.00
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35		1.75
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49	Parts:	
	1–199	4.00
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that on the staff of the American Revolution Bicentennial Commission positions in grades GS–11 through 15 other than those primarily concerned with administrative and internal management matters are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER (4–1–71), paragraph (k) is added to § 213.3199 as set out below.

§ 213.3199 Temporary boards and commissions.

* * * * *

(k) Positions in grades GS–11 through 15, other than those primarily concerned with administrative and internal management matters.

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

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

[FR Doc.71–4447 Filed 3–31–71;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Chief Justice of the Trust Territory is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4–1–71), subparagraph (10) of paragraph (l) of § 213.3312 is revoked.

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

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

[FR Doc.71–4446 Filed 3–31–71;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the Schedule C position of Deputy Assistant Secretary for Renewal and Housing Management has been retitled Deputy Assistant Secretary for Housing Management.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(c) *Office of the Assistant Secretary for Renewal and Housing Management.* * * *

(8) Deputy Assistant Secretary for Housing Management.

* * * * *

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

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

[FR Doc.71–4445 Filed 3–31–71;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Director for Intergovernmental Relations, Office of Congressional Relations, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4–1–71), subparagraph (25) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(25) One Confidential Secretary to the Director for Intergovernmental Relations.

* * * * *

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

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

[FR Doc.71–4448 Filed 3–31–71;8:45 am]

Title 7—AGRICULTURE

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 2]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1971 Crop

Pursuant to section 302 of the Sugar Act of 1948, as amended, § 855.74 (35 F.R. 18657) is amended by revising paragraph (c) thereof to read as follows:

§ 855.74 Reallotment of unused acres.

* * * * *

(c) *Filing requests for additional acreage.* Requests shall be filed at the county ASCS office in the county in which the farm headquarters are located. In Florida, they must be filed by May 1, 1971, and in Louisiana, not later

than March 12, 1971. In Louisiana, if a farm is located in more than one county, requests also shall be filed at the county ASCS office in the county in which the part of the farm on which the additional acreage will be utilized as located. Late requests filed before the distribution of unused acreage may be accepted as timely filed if the county committee determines that the operators delayed filing for reasons beyond their control. Other late requests may be accepted prior to harvest if there is acreage still available after filling all timely filed requests.

* * * * *

Statement of bases and considerations. Prior to this amendment producers in Florida were required to file requests for increases in shares for their farms to be made from acreage underplanted on other farms by June 30, 1971. Since the Florida State ASC Committee will be in a position to determine the amount of unused acreage available for reallotment immediately after May 1, 1971, the final date for accepting initial reports of acreage certifications, it is felt that the distribution of such acreage should not be delayed beyond such date. Thus, May 1, 1971, has been established as a final date for filing requests for increases in shares.

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

(Secs. 301, 302, 403, 61 Stat. 929, 930 as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication (4–1–71).

Signed at Washington, D.C., on March 25, 1971.

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

[FR Doc.71–4509 Filed 3–31–71;8:51 am]

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

[Amdt. 7]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (3) this amendment was recommended by members of the Texas Valley Citrus Committee in open meetings at which all interested persons were afforded opportunity to submit their views, and (4) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient.

The recommendations of the Texas Valley Citrus Committee reflect its appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit and maximize returns to producers pursuant to the declared policy of the act. The amendment extends the period during which handlers may ship grapefruit and oranges in mesh or woven type bags having a capacity of 18 pounds of fruit, from April 1, 1971, through August 1, 1971. The extension of time is needed also to provide data under a research project in which this container is being evaluated. In addition, the amendment during the period April 1, 1971, through October 15, 1971, restricts the diameter range for pack size 96 grapefruit to 39/16 inches minimum and 314/16 inches maximum for the 12/5 bushel box. The current minimum specified for this pack size is 36/16 inches. This requirement should result in larger, more uniform, fruit being packed in the 96 and 112 size packs.

It is hereby found that the amendments hereinafter set forth are in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the act.

Order. It is therefore ordered that the provisions of § 906.340 (7 CFR 906.340; 35 F.R. 13449, 36 F.R. 143) are amended as follows: Paragraph (a)(1)(iv) and (2)(ii) is amended to read:

§ 906.340 Container, pack, and container marking regulations.

(a) *Order.* * * *

(1) * * *

(iv) Bags having a capacity of 5 or 8 pounds of fruit: *Provided,* That handlers may, until August 1, 1971, ship fruit in mesh or woven type bags having a capacity of 18 pounds of fruit;

* * * * *

(2) * * *

(ii) *Grapefruit.* Grapefruit, when in any box, bag, or carton shall be of a size within the diameter limits specified for the various pack sizes for standard pack set forth in table III of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.653 of this title): *Provided,* That during the period April 1, 1971, through October 15, 1971, the diameter limits for pack size 96 grapefruit shall be 3$^{9}/_{16}$ inches minimum and 3$^{1}/_{16}$ inches maximum: *And provided, further,* That any grapefruit in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such grapefruit may be outside such diameter limits.

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

Dated, March 29, 1971, to become effective April 1, 1971.

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

[FR Doc.71–4549 Filed 3–30–71;12:35 pm]

[Grapefruit Reg. 22, Amdt. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act

is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. The provisions of paragraph (a)(1)(ii) of § 906.347 Grapefruit Regulation 22 (35 F.R. 14254) are amended to read as follows:

§ 906.347 Grapefruit Regulation 22.

(a) *Order.* (1) * * *

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3 5/16 inches in diameter; or

* * * * *

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

Dated, March 29, 1971, to become effective April 1, 1971.

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

[FR Doc.71-4478 Filed 3-31-71;8:48 am]

[Navel Orange Reg. 232]

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

Limitation of Handling

§ 907.532 Navel Orange Regulation 232.

(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 30, 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 April 2, 1971, through April 8, 1971, are hereby fixed as follows:

(i) District 1: 847,000 cartons;

(ii) District 2: 253,000 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 31, 1971.

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

[FR Doc.71-4604 Filed 3-31-71;11:41 am]

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

Early Maturity Allotments; Correction

In the FEDERAL REGISTER issue of February 3, 1971 (36 F.R. 1878), amending § 908.113 (Subpart—Rules and Regulations; 35 F.R. 457), the second sentence in paragraph (c) thereof contained an error through omission which is hereby corrected to read as follows:

§ 908.113 Early maturity allotments.

* * * * *

(c) * * * Whenever the total amount applied for exceeds the total amount of early maturity allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

Dated: March 26, 1971.

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

[FR Doc.71-4479 Filed 3-31-71;8:48 am]

[Valencia Orange Reg. 341]

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

Limitation of Handling

§ 908.641 Valencia Orange Regulation 341.

(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 Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 30, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges in Arizona and designated part of California which may be handled during the period April 2, 1971, through April 8, 1971, are hereby fixed as follows:

(i) District 1: 5,054 cartons;

(ii) District 2: Unlimited;

(iii) District 3: 128,467 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 31, 1971.

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

[FR Doc.71-4605 Filed 3-31-71;11:41 am]

[Nectarine Reg. 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Container and Pack Regulation

On February 26, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3527) that consideration was being given to the termination of § 937.312 (Nectarine Order 3; 24 F.R. 4208, 25 F.R. 4638) and to the issuance in lieu thereof of a new § 916.341 (Nectarine Regulations 2); effective under the marketing agreement and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

During the period provided in said notice for filing written data, views, or arguments relative to the proposal, a written view was received indicating that the proviso as contained in paragraph (a)(1) of § 916.341 was obsolete and should be omitted. Such paragraph with the proviso read as follows: "Such nectarines, when place-packed in packages or containers in rows, shall conform to the requirements of standard pack: *Provided,* That whenever a regulation under this part prescribes the maximum number of nectarines of a specified variety that may be packed in a particular container, other than containers equipped with cell compartments, cardboard fillers, or molded trays, not to exceed 10 percent, by count, of such containers in any lot may contain a numerical count of such variety in excess of such maximum." The proviso was designed to permit 10 percent of the containers in lots of "cup packed" nectarines to contain a greater number than that prescribed by regulations. Nectarines are no longer packed in cups. Regulations prescribing the maximum number of nectarines permitted to be so packed in particular containers are not contemplated. Consequently, the proviso is obsolete and should not be included in the new regulation.

After consideration of all relevant matters presented, including that in the notice, the recommendations, considerations, and information submitted by the committee, and other available information, it is hereby found that Nectarine Regulation 2, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act in that it will facilitate more efficient handling of nectarines and contribute to more effective operations under said marketing agreement and order:

§ 916.341 Nectarine Regulation 2.

(a) On and after May 1, 1971, no handler shall handle any package or container of any variety of nectarines except in accordance with the following terms and conditions:

(1) Such nectarines, when place-packed in packages or containers in rows, shall conform to the requirements of standard pack.

(2) Each package or container of nectarines shall bear in plain sight and in plain letters, on one outside end, the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(3) Each package or container of nectarines shall bear on one outside end, in plain sight and in plain leters, the size description of the nectarines which description shall conform to the following, as applicable:

(i) When packed in four-basket crates, the size shall be indicated in accordance with the arrangements of the nectarines in the top layer of the baskets, such as "4 x 5," "3—4 x 5," etc.

(ii) When packed or filled in any package or container other than a four-basket crate the size shall be indicated in accordance with the number of nectarines in the package or container, or by the equivalent size designation for such nectarines when packed in a No. 22D standard lug box in accordance with the requirements of standard pack as set forth in the U.S. Standards for Grades of Nectarines (§ 51.3152 of this title), e.g., "88 size," "96 size," etc.

(b) When used herein "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); the term "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(c) Nectarine Order 3 (24 F.R. 4208; 25 F.R. 4638) is hereby terminated at the effective time hereof.

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

Dated March 29, 1971, to become effective May 1, 1971.

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

[FR Doc.71-4512 Filed 3-31-71;8:51 am]

[Grapefruit Reg. 11, Amdt. 1]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 11 (§ 944.107, 35 F.R. 14537) are hereby amended to read as follows:

§ 944.107 Grapefruit Regulation 11.

(a) On and after March 29, 1971, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3^{15}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color); and

(3) Seedless grapefruit shall be not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size

restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 69 (§ 905.525); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, March 26, 1971, to become effective March 29, 1971.

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

[FR Doc.71-4480 Filed 3-31-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-534]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

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

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

* * * * *

(e) Notice of quarantine: Notice is hereby given that because of the existence of hog cholera in the States of Arkansas, Indiana, Massachusetts, Minnesota, New Hampshire, New Mexico, North Carolina, Ohio, South Carolina, Texas, and Virginia, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Arkansas.* That portion of Mississippi County bounded by a line beginning at the junction of State Highway 18 and the Mississippi-Craighead County line; thence, following State Highway 18 in an easterly direction to State Highway 18B; thence, following State Highway 18B in a southerly direction to State Highway 18; thence, following State Highway 18 in a southeasterly direction to the Little River; thence, following the west bank of the Little River in a generally southwesterly direction to State Highway 77; thence, following State Highway 77 in a northerly direction to State Highway 158; thence, following State Highway 158 in a westerly direction to the Mississippi-Craighead County line; thence, following the Mississippi-Craighead County line in a northerly direction to its junction with State Highway 18.

(2) *Indiana.* That portion of Delaware County comprised of Hamilton Township.

(3) *Massachusetts.* That portion of Bristol County comprised of Norton town.

(4) *Minnesota.* (i) That portion of Nicolett County comprised of West Newton, Lafayette, Bernadotte, and Brighton Townships.

(ii) That portion of Sibley County comprised of Severance, Cornish, and Alfsborg Townships.

(5) *New Hampshire.* That portion of Hillsboro County comprised of New Ipswich town.

(6) *New Mexico.* That portion of Dona Ana County bounded by a line beginning at the junction of County Road 110 and State Road 273; thence, following State Road 273 in a generally northerly direction to La Union; thence, following State Highway 273 in an easterly direction to State Highway 28; thence, following State Highway 28 in a generally northerly direction to the Gadsden-Anthony Highway; thence, following the Gadsden-Anthony Highway in an easterly direction to the New Mexico-Texas State line; thence, following the New Mexico-Texas State line in a generally southeasterly direction to the United States-Mexico international boundary; thence, following the United States-Mexico international boundary in a westerly direction to Range Line 2–3 East; thence, following Range Line 2–3 East in a northerly direction to County Road 110; thence, following County Road 110 in an easterly direction to its junction with State Road 273.

(7) *North Carolina.* That portion of Forsyth County bounded by a line beginning at the junction of State Highway 66 and Secondary Road 1920; thence, following State Highway 66 in a southeasterly direction to Secondary Road 2211; thence, following Secondary Road 2211 in a southerly direction to Secondary Road 1733; thence, following Secondary Road 1733 in a westerly then southwesterly direction to Secondary Road 1763; thence, following Secondary Road 1763 in a northwesterly direction to Secondary Road 1707; thence, following Secondary Road 1707 in a generally westerly direction to Secondary Road 1681; thence, following Secondary Road 1681 in a northwesterly direction to Secondary Road 1690; thence, following Secondary Road 1690 in a northeasterly direction to Secondary Road 1672; thence, following Secondary Road 1672 in a northeasterly direction to Secondary Road 2465; thence, following Secondary Road 2465 in a northwesterly direction to Secondary Road 1920; thence, following Secondary Road 1920 in a northeasterly direction to its junction with State Highway 66.

(8) *Ohio.* That portion of Mercer County bounded by a line beginning at the junction of State Highway 49 and State Highway 219; thence, following State Highway 49 in a northerly direction to State Highway 29; thence, following State Highway 29 in an easterly direction to Gause Road; thence, following Gause Road in a southerly direction to State Highway 219; thence, following State Highway 219 in a westerly direction to its junction with State Highway 49.

(9) *South Carolina.* That portion of Horry County bounded by a line beginning at the junction of State Highway 905 and State Highway 9; thence, following State Highway 9 in a southeasterly direction to the Waccamaw Creek; thence, following the west bank of the Waccamaw Creek in a southwesterly and then northwesterly direction to State Highway 31; thence, following State Highway 31 in a northerly direction to State Highway 905; thence, following State Highway 905 in a generally northeasterly direction to its junction with State Highway 9.

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

(ii) That portion of the State of Texas comprised of all of Bosque, Callahan, Collin, Comanche, Eastland, Erath, Hill, Hood, McLennan, Somervell, and Tarrant Counties and portions of Bell, Brown, Coleman, Coryell, Denton, Ellis, Falls, Freestone, Hamilton, Johnson, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, Taylor, and Wise Counties, and bounded by a line beginning at the junction of U.S. Highway 287 and the Tarrant-Dallas County line; 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 State Highway 67 in Stephens County; thence, following

State Highway 67 in a northeasterly direction to Farm-to-Market Road 717 in Stephens County; thence, following Farm-to-Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to Farm-to-Market Road 920 in Parker County; thence, following Farm-to-Market Road 920 in a northwesterly direction to Farm-to-Market Road 1885 in Parker County; thence, following Farm-to-Market Road 1885 in a northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Palo Pinto-Jack County lines; thence, following the Parker-Jack County line in an easterly direction to Farm-to-Market Road 51 in Wise County; thence, following Farm-to-Market Road 51 in a northeasterly direction to U.S. Highway 81, 287 in Wise County; thence, following U.S. Highway 81, 287 in a southeasterly direction to Farm-to-Market Road 730 in Wise County; thence, following Farm-to-Market Road 730 in a southeasterly direction to the Wise-Parker-Tarrant County lines; thence, following the Wise-Tarrant County line in an easterly direction to the Tarrant-Denton County line; thence, following the Tarrant-Denton County line in an easterly direction to U.S. Highway 377 in Denton County; thence, following U.S. Highway 377 in a northeasterly direction to State Highway 24 in Denton County; thence, following State Highway 24 in an easterly direction to Farm-to-Market Road 720 in Denton County; thence, following Farm-to-Market Road 720 in a southeasterly direction to the Denton-Collin County line; thence, following the Denton-Collin County line in a northerly direction to the Denton-Collin-Grayson County lines; thence, following the Collin-Grayson County line in an easterly direction to the Collin-Grayson-Fannin County lines; thence, following the Collin-Fannin County line in a southerly and then easterly direction to the Collin-Fannin-Hunt County lines; thence, following the Collin-Hunt County line in a southerly direction to the Collin-Hunt-Rockwall County lines; thence, following the Collin-Rockwall County line in a westerly direction to the Collin-Dallas-Rockwall County lines; thence, following the Collin-Dallas County line in a westerly direction to the Dallas-Denton-Collin County lines; thence, following the Denton-Dallas County line in a westerly direction to the Denton-Dallas-Tarrant County lines; thence, following the Tarrant-Dallas County line in a southerly and then westerly direction to its junction with U.S. Highway 287.

(11) *Virginia.* That portion of Isle of Wight County bounded by a line beginning at the junction of Secondary Highway 620 and the east bank of the Blackwater River; thence, following Secondary Highway 620 in a northeasterly and then southeasterly direction to Secondary Highway 644; thence, following Secondary Highway 600 in a southwesterly direction to Secondary Highway 654; thence, following Secondary Highway 654 in a southeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southwesterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southwesterly direction to Secondary Highway 606; thence, following Secondary Highway 606 in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally westerly direction to the Blackwater River; thence, following the east bank of the Blackwater River in a northeasterly direction to its junction with Secondary Highway 620.

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

Alabama.	Maryland.
Connecticut.	Mississippi.
Delaware.	New Jersey.
Florida.	New York.
Georgia.	Oklahoma.
Illinois.	Pennsylvania.
Kansas.	Tennessee.

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

Alaska.	Oregon.
California.	South Dakota.
Idaho.	Utah.
Iowa.	Vermont.
Kentucky.	Washington.
Michigan.	West Virginia.
Montana.	Wisconsin.
Nevada.	Wyoming.
North Dakota.	

(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 amendment shall become effective upon issuance.

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

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

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

Done at Washington, D.C., this 29th day of March 1971.

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

[FR Doc.71-4510 Filed 3-31-71;8:51 am]

[Docket No. 71-535]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1894, 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 introductory portion of paragraph (e) is amended by adding the name of the State of Missouri and a new paragraph (e)(12) relating to the State of Missouri is added to read:

(12) *Missouri.* That portion of Lafayette County bounded by a line beginning at the junction of State Highway BB and the Old Quarry Road; thence, following the Old Quarry Road in a generally northeasterly direction to State Highway UU; thence, following State Highway UU in a northerly and then easterly direction to the Waverly Gravel Road; thence, following the Waverly Gravel Road in a generally southeasterly direction to State Highway 20; thence, following State Highway 20 in an easterly direction to the Waverly Gravel Road; thence, following the Waverly Gravel Road in a generally southerly direction to the Emma Gravel Road; thence following the Emma Gravel Road in a westerly direction to State Highway AA; thence, following State Highway AA in a northwesterly direction to the Johnson Creek Road; thence, following the Johnson Creek Road in a general southwesterly direction to State Highway AA; thence, following State Highway AA in a

generally northerly direction to State Highway V; thence, following State Highway V in a northerly direction to State Highway BB; thence, following State Highway BB in an easterly and then northerly direction to its junction with the Old Quarry Road.

2. In § 76.2, the reference to the State of South Carolina in the introductory portion of paragraph (e) and paragraph (e)(9) relating to the State of South Carolina are 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. 111–113, 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 a portion of Lafayette County, Mo., 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 portion of such county.

The amendments also exclude a portion of Horry County, S.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, 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 area excluded from quarantine. No areas in South Carolina 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 29th day of March 1971.

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

[FR Doc.71–4511 Filed 3–31–71;8:51 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 10]

PART 121—SMALL BUSINESS SIZE STANDARDS

Correction

In F.R. Doc. 71–3233 appearing at page 4832 in the issue of Friday, March 12, 1971, the following changes should be made:

1. The reference to "$1 million" in the last line of § 121.3–8(e)(9) should read "$3 million".

2. In the last entry in the third column on page 4844 the figure "750" should be inserted to appear as the "employment size standard" for "census classification code 3673."

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 10276; Amdt. 39–1184]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Airplanes

Amendment 39–1073 (35 F.R. 13879), AD 70–18–1, requires inspection of the taper bolts securing the flap beam main attachment brackets for looseness or failure, replacement of bolts found to be loose or failed, and modification to introduce increase diameter bolts on British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes. After issuing Amendment 39–1073, the agency has approved two equivalent methods for replacement of flap beam bracket attachment bolts through the wing lower skin. Therefore, paragraph (h) of AD 70–18–1 is being amended to prescribe three alternative means of compliance.

Since this amendment provides alternative means of compliance and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1073 (35 F.R. 13879), AD 70–18–1, is amended by amending paragraph (h) to read as follows:

(h) Replace the flap beam bracket attachment bolts through the wing lower skin in accordance with one of the following methods or an FAA-approved equivalent:

(1) Replace all the flap beam bracket attachment bolts with new increased diameter bolts at the affected flap beam location in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 57–PM 4407, dated November 17, 1969, or later ARB-approved issue.

(2) Replace only the loose or failed flap beam bracket attachment bolts with bolts having a material tensile strength of 140,000 to 165,000 p.s.i. in accordance with paragraph 2.5.0 of British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 57–A–PM 4407, Issue 4, dated February 15, 1971.

(3) Replace all the flap beam bracket attachment bolts in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 57–PM 4790(c).

This amendment becomes effective April 6, 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 25, 1971.

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

[FR Doc.71–4492 Filed 3–31–71;8:49 am]

[Docket No. 10440; Amdt. 39–1186]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley De Havilland Model DH.114 "Heron" Airplanes

Amendment 39–1041 (35 F.R. 11554), AD 70–15–11, requires inspection of the main spar lower pickup fittings for chrome plated bores; repetitive inspections of the main spare lower pickup fitting, center section main spar lower fitting, and lower wing attachment bolt for corrosion, pitting, and fretting; repetitive inspections of the main spar lower pickup fitting for cracks; replacement of obsolete fuselage lower main attachment bolts; replacement of defective parts; and corrosion protection of the entire fitting assembly upon reassembly on Hawker Siddeley De Havilland Model DH.114 "Heron" Airplanes. After issuing Amendment 39–1041, due to service experience and the results of inspections made in accordance with AD 70–15–11, the FAA has determined that the 2,500 hour inspection intervals specified in the AD may be extended to 4,000 hours without any adverse effect on safety. Therefore, the AD is being amended to provide for 4,000-hour intervals.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1041 (35 F.R. 11554), AD 70–15–11, is amended, by amending paragraph (a) by striking out

the number "2,500" and inserting the number "4,000" in both places where it appears.

This amendment becomes effective April 1, 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 31, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-4595 Filed 3-31-71;10:30 am]

SUBCHAPTER E—AIRSPACE

[Docket No. 10183; Amdt. 77-9]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Standards for Determining Obstructions to Air Navigation

The purpose of these amendments to the Federal Aviation Regulations is to change the standards for determining obstructions to air navigation.

These amendments were proposed in Notice 70-11 and published in the FEDERAL REGISTER on March 14, 1970 (35 F.R. 4554).

Twenty-five public comments were received in response to the Notice. A substantial number of comments were directed to the application of the obstruction standards and to suggestions for improving notice requirements. Since the subjects of these comments were not part of Notice 70-11, they were not considered in the formulation of the rule. However, they will be given full consideration by the FAA in its continuing efforts to improve Part 77.

Numerous comments were received in response to the FAA's request for public comment on two possible future changes to § 77.25 which were not made part of the notice. These two possible changes would revise § 77.25 to specify (1) that the approach surface would begin 200 feet beyond the end of the landing threshold, and (2) that the slope of the transitional surfaces extending outward and upward from the edges of the primary surface would be 4:1 instead of 7:1. The comments reflected many viewpoints pro and contra. Several commentators stated that the approach surface to a runway should be related to the end of the runway, or to the displaced threshold if the landing threshold had been relocated, without applying the current 200-foot buffer zone between the landing threshold and the beginning of the approach surface. Others felt that the beginning of the approach surface should not be moved to relate to a displaced threshold unless the displacement was the result of some irrevocably fixed obstruction. Some opposition was expressed to changing the slope of the primary surface related transitional surfaces from 7:1 to 4:1. It was felt that no factual data or rationale had been presented to justify such a change. Further, it was suggested that such a change would result in unsafe structures near runways and might also affect CAT II missed approach requirements. On the other hand, some commentators suggested that the relaxation of the transitional surface slope would have certain advantages for locating airport parking gates for large airplanes; would be practical and desirable; and would be more realistic in view of current land use concepts. All of these comments will be given careful consideration by the FAA in determining its future action in this area.

While some revision of the proposal was effected in the light of the comments received, the amendment as adopted follows the general form of the notice.

Several commentators proposed modifications for the definitions of the several categories of runways. Concern was expressed as to the use of the phrase "or any other FAA or military planning document" in the proposed definition of a visual runway; that an airport operator might be obligated or under control of a document to which he does not have access. In response to these comments, the definition of a visual runway has been changed to clarify reference to a military approved airport layout plan as a plan for military airports only, and to amend the phrase referring to "any other FAA or military planning document" to specify any planning document submitted to the FAA by competent authority. This will include an airport layout plan or planning document submitted to the FAA by or through a state or local government.

Consideration was given to suggestions by commentators to include a variety of other definitions in § 77.2. However, since the suggested terms have common dictionary definitions or are otherwise defined in the Federal Aviation Regulations, it was determined not to include these terms in § 77.2. However, minor changes in the language of the proposed definitions in § 77.2 have been made to state more clearly their purpose and use.

One comment concerning the proposed change to § 77.13(a)(3) suggested that the railroad height adjustment should be modified so that the "highest possible or intended" object is considered, and that this should include all roads so that plans would not be based upon heights that are impractical. The FAA considers that the height adjustments prescribed are needed for guidance when applying the notice requirement. criteria, and should have limited flexibility. It should be noted that 23 feet is the highest tunnel clearance required for railroads in the United States, and this height would be in consonance with the requirements of the various States.

Several commentators objected to the proposed changes to § 77.15(c) that would exclude from the notice requirement of § 77.13 any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meterological device, the location and height of which is fixed by its functional purpose, if of a type approved by "an appropriate military service." After careful consideration of the objections, the FAA decided that type approval of devices and equipment on civil airports should remain with the Administrator. Therefore, the change to § 77.15(c) as proposed, has been modified to exclude from the notice requirement of § 77.13 any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device given type approval by an appropriate military service only when such facilities, aids, or devices would be located on a military airport.

Several isolated comments directed attention to the intention of the FAA to use the applicable MOCA instead of the established MEA as the basis for determining obstructions within an en route obstacle clearance area of a Federal airway or approved off-airway route.

Even though some individuals or groups may consider this concept to be a new one, it is based on the rationale that through use of the MOCA alone and selectively applying the terms obstacle and obstruction to it, the application of the standards of Part 77 will be simplified and will result in bringing the entire system into conformity with international standards. In simplified terms, a MOCA is that minimum safe altitude that will permit an aircraft to traverse a designated area of airspace clear of obstacles below. Generally, the height of the highest or controlling obstacle in that airspace segment provides the imaginary obstacle reference line. The appropriate FAA personnel, applying established and specified standards then supply an additional amount of airspace above the obstacle reference line that forms the MOCA altitude level for that segment of flight.

In applying the standards of Part 77 to this airspace formulation, any proposed structure that does not exceed the obstacle reference line will be classified as an obstacle. However, if the proposed structure would penetrate this airspace above the obstacle reference line, it would be classified as an obstruction. Once a proposal is classified as an obstruction, under the procedures provided for in Part 77, it will be studied to determine whether it will or will not constitute a hazard to air navigation.

Accordingly, new § 77.23(a)(4) establishes that the MOCA instead of the MEA will be the basis for determining whether any object within any en route obstacle clearance area, including turn and termination areas, of any Federal airway or approved off-airway route will be classified as an obstruction to air navigation.

One comment was received concerning the proposed new § 77.21(b). The new paragraph was added to insure proper application of the imaginary surfaces outlined in § 77.25 at airports that have defined landing and takeoff strips, or pathways that are designated as runways but do not have specially prepared hard surfaces, or have a defined landing and takeoff area with no defined landing and takeoff strips or pathways designated as runways. For the purpose of

Part 77, any clearly defined strip, pathway, or lane designated by appropriate authority for the landing and takeoff of aircraft is considered to be a runway, even though its surface consists of water, turf, dirt, or similar unprepared surface.

The application of new § 77.21(b) is based upon the philosophy that, at the thousands of airports having runways of various lateral dimensions without specially prepared hard surfaces, a factor common to each runway and its related primary surface is the centerline. This common factor permits application of the primary surface and the related transitional surfaces because the primary surface is longitudinally centered on the runway and the transitional surfaces extend outward and upward from the sides of the primary surface. Since the width of any primary surface is prescribed in § 77.25(c), the width of that portion of any runway over which its primary surface is superimposed is limited by the width of the related primary surface, regardless of the runway width; the length of the primary surface, however, in this case, is the same as the length of the runway. In applying § 77.21(b) to those airports, excluding seaplane bases, where the defined landing and takeoff area does not have any defined runways for the landing and takeoff of aircraft, the agency would, when applying the standards of the regulation, make a determination as to which portions of the area were being regularly used by aircraft as runways for landing and taking off. The appropriate primary surface prescribed in § 77.25(c) will then be centered on each portion of the landing and takeoff area determined to be used as a runway, with each end of the primary surface coinciding with the corresponding end of the determined runway.

Many commentators objected to the proposed amendment of § 77.23(a)(2). After careful consideration of all objections to the proposed change, the FAA is convinced that with one exception the proposed revision should not be made. That exception is, that nautical miles will be used in lieu of statute miles in § 77.23(a)(2) to conform to the units of horizontal measurement currently used in en route and terminal airspace configurations, and instrument procedures both nationally and internationally. Further study will be given to the need for relating the height of objects to the airport elevation where the terrain on which those objects are located exceeds the surfaces prescribed in § 77.25 or the heights prescribed in § 77.23(a)(2).

The notice proposed new § 77.23(a)(3) and (4) to replace § 777.23(a)(4), (5), (6), and (7). Comments on this proposal were generally favorable. Two commentators requested clarification of an en route obstacle clearance area and suggested that definitions of en route and terminal obstacle clearance be included in the regulation. Since we have already discussed in some detail the en route obstacle clearance area that falls within the scope of § 77.23(a)(4), it only remains necessary to provide a brief explanation as to how obstacles and obstructions will relate to the terminal obstacle clearance area portion of the regulation provided for in § 77.23(a)(3) of this amendment.

All approved procedures for instrument approach and departure of aircraft to and from airports that are conducted within specified terminal obstacle clearance and departure areas are established in conformity to the applicable criteria set forth either in the U.S. Standard for Terminal Instrument Procedures (TERPS) or the FAA Handbook 8260.19, Flight Procedures and Airspace. In the establishment of these instrument approach and departure criteria, the involvement of existing obstacles on the type of instrument procedure proposed for adoption, is one of the primary considerations. Accordingly, the standards of Part 77 applicable in any terminal instrument procedure area must also be based on the same obstacle concept that was used to formulate the applicable criteria of TERPS and FAA Handbook 8260.19. A brief explanation of the interrelationship of obstacles and obstructions to this concept should aid materially in understanding the provisions of § 77.23(a)(3).

In the development of all types or instrument approach procedures under TERPS and departure procedures under FAA Handbook 8260.19, the method of establishing each such procedure is basically the same. The existing obstacles, including objects that are manmade, the terrain features, and the navigational facilities involving a particular approach or departure area are carefully analyzed, after which a prescribed plane, which is commonly referred to as an obstacle clearance plane, is established for that particular phase of flight. In order to insure maximum safety to all aircraft operators who may use that particular terminal instrument procedure, applicable FAA criteria is then applied to provide an additional layer of airspace above the prescribed obstacle clearance plane.

In applying the standards of Part 77 to this type of airspace structure, any object that does not exceed the obstacle clearance plane will be classified as an obstacle; but any object that penetrates the prescribed obstacle clearance plane will be classified as an obstruction and subject to aeronautical study to determine whether or not it is a hazard to air transportation or air commerce.

Stated in another but in a more sophisticated way, any object that is located within an obstacle clearance area, including an initial approach segment, a circling approach area, or a departure area, is an obstruction to air navigation under the standards of Part 77, if it is of such height that the vertical distance between any point on it and any minimum instrument flight altitude established for any authorized instrument procedure within that area, is less than the obstacle clearance specified for that instrument procedure.

Several commentators addressed the proposed revision of § 77.23. One commentator suggested that runways on air carrier airports be categorized as "air carrier" and provided with equal protection at both ends. The FAA feels that the rationale for the new categorization of runways has been explained adequately previously, therefore, this suggestion was not adopted.

Concern was expressed by some commentators as to the availability of information regarding the category of each approach to each end of each runway of any airport under consideration. The FAA agrees that the success of this concept is dependent upon definite information concerning the category of each approach to each runway end being available to the agency and to the public. This information will be available from FAA regional area offices, and from agency computer readouts.

In response to the suggestion of one commentator, § 77.25(c) will be changed to include the words "or planned hard surface" after the words "has specially prepared hard surface." The FAA believes that this addition helps to clarify the intent of the section and does not modify the meaning.

Other minor changes of an editorial and technically clarifying nature have been made to the amendment. A minor change to the addresses under § 77.17 has been included.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matters presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended as follows, effective May 16, 1971:

1. By adding the following definitions at the end of § 77.2:

§ 77.2 Definition of terms.

* * * * *

"Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

"Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

"Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

2. By amending paragraph (a)(3) of § 77.3 to read as follows:

§ 77.3 Standards.

(a) * * *

(3) Developing technical standards and guidance in the design and construction of airports; and

* * * * *

3. By amending paragraph (a)(3) of § 77.13 to read as follows:

§ 77.13 Construction or alteration requiring notice.

(a) * * *

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

* * * * *

4. By amending paragraph (c) of § 77.15 to read as follows:

§ 77.15 Construction or alteration not requiring notice.

* * * * *

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

5. By amending paragraphs (a) and (e) of § 77.17 to read as follows:

§ 77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under § 77.13 (a) shall send one executed form set (four copies) of FAA Form 7460–1, Notice of Proposed Construction or Alteration, to the Chief, Air Traffic Branch, FAA Area Office, or Chief, Air Traffic Division, FAA Regional Office, as appropriate, having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460–1 may be obtained from the headquarters of the Federal Aviation Administration, the regional, and the area offices.

* * * * *

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117–1, Notice of Progress of Construction or Alteration, to the Chief, Air Traffic Branch, FAA Area Office, or Chief, Air Traffic Division, FAA Regional Office, as appropriate, having jurisdiction over the area involved.

6. By amending § 77.21 to read as follows:

§ 77.21 Scope.

(a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off-airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.

(b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.

7. By amending § 77.23 to read as follows:

§ 77.23 Standards for determining obstructions.

(a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 500 feet above ground level at the site of the object.

(2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, § 77.28, or § 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) Fifteen feet for any other public roadway.

(3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) Twenty-three feet for a railroad, and,

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

8. By amending § 77.25 to read as follows:

§ 77.25 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach

surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) *Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) *Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having nonprecision instrument approaches.

(3) For other than utility runway the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) *Approach surface.* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) *Transitional surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

§ 77.27 [Revoked]

9. By revoking § 77.27 *Civil airport imaginary surfaces related to runways.*

10. By amending paragraphs (a) and (b)(1) of § 77.28 to read as follows:

§ 77.28 Military airport imaginary surfaces.

(a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.

(b) *Related to runways.* These surfaces apply to all military airports.

(1) *Primary surface.* A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

* * * * *

11. By amending paragraph (b) of § 77.29 to read as follows:

§ 77.29 Airport imaginary surfaces for heliports.

* * * * *

(b) *Heliport approach surface.* The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width in 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

* * * * *

(Secs. 307, 313, 1101, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354, 1501; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 25, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-4494 Filed 3-31-71;8:50 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10956; Amdt. 95-205]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 29, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, To, and MEA

Dallas, Tex., VOR; McAlester, Okla., VOR; *3,500. *2,500—MOCA.

Gunter INT, Tex.; Perrin, Tex., VOR; *2,600. *2,000—MOCA.

From, To, and MEA

Mango INT, Fla.; Miami, Fla. (1-MIA lcizr. crs.) *4,000. *1,200—MOCA.
Princeton INT, Tex.; McAlester, Okla., VOR; *4,000. *2,500—MOCA.
Waco, Tex., VOR; Britton, Tex., VOR; *2,300. *2,200—MOCA.
Ennis INT, Tex.; College Station, Tex., VOR COP 179 DAL/335 CLL; *5,000. *1,900—MOCA.
Ukia, Calif., VOR; Colistoga INT, Calif.; 6,500.
Williams, Calif., VOR; Calistoga INT, Calif.; 6,500.
Palm Beach, Fla., VOR; St. Petersburg, Fla., VOR; 18,000. MAA—45,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Bridgewater, Va., RBN; Kessel, W. Va., VOR COP 40 ESL; 5,700.
Hampshire INT, Tenn.; Nashville, Tenn., VOR; 3,000.
Muscle Shoals, Ala., VOR; Nashville, Tenn., VOR; *3,000. *2,500—MOCA.
INT 159° M rad, Jacksonville VOR and 174° M rad, Brunswick VOR; Brunswick, Ga., VOR; *4,000. *1,400—MOCA.
Gorman, Calif., VOR; Gorman DME Fix, Calif.; 9,000.
Gorman DME Fix, Calif.; Arvin INT, Calif.; 6,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Coaldale, Nev., VOR; Woodside, Calif., VOR (COP 68 DAL) *18,000. *15,000—MOCA. MAA—45,000.
Reno, Nev., VOR; Westrose DME Fix, Calif.; *24,000. *13,000—MOCA. MAA—39,000.
*Westrose DME Fix, Calif.; Modesto, Calif., VOR; northeastbound **24,000; southwestbound **18,000. *24,000—MRA. **6,200. MAA—39,000.
Oakland, Calif., VORTAC; Ukiah, Calif., VORTAC; 18,000. MAA—45,000.

Bahama Routes

52V:

Biscayne Bay, Fla., VOR; Wahoo INT, Fla.; *2,000. *1,200—MOCA.
Wahoo INT, Fla.; Nassau, Bahamas, VOR; *5,000. *1,200—MOCA.

Section 95.5000 High Altitude RNAV:

From/to, total distance; Changeover point—Distance from geographic location, track angle, MEA, and MAA.

J800R:

Robbinsville, N.J., Riddle, Pa., 165.6; 43, Robbinsville, 40°09'08" N., 075°25'41" W.; 277 to COP, 273 to Riddle; 18,000; 45,000.
Riddle, Pa., Horn, Pa., 99; 49.5, Riddle, 39°59'41" N., 079°09'07" W.; 277 to COP, 274 to Horn; 18,000; 45,000.
Horn, Pa., Thackery, Ohio; 175.5; 87.7, Horn, 40°01'05" N., 082°07'46" W.; 274 to COP, 271 to Thackery; 18,000; 45,000.
Thackery, Ohio, Newton, Ind.; 137.8; 55, Thackery, 39°57'39" N., 85°13'23" W.; 268 to COP, 266 to Newton; 18,000; 45,000.
Newton, Ind., Chapin, Ill.; 165.7; 70, Newton, 39°48'29" N., 88°31'33" W.; 263 to COP, 258 to Chapin; 18,000; 45,000.
Chapin, Ill., Kansas City, Mo.; 187.5; 93.7, Chapin, 39°29'21" N., 92°35'33" W.; 260 to COP, 256 to Kansas City; 18,000; 45,000.
Kansas City, Mo., Culver, Kans.; 149.1; 74.5, Kansas City, 39°04'29" N., 96°09'58" W.; 252 to COP, 248 to Culver; 18,000; 45,000.
Culver, Kans., Granada, Colo.; 236.2; 108, Culver; 38°29'06" N., 99°58'32" W.; 250 to COP, 244 to Granada; 18,000; 45,000.
Granada, Colo., Delhi, Colo.; 178.2; 39.1, Granada, 37°50'06" N., 103°25'13" W.; 244 to COP, 242 to Delhi; 18,000; 45,000.
Delhi, Colo., Sanford, Colo.; 78.6; 39.3, Delhi, 37°29'50" N., 105°00'44" W.; 239 to COP, 241 to Sanford; 18,800; 45,000.

From, To, and MEA

Sanford, Colo., Flora, New Mexico; 115.5; 57.7, Sanford, 37°04'25" N., 106°58'00" W.; 241 to COP, 239 to Flora; 18,000; 45,000.
Flora, N. Mex., Cameron, Ariz.; 157.5; 60, Flora, 36°30'35" N., 109°17'18" W.; 237 to COP, 235 to Cameron; 18,000; 45,000.
Cameron, Ariz., Fenner, Calif.; 199.3 ; 103.5, Cameron, 35°23'00" N., 113°11'40" W.; 233 to COP, 232 to Fenner; 18,000; 45,000.
Fenner, Calif., Morrow, Calif.; 120; 60, Fenner, 34°25'46" N., 116°08'24" W.; 233 to COP, 233 to Morrow; 18,000; 45,000.

J801R:

Mesquite, Calif., Paria, Ariz.; 191.9; 65, Mesquite 36°07'33" N., 114°22'20" W.; 52 to COP, 52 to Paria; 18,000; 45,000.
Paria, Ariz., Gypsum, Calif.; 171; 65, Paria, 37°16'21" N., 110°39'29" W.; 55 to COP, 56 to Gypsum; 18,000; 45,000.
Gypsum, Calif., Powder Horn, Colo.; 79.5; 23, Gypsum, 37°58'31" N., 108°05'57" W.; 56 to COP, 58 to Powder Horn; 18,000; 45,000.
Powder Horn, Colo., Rosemont, Colo.; 104; 52, Powder Horn, 38°31'14" N., 105°54'30" W.; 58 to COP, 60 to Rosemont; 18,000; 45,000.
Rosemont, Colo., Dresden, Kans.; 214.3; 91, Rosemont, 39°09'27" N., 102°58'18" W.; 63 to COP, 63 to Dresden; 18,000; 45,000.
Dresden, Kans., Ruskin, Nebr.; 117.2; 58.6, Dresden, 39°53'39" N., 99°10'19" W.; 64 to COP 63 to Ruskin; 18,000; 45,000.
Ruskin, Nebr., Garden Grove, Iowa; 207.9; 95, Ruskin, 40°30'21" N., 95°55'46" W.; 68 to COP, 70 to Garden Grove; 18,000; 45,000.
Garden Grove, Iowa, Joliet, Ill.; 238.1; 119, Garden Grove, 41°15'04" N., 90°55'40" W.; 74 to COP, 79 to Joliet; 18,000; 45,000.
Joliet, Ill., Wolverine, Ohio; 199.1; 110, Joliet, 41°56'35" N., 85°55'38" W.; 75 to COP 84 to Wolverine; 18,000; 45,000.
Wolverine, Ohio, Ormsby, Pa.; 239.7; 114.9, Wolverine, 42°03'14" N., 81°24'26" W.; 97 to COP, 105 to Ormsby; 18,000; 45,000.
Ormsby, Pa., Sparta, N.J.; 190.3; 45, Ormsby, 41°38'31" N., 77°39'45" W.; 114 to COP, 116 to Sparta; 18,000; 45,000.

J802R:

Robbinsville, N.J., Furnace, Pa.; 164.5; 27, Robinsville, 40°16'36" N., 75°04'30" W.; 290 to COP, 286 to Furnace; 18,000; 45,000.
Furnace, Pa., Shiloh, Ohio; 204.5; 102.3, Furnace, 40°48'29" N., 80°16'16" W.; 283 to COP, 278 to Shiloh; 18,000; 45,000.
Shiloh, Ohio, San Pierre, Ind.; 206.5; 93, Shiloh, 41°03'52" N., 84°32'50" W.; 276 to COP, 270 to San Pierre; 18,000; 45,000.
San Pierre, Ind., Hartsburg, Ill.; 115.1; 78, San Pierre, 41°09'35" N., 88°46'07" W.; 271 to COP, 270 to Hartsburg; 18,000; 45,000.
Hartsburg, Ill., Emerald, Nebr.; 325.1; 165, Hartsburg, 41°05'44" N., 93°13'30" W.; 256 to COP, 256 to Emerald; 18,000; 45,000.
Emerald, Nebr., Melton, Nebr.; 192.5; 76, Emerald, 40°50'17" N., 98°24'28" W., 257 to COP, 252 to Melton; 18,000; 45,000.
Melton, Nebr., Gilcrest, Colo.; 179.2; 89.6, Melton, 40°29'09 N., 102°53'48" W., 251 to COP, 248 to Gilcrest; 18,000; 45,000.
Gilcrest, Colo., Blanco, Colo.; 142.3; 71.1, Gilcrest, 40°05'27" N., 106°21'34" W.; 247 to COP, 245 to Blanco; 18,000; 45,000.
Blanco, Colo., Hill Creek, Utah; 98.6; 49.3, Blanco, 39°43'44" N., 108°55'15" W.; 242 to COP, 242 to Hill Creek; 18,000; 45,000.
Hill Creek, Utah, Nebo, Utah; 79.7; 39.8, Hill Creek, 39°25'28" N., 110°48'19" W.; 237 to COP 242 to Nebo; 18,000; 45,000.
Nebo, Utah, Grafton, Nev.; 140; 70, Nebo, 30°00'27" N., 113°05'58" W.; 239 to COP, 238 to Grafton; 18,000; 45,000.
Grafton, Nev., Coaldale, Nev.; 157.9; 95, Grafton, 38°17'55" N., 116°29'40" W.; 239 to COP, 236 to Coaldale; 18,000; 45,000.

J803R:

From, To, and MEA

Gabbs, Nev., Bristol, Nev.; 157.4; 30, Gabbs, 38°43'41" N., 117°25'42" W.; 54 to COP, 57 to Bristol; 18,000; 45,000.
Bristol, Nev., Clear Lake, Utah; 102.8; 51.7, Bristol, 39°37'58" N., 113°46'13" W.; 55 to COP, 57 to Clear Lake; 18,000; 45,000.
Clear Lake, Utah, Ouray, Utah; 119.4; 59.7, Clear Lake, 40°07'58" N., 111°27'44" W.; 57 to COP, 59 to Ouray; 18,000; 45,000.
Ouray, Utah, Maybelle, Colo.; 97.6; 48.7, Ouray, 40°34'37" N., 109°10'20" W.; 59 to COP, 63 to Maybelle; 18,000; 45,000.
Maybelle, Colo., Tank, Wyo.; 154.8; 35, Maybelle, 40°53'21" N., 107°22'47" W.; 62 to COP, 64 to Tank; 18,000; 45,000.
Tank, Wyo., Sand, Nebr.; 165.6; 82.7, Tank, 41°31'36" N., 102°59'17" W.; 64 to COP, 71 to Sand; 18,000; 45,000.
Sand, Nebr., Plum Creek, Nebr.; 192.8; 95.9, Sand, 41°56'50" N., 99°02'47" W.; 70 to COP, 74 to Plum Creek; 18,000; 45,000.
Plum Creek, Nebr., Scales Mound, Ill.; 289.6; 108, Plum Creek, 40°15'34" N., 94°28'37" W.; 70 to COP, 83 to Scales Mound; 18,000; 45,000.
Scales Mound, Ill., Haven, Mich.; 183; 58, Scales Mound, 42°22'46" N., 89°05'45" W.; 84 to COP, 90 to Haven; 18,000; 45,000.
Haven, Mich., Wolverine, Ohio; 103.4; 51.7, Haven, 42°16'52" N., 85°07'42" W.; 90 to COP, 97 to Wolverine; 18,000; 45,000.
Wolverine, Ohio; Ormsby, Pa.; 239.7; 114.9, Wolverine, 42°03'15" N., 81°24'26" W.; 98 to COP, 103 to Ormsby; 18,000; 45,000.
Ormsby, Pa., Sparta, N.J.; 190.3; 45, Ormsby, 41°38'31" N., 77°39'45" W.; 114 to COP, 116 to Sparta; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From, to, and MEA

Melrose INT, N.Y.; *Griswoldville INT, Mass.; 5,000. *4,300—MCA Griswoldville INT, westbound.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Springdale INT, Kans.; Lansing INT, Kans.; *2,700. *2,300—MOCA.
Lansing INT, Kans.; Kansas City, Mo., VOR; *2,600. *2,300—MOCA.
Hallsville, Mo., VOR; St. Paul INT, Mo., *2,600. *2,200—MOCA.
Gleed INT, Wash.; Yakima, Wash., VOR; westbound 5,500, eastbound 5,000.
Gleed INT, Wash., via S alter.; Yakima, Wash., VOR via S alter.; westbound 5,500, eastbound 5,000.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Cartersville INT, Ga., via W alter.; Kermit INT, Ga., via W alter.; *4,500. *4,000—MOCA.
Kermit INT, Ga., via W alter.; Chattanooga, Tenn., VOR via W alter.; 3,000.
Chattanooga, Tenn., VOR; Summitville INT, Tenn.; *4,000. *3,500—MOCA.
Summitville INT, Tenn.; Gum INT, Tenn.; *3,000. *2,400—MOCA.
Gum INT, Tenn.; Nashville, Tenn., VOR; 2,000.
McMinnville INT, Tenn., via E alter.; Centertown INT, Tenn., via E alter.; *3,500. *2,900—MOCA.
Centertown INT, Tenn., via E alter.; Nashville, Tenn., VOR via E alter.; *3,500. *3,300—MOCA.
Nashville, Tenn., VOR; *Portland INT, Tenn.; **2,700. *3,000—MRA. **2,000—MOCA.
*Portland INT, Tenn.; Bowling Green, Ky., VOR; **2,700. *2,300—MCA Portland INT, northbound. **2,500—MOCA.

From, To, and MEA

Nashville, Tenn., VOR via E alter.; Barren INT, Ky., via E alter.; *2,700. *2,500—MOCA.
Barren INT, Ky., via E alter.; New Hope, Ky., VOR via E alter.; 3,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Beech INT, Iowa, via S alter.; Milo INT, Iowa, via S alter.; *2,500. *2,000—MOCA.
Milo INT, Iowa, via S alter.; Bussey INT, Iowa, via S alter.; *2,700. *2,200—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Nashville, Tenn., VOR; Central City, Ky., VOR, 3,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

McComb, Miss., VOR; *Rosemary INT, Miss.; **2,000. *4,000—MRA. **1,800—MOCA.
Rosemary INT, Miss.; Jackson, Miss., VOR; 2,000.
Memphis, Tenn., VOR; *Drummonds INT, Tenn.; **2,500. *2,700—MRA. **2,300—MOCA.
Drummonds INT, Tenn.; Holland INT, Mo.; *2,500. *2,300—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Springdale INT, Kans., via N alter.; Lansing INT, Kans., via N alter.; *2,700. *2,300—MOCA.
Lansing INT, Kans., via N alter.; Kansas City, Mo., VOR via N alter.; *2,600. *2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR via W alter.; *Drummonds INT, Tenn., via W alter.; **2,500. *2,700—MRA. **2,300—MOCA.
Drummonds INT, Tenn., via W alter.; Dyersburg, Tenn., VOR via W alter.; *2,500. *2,300—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Oak Grove INT, Mo.; *Odessa INT, Mo.; **2,600. *4,000—MRA. **2,200—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Houston, Tex., VOR; Humble, Tex., VOR; 1,900.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Melrose INT, N.Y.; *Griswoldville INT, Mass.; 5,000. 4,300—MCA Griswoldville INT, westbound.

Section 95.6015 *VOR Federal airway 15* is amended to delete:

Waco, Tex., VOR; *Abbott INT, Tex., **2,500. *4,000—MRA. **2,300—MOCA.
Abbott INT, Tex.; Waxie INT, Tex.; *2,500. *2,300—MOCA.
Waco, Tex., VOR via W alter.; Whitney INT, Tex., via W alter.; *2,000. *1,900—MOCA.
Whitney INT, Tex., via W alter.; Britton, Tex., VOR via W alter.; *2,400. *2,200—MOCA.
Britton, Tex., VOR via W alter.; Waxie INT, Tex., via W alter.; 2,800.
Waxie INT, Tex.; Fair Park INT, Tex.; 2,700.
Fair Park INT, Tex.; Dallas, Tex., VOR; 2,000.
Waco, Tex., VOR via E alter.; Brandon INT, Tex., via E alter.; 2,000.
Brandon INT, Tex., via E alter.; Ennis INT, Tex., via E alter.; *2,400. *2,000—MOCA.
Ennis INT, Tex., via E alter.; Red Oak INT, Tex., via E alter.; *2,400. *1,900—MOCA.
Red Oak INT, Tex., via E alter.; Dallas, Tex., VOR via E alter.; 2,000.

From, To, and MEA

Dallas, Tex., VOR via W alter.; Denton INT, Tex., via W alter.; 2,100.
Denton INT, Tex., via W alter.; Ardmore, Okla., VOR via W alter.; *4,000. *2,300—MOCA.
Dallas, Tex., VOR; *Gunter INT, Tex.; **2,500. *2,600—MRA. **2,100—MOCA.
Gunter INT, Tex.; Ardmore, Okla., VOR; *2,700. *2,300—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended by adding:

Waco, Tex., VOR; Scurry, Tex., VOR; *2,300. *1,800—MOCA.
Scurry, Tex., VOR; Blue Ridge, Tex., VOR; *2,400. *2,000—MOCA.
Scurry, Tex., VOR via E alter.; Blue Ridge, Tex., VOR, via E alter.; 2,600.
Blue Ridge, Tex., VOR; Ardmore, Okla., VOR; *2,600. *2,300—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Houston, Tex., VOR; Silver INT, Tex.; 1,900.
Houston, Tex., VOR via E alter.; Humble, Tex., VOR via E alter.; 1,900.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

Mineral Wells, Tex., VOR; Dallas, Tex., VOR; *3,000. *2,500—MOCA.
Mineral Wells, Tex., VOR; via S alter.; Lucas INT, Tex., via S alter.; *3,000. *2,700—MOCA.
Lucas INT, Tex., via S alter.; Dallas Tex., VOR via S alter.; 2,000.
Dallas, Tex., VOR; Sulphur Springs, Tex., VOR; *2,200. *1,900—MOCA.
Sulphur Springs, Tex., VOR via N alter.; Avery INT, Tex., via N alter; *2,200. *1,900—MOCA.
Avery INT, Tex., via N alter.; Texarkana, Ark., VOR via N alter; *2,200. *1,700—MOCA.
Sulphur Springs, Tex., VOR via S alter.; Texarkana, Ark., VOR via N alter; *2,100. *2,000—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended by adding:

Mineral Wells, Tex., VOR; Acton, Tex., VOR; *2,800. *2,100—MOCA.
Acton, Tex., VOR; Scurry, Tex., VOR; *2,800. *2,300—MOCA.
Acton, Tex., VOR via S alter.; Scurry, Tex., VOR via S alter; *2,800. *2,100—MOCA.
Scurry, Tex., VOR; Quitman, Tex., VOR; 2,600.
Quitman, Tex., VOR; Texarkana, Ark., VOR; *2,300. *2,000—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Nashville, Tenn., VOR; Statesville INT, Tenn.; *3,000. *2,400—MOCA.
Nashville, Tenn., VOR via N alter.; Granville INT, Tenn., via N alter.; *3,000. *2,400—MOCA.
Nashville, Tenn., VOR via S alter.; Centertown INT, Tenn., via S alter.; *3,500. *3,300—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to delete:

Waco, Tex., VOR; Meridian INT, Tex.; *2,500. *1,900—MOCA.
Meridian INT, Tex.; *Mill INT, Tex.; **4,000. *4,000—MCA Mill INT, southeastbound, *3,500—MRA. **2,500—MOCA.
Mill INT, Tex.; Mineral Wells, Tex., VOR; *3,000. *2,400—MOCA.
Mineral Wells, Tex., VOR; Bridgeport, Tex., VOR; *3,000. *2,500—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended by adding:

Waco, Tex., VOR; Acton, Tex., VOR; *2,500. *2,100—MOCA.

From, To, and MEA

Acton, Tex., VOR; Bridgeport, Tex., VOR; *3,000. *2,500—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to delete:

Dallas, Tex., VOR; Sabine INT, Tex.; *2,200. *1,900—MOCA.
Sabine INT, Tex.; Quitman, Tex., VOR; *2,300. *1,600—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended by adding:

Mineral Wells, Tex., VOR; Greater Southwest, Tex., VOR; *2,900. *2,700—MOCA.
Greater Southwest, Tex., VOR; Hubbard INT, Tex.; 2,000.
Hubbard INT, Tex.; Quitman, Tex., VOR; *3,500.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Lake Charles, La., VOR; Arthur INT, La.; *1,500. *1,400—MOCA.
Arthur INT, La.; Crowley INT, La.; 1,500.
Crowley INT, La.; Midland INT, La.; *1,500. *1,400—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Point Reyes, Calif., VOR; Freestone INT, Calif.; 3,500.
Freestone INT, Calif.; *Geyserville INT, Calif.; **6,000. *1,200—MCA Geyserville, INT, northbound. *7,000—MRA. **4,500—MOCA.
Yakima, Wash., VOR; via W alter.; Gleed INT, Wash., via W alter.; westbound 5,500, eastbound 5,000.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Point Reyes, Calif., VOR; Freestone INT, Calif.; 3,500.
Freestone INT, Calif.; *Geyserville INT, Calif.; **6,000. *7,000—MRA. **4,500—MOCA.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

Syracuse, N.Y., VOR; Parish INT, N.Y.; *2,400. *1,700—MOCA.
Parish INT, N.Y.; Watertown, N.Y., VOR; *2,800. *2,000—MOCA.

Section 95.6049 *VOR Federal airway 49* is amended by adding:

Birmingham, Ala., VOR; Trimble INT, Ala.; *2,800. *2,200—MOCA.
Trimble INT, Ala.; Rountree INT, Ala.; *3,000. *2,300—MOCA.
Rountree INT, Ala.; Decatur, Ala. VOR; *3,000. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Decatur, Ala., VOR via E alter.; *3,000. *2,600—MOCA.
Birmingham, Ala., VOR via W alter.; Johney INT, Ala., via W alter.; *2,800.
Johney INT, Ala., via W alter.; Decatur, Ala., VOR via W alter.; *3,000. *2,100—MOCA.
Decatur, Ala., VOR; Tanner INT, Ala.; *2,500. *2,000—MOCA.
Tanner INT, Ala.; Graham, Tenn., VOR; *3,000. *2,200—MOCA.
Graham, Tenn., VOR; Vanleer INT, Tenn.; *3,000. *2,200—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

Beech INT, Iowa; Milo INT, Iowa; *2,500. *2,000—MOCA.
Milo INT, Iowa; Bussey INT, Iowa; *2,700. *2,200—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to delete:

City INT, Ill.; Chicago O'Hare, Ill., VOR; *6,000. *2,100—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

From, To, and MEA

Waco, Tex., VOR; Scurry, Tex., VOR; *2,300. *1,800—MOCA.
Scurry, Tex., VOR; Quitman, Tex., VOR; 2,600.
Quitman, Tex., VOR; Texarkana, Tex., VOR; *2,300. *2,000—MOCA.
Texarkana, Ark., VOR via N alter.; Pike INT, Ark., via N alter.; *3,500. *1,700—MOCA.
Pike INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; *5,500. *1,900—MOCA.
Marcus INT, Ark., via N alter.; Hot Springs, Ark., VOR via N alter.; *2,500. *2,400—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Wallace INT, N.C.; Oak Grove INT, N.C.; *3,000. *2,200—MOCA. MAA—8,000.
Oak Grove INT, N.C.; New Bern, N.C., VOR; *2,000. *1,800—MOCA. MAA—8,000.

Section 95.6061 *VOR Federal airway 61* is deleted.

Section 95.6062 *VOR Federal airway 62* is amended to delete:

Cisco INT, Tex.; *Mill INT, Tex.; **6,000. *3,500—MRA. **3,900—MOCA.
*Mill INT, Tex.; Joshua INT, Tex.; **3,500. *3,500—MRA. **2,600—MOCA.
Joshua INT, Tex.; Britton, Tex. VOR; *2,400. *2,200—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended by adding:

Cisco INT, Tex.; Mill INT, Tex.; *6,000. *3,900—MOCA.
Mill INT, Tex.; Acton, Tex., VOR; *2,900. *2,400—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended by adding:

Blue Ridge, Tex., VOR; McAlester, Okla., VOR; *3,000. *2,500—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to delete:

Bridgeport, Tex., VOR; Denton INT, Tex.; *2,600. *2,300—MOCA.
Denton INT, Tex.; Prosper INT, Tex.; *2,600. *2,100—MOCA.
Prosper INT, Tex.; Tidwell INT, Tex.; *4,000. *2,100—MOCA.
Tidwell INT, Tex.; Sulphur Springs, Tex., VOR; *2,400. *1,800—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended by adding:

Bridgeport, Tex., VOR; Blue Ridge, Tex., VOR; *2,800. *2,600—MOCA.
Bridgeport, Tex., VOR via N alter.; Lake Kiowa INT, Tex., via N alter.; *2,900. *2,300—MOCA.
Lake Kiowa INT, Tex., vía N alter.; Blue Ridge, Tex., VOR via N alter.; *2,500. *2,100—MOCA.
Blue Ridge, Tex., VOR; Sulphur Springs, Tex., VOR; *2,300. *1,900—MOCA.
Sulphur Springs, Tex., VOR; Texarkana, Ark., VOR; 2,000.
Sulphur Springs, Tex., VOR via N alter.; Texarkana, Ark., VOR via N alter.; 2,000.
Sulphur Springs, Tex., VOR via S alter.; Texarkana, Ark., via S alter.; *2,300. *2,000—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Walnut Ridge, Ark., VOR; Farmington, Mo., VOR; 2,900.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

From, To, and MEA

Lake Charles, La., VOR; Arthur INT, La.; *1,500. *1,400—MOCA.
Arthur INT, La.; Crowley INT, La.; 1,500.
Crowley INT, La.; Midland INT, La.; *1,500. *1,400—MOCA.

Section 95.6094 *VOR Federal Airway 94* is amended to delete:

Tuscola, Tex., VOR; *Mill INT, Tex.; **6,000. *3,500—MRA. **3,900—MOCA.
*Mill INT, Tex.; Joshua INT., Tex.; **3,500. *3,500—MRA. **2,600—MOCA.
Joshua INT, Tex.; Britton, Tex., VOR; *2,400. *2,200—MOCA.
Britton, Tex., VOR; Waxie INT, Tex.; 2,800.
Waxie INT, Tex.; *Scurry INT, Tex.; **2,600. *2,600—MRA. **1,900—MOCA.
*Scurry INT, Tex.; Canton INT, Tex.; **4,000. *2,600—MRA. **2,600—MOCA.
Canton INT, Tex.; Mount Sylvan INT, Tex.; *3,000. *1,800—MOCA.
Mount Sylvan INT, Tex.; Gregg Co., Tex., VOR; 2,000.

Section 95.6094 *VOR Federal Airway 94* is amended by adding:

Tuscola, Tex., VOR; Mill INT, Tex.; *6,000. *3,900—MOCA.
Mill INT, Tex.; Acton, Tex., VOR; *2,900. *2,400—MOCA.
Acton, Tex., VOR; Scurry, Tex., VOR; *2,800. *2,300—MOCA.
Scurry Tex., VOR; Gregg Co., Tex., VOR; 2,600.

Section 95.6114 *VOR Federal airway 114* is amended to delete:

Wichita Falls, Tex., VOR; Stoneburg INT, Tex.; 3,000.
Stoneburg INT, Tex.; Denton INT, Tex.; *3,000. *2,600—MOCA.
Denton INT, Tex.; Dallas, Tex., VOR; 2,100.
Dallas, Tex., VOR; Fruitvale INT, Tex.; *2,300. *1,900—MOCA.
Fruitvale INT, Tex.; Gregg Co., Tex., VOR; *2,500. *2,000—MOCA.
Dallas, Tex., VOR via N alter.; Sabine INT, Tex., via N alter.; *2,200. *1,900—MOCA.
Sabine INT, Tex., via N alter.; Quitman, Tex., VOR via N alter.; *2,300. *1,600—MOCA.
Quitman, Tex., VOR via N alter.; Gregg Co., Tex., VOR via N alter.; *2,300. *1,900—MOCA.
Dallas, Tex., VOR via S alter.; Canton INT, Tex., via S alter.; *3,000. *1,900—MOCA.
Canton INT, Tex., via S alter.; Mount Sylvan INT, Tex., via S alter.; *3,000. *1,800—MOCA.
Mount Sylvan INT, Tex., via S alter.; Gregg Co., Tex., VOR via S alter.; 2,000.

Section 95.6114 *VOR Federal airway 114* is amended by adding:

Wichita Falls, Tex., VOR; Lake Kiowa INT, Tex.; 3,000.
Lake Kiowa INT, Tex.; Blue Ridge, Tex., VOR; *2,500. *2,100—MOCA.
Blue Ridge, Tex., VOR; Quitman, Tex., VOR; *2,300. *1,900—MOCA.
Quitman, Tex., VOR; Gregg Co., Tex., VOR; *2,400. *1,900—MOCA.

Section 95.6124 *VOR Federal airway 124* is amended to delete:

Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,900—MOCA.

Section 95.6124 *VOR Federal airway 124* is amended by adding:

Blue Ridge, Tex., VOR; Paris, Tex., VOR; *2,400. *1,900—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to delete:

From, To, and MEA

Chicago O'Hare, Ill., VOR; City INT, Ill.; *6,000. *2,100—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Dyersburg, Tenn., VOR; Dickson INT, Tenn.; *3,500. *2,300—MOCA.
Dickson INT, Tenn.; Nashville, Tenn., VOR; 3,000.
Nashville, Tenn., VOR; Hartsville INT, Tenn.; *3,000. *2,400—MOCA.
Nashville, Tenn., VOR via N alter.; Freedom INT, Ky., via N alter.; *3,000. *2,800—MOCA.
Nashville, Tenn., VOR via S alter.; Granville INT, Tenn., via S alter.; *3,000. *2,400—MOCA.

Section 95.6144 *VOR Federal airway 144* is amended to delete:

Chicago O'Hare, Ill., VOR; City INT, Ill.; *6,000. *2,100—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to delete:

Greater Southwest, Tex., VOR; *Justin INT, Tex.; 2,200. *2,900—MRA.
Justin INT, Tex.; *Fox INT, Tex.; **2,500. *2,700—MRA. *2,000—MOCA.
Fox INT, Tex.; Slidell INT, Tex.; *4,000. *2,100—MOCA.
Slidell INT, Tex.; Ardmore, Okla., VOR; *3,000. *2,300—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended by adding:

Bridgeport, Tex., VOR; Ardmore, Okla., VOR; *3,000. *2,600—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended by adding:

Lometa, Tex., VOR via E alter.; Carlton INT, Tex., via E. alter.; *3,400. *2,700—MOCA.
Carlton INT, Tex., via E alter.; Acton, Tex., VOR via E alter.; *3,000. *2,400—MOCA.
Acton, Tex., VOR via E alter.; Mineral Wells, Tex., VOR via E alter.; *2,800. *2,100—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Johnson City INT, Tex.; Wirtz INT, Tex.; *4,000. *3,000—MOCA.
Wirtz INT, Tex.; Lometa, Tex. VOR; *3,200. *2,800—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Malden, Mo., VOR; Bunker INT, Mo.; *4,000. *2,500—MOCA.

Section 95.6209 *VOR Federal airway 209* is amended to delete:

Birmingham, Ala., VOR; Trimble INT, Ala.; *2,800. *2,200—MOCA.
Trimble INT, Ala.; Rountree INT, Ala.; *3,000. *2,300—MOCA.
Rountree INT, Ala.; Decatur, Ala., VOR; *3,000. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Decatur, Ala., VOR via E alter.; *3,000. *2,600—MOCA.
Birmingham, Ala., VOR via W alter.; Johney INT, Ala., via W alter.; *2,800.
Johney INT, Ala., via W alter.; Decatur, Ala., VOR via W alter.; *3,000. *2,100—MOCA.
Decatur, Ala., VOR; Tanner INT, Ala.; *2,500. *2,000—MOCA.
Tanner INT, Ala.; Graham, Tenn., VOR; *3,000. *2,200—MOCA.
Graham, Tenn., VOR; Van Leer INT, Tenn.; *3,000. *2,200—MOCA.

From, To, and MEA

Van Leer INT, Tenn.; Thomasville INT, Tenn.; *4,000. *2,200—MOCA.
Thomasville INT, Tenn.; Bowling Green, Ky., VOR; 3,000.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Cartersville INT, Ga.; Kermit INT, Ga.; *4,500. *4,000—MOCA.
Kermit INT, Ga.; Chattanooga, Tenn., VOR; 3,000.

Section 95.6278 *VOR Federal airway 278* is amended to delete:

Bridgeport, Tex., VOR; *Fox INT, Tex.; *2,600. *2,700—MRA. **2,300—MOCA.
Fox INT, Tex.; Dallas, Tex., VOR; *2,300. *2,100—MOCA.
Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,900—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended by adding:

Bridgeport, Tex., VOR; Blue Ridge, Tex., VOR; *2,800. *2,600—MOCA.
Blue Ridge, Tex., VOR; Paris, Tex., VOR; *2,400. *1,900—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Avery INT, Tex.; Texarkana, Ark., VOR; 2,000.

Section 95.6301 *VOR Federal airway 301* is amended to read in part:

*Santa Rosa, Calif., VOR; Kellogg INT, Calif.; **5,000. *5,000—MCA Santa Rosa VOR, northeastbound. **4,700—MOCA.
Kellogg INT, Calif.; Williams, Calif., VOR; *7,000. *6,300—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended by adding:

Waco, Tex., VOR; Greater Southwest, Tex., VOR; 2,800. Greater Southwest Tex., VOR, Ardmore, Okla., VOR; *2,700. *2,300—MOCA.

Section 95.6355 *VOR Federal airway 355* is added to read:

Bridgeport, Tex., VOR; Wichita Falls, Tex., VOR; 3,000.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Grand Rapids, Minn., VOR via N alter.; Hibbing, Minn., VOR via N alter.; *3,300. *2,800—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to delete:

Leona, Tex., VOR; Navarro INT, Tex.; *3,700. *1,800—MOCA.
Navarro INT, Tex.; Alma INT, Tex.; *4,200. *1,700—MOCA.
Alma INT, Tex.; Dallas, Tex., VOR; 2,000.
Leona, Tex., VOR via E alter.; *Scurry INT, Tex., via E alter.; **4,100. *2,600—MRA. **1,800—MOCA.
Scurry INT, Tex., via E alter.; Dallas, Tex., VOR via E alter.; 2,000.

Section 95.6477 *VOR Federal airway 477* is amended by adding:

Leona Tex., VOR; Scurry, Tex., VOR; *2300. *1800—MOCA.
Leona, Tex., VOR via W alter.; Scurry, Tex., VOR via W alter.; *2,300, *1,800—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

From, To, and MEA

Houston, Tex., VOR; Humble, Tex., VOR; 1,900.
Houston, Tex., VOR via W alter.; Silver INT, Tex., via W alter.; 1,900.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

Cambridge, N.Y., VOR; Battleboro INT, Vt.; *5,500. *5,000—MOCA.

Section 95.7074 *Jet Route No. 74* is amended to delete:

From, to, MEA, and MAA

Texico, N. Mex., VOR; Wichita Falls, Tex., VORTAC; 18,000;—45000.
Wichita Falls, Tex., VORTAC; Greater Southwest, Tex., VORTAC; 18,000;—45000.

Section 95.7074 *Jet Route No. 74* is amended by adding:

Texico, N. Mex., VORTAC; Oklahoma City, Okla., VORTAC; 18,000;—45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points V–290* is amended by adding:

From; to—Changeover point: Distance; from
Franklin, Va., VOR; Elizabeth City, N.C., VOR; 35; Franklin.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on March 22, 1971.

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

[FR Doc. 71-4350 Filed 3-31-71;3:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[16th Gen. Rev., Amdt. 16]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 373, 375, 376, 377, and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: Supplement No. 1 to Part 373 and § 373.4(b) are effective April 7, 1971. All other amendments listed herein are effective March 31, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 373—SPECIAL LICENSING PROCEDURES

In § 373.3(d)(3), subdivision (iii) is amended to read as follows:

§ 373.3 Distribution license.

* * * * *

(d) * * *

(3) * * *

(iii) *Form FC–1143.* Unless the ultimate consignee is a foreign government agency, other than a government-controlled institution of higher learning (university, academy, college, etc.), three copies of Form FC–1143 shall be manually signed by the consignee or by a responsible official of the consignee who is authorized to bind the consignee to all of the terms, undertakings, and commitments set forth on the form. All copies shall be cosigned by the applicant and submitted with the application to the Office of Export Control. If the ultimate consignee is a foreign government agency, see subdivision (ii)(c) of this subparagraph for required notation on application.

* * * * *

In § 373.4, paragraph (b) is amended by adding the following entry and paragraph (c)(3) is amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(b) *Exports to the foreign-based warehouse.* * * *

Export Control Commodity Number and Commodity Description	
513	Helium isotopically enriched in the helium-3 isotope, in any form or quantity, and whether or not admixed with other materials, or contained in any equipment or device

* * * * *

(c) * * *

(3) *Letter request.* Form FC–243 is not required if the customer is a government agency, provided the commodities are to be distributed to the government agency. Form FC–243 will be required from foreign government-controlled institutions of higher learning (universities, academies, colleges, etc.). Where the customer is a U.S. Government agency, it is not necessary to request any approval from the Office of Export Control. Where the customer is a foreign government agency, other than an institution of higher learning, request for approval should be submitted to the Office of Export Control by letter in six copies, giving the name and address of the foreign government agency.

* * * * *

Supplement No. 1 to Part 373 is amended by adding the following entry:

Supplement No. 1—Commodities Excluded From Certain Special Licensing Procedures

Export Control Commodity Number and Commodity Description	
513	Helium isotopically enriched in the helium-3 isotope, in any form or quantity, and whether or not admixed with other materials, or contained in any equipment or device.

* * * * *

PART 375—DOCUMENTATION REQUIREMENTS

In § 375.1(c), subparagraph (7) is amended to read as follows:

§ 375.1 International Import Certificates and Delivery Verification Certificates.

* * * * *

(c) * * *

(7) A license application to export commodities to an institution of higher learning (e.g., university, academy, college, etc.). The institution must have actually placed the order with the applicant and will take delivery when received in the importing country. This exemption does not apply if the commodities to be exported are listed in Supplement No. 1 to Part 373 of this chapter, "Commodities Excluded From Certain Special License Procedures."

* * * * *

In § 375.2 paragraphs (b)(2)(ii)(b) and (ix) and (c)(2)(i) are amended to read as follows:

§ 375.2 Ultimate Consignee and Purchaser Statement.

* * * * *

(b) * * *
(2) * * *
(ii) * * *

(b) *$1,000 for all other commodities.* However, these total value exemptions do not apply to an application supported by a Form FC–843;

* * * * *

(ix) The ultimate consignee is an institution of higher learning (e.g., university, academy, college, etc.), located in Country Group T (under the Time Limit License Procedure), Country Group V, or Hong Kong. The institution must have actually placed the order with the applicant and will take delivery when received in the importing country. This exemption does not apply if the commodities to be exported are listed in Supplement No. 1 to Part 373 of this chapter, "Commodities Excluded From Certain Special License Procedures; or

* * * * *

(c) * * *
(2) * * *

(i) *Continuing business relationship.* Form FC–843 may be used when the exporter has a continuing and regular business relationship with the ultimate consignee (including but not limited to foreign branches, subsidiaries, or distributors under franchise with the applicant), involving recurring orders from the same consignee and/or purchaser for the same commodity(ies) to the same destinations and for the same end uses.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

In § 376.4, paragraph (c) is deleted.

PART 377—SHORT SUPPLY CONTROLS

Section 377.3 and Supplement No. 1 to Part 377 are deleted.

PART 386—EXPORT CLEARANCE

In § 386.3(v)(6), subdivisions (i) and (ii) are amended to read as follows:

§ 386.3 Shipper's Export Declaration.

(v) * * *

(6) *Withdrawal of privileges*—(i) *Exporters and agents of exporters.* The privilege of participating in the "NAR" Procedure may be withdrawn from an exporter or agent of an exporter if it is determined by the Bureau of International Commerce or the Bureau of the Census that such exporter or agent has knowingly failed to furnish, or has been repeatedly negligent in furnishing the information required on the Shipper's Export Declaration.

(ii) *Carriers.* The privilege of participating in the "NAR" Procedure may be withdrawn from a carrier if it is determined by the Bureau of International Commerce or the Bureau of the Census that the carrier has knowingly failed to perform, or has been repeatedly negligent in performing, the functions required thereunder. Under such circumstances no exporter or agent of an exporter may avail himself of this procedure when dealing with such carrier so long as the carrier's privileges have been withdrawn.

* * * * *

[FR Doc.71–4498 Filed 3–31–71;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Sulfadimethoxine and Ormetoprim

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40–209V) filed by Hoffmann-LaRoche, Inc., proposing the safe and effective use in turkey feed of a drug containing sulfadimethoxine and ormetoprim for the purposes set forth below. The supplemental application is approved.

Having considered the submitted data and other relevant material, the Commissioner concludes that a tolerance limitation is required to assure that edible tissues of turkeys treated with ormetoprim are safe for human consumption. A tolerance has previously been established for safe residues of sulfadimethoxine in turkey tissues.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135e and 135g are amended as follows:

1. In § 135e.55, paragraph (c) is revised and the table in paragraph (e) is amended by revising the text of items 1 and 2 in the "Limitations" column and by adding a new item 3, as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

* * * * *

(c) *Assay Limits.* (1) Finished feed containing 0.01 percent of combined drug must contain not less than 85 percent nor more than 115 percent of ormetoprim and not less than 75 percent nor more than 125 percent of sulfadimethoxine.

(2) Finished feed containing 0.02 percent of combined drug must contain not less than 85 percent nor more than 115 percent of either ormetoprim or sulfadimethoxine.

* * * * *

(e) * * *

Principal ingredients	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *	* * *	* * *	* * *	For broiler chickens; not for laying chickens; withdraw 2 days before slaughter.	* * *
2. * * *	* * *	* * *	* * *	For broiler chickens; not for laying chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	* * *
3. Sulfadimethoxine and ormetoprim.	56.75 (0.00625%) 34.05 (0.00375%)			For growing turkeys; not for laying turkeys; withdraw 2 days before slaughter.	As an aid in the prevention of coccidiosis caused by all Eimeria species known to be pathogenic to turkeys, namely *E. adenoeides*, *E. gallopavonis*, and *E. meleagrimitis*.

2. Section 135g.76 is revised to read as follows:

§ 135g.76 Ormetoprim.

A tolerance of 0.1 part per million is established for negligible residues of ormetoprim in the edible tissues of chickens and turkeys.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–1–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 23, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71–4458 Filed 3–31–71;8:46 am]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Revocations

In the FEDERAL REGISTER of May 2, 1970 (35 F.R. 7030), the Commissioner of Food and Drugs announced (DESI 0097) the conclusion of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Gammamycin (bacitracin-polymyxin B sulfate-neomycin sulfate tablets), marketed by Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

The Academy had concluded that: (1) Gammamycin is probably effective for treating infections of the bovine genital tract and enteric infections susceptible to the drug in dogs and cats; (2) dosage may be low; (3) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drugs)," and if the disease cannot be so qualified, the claim must be dropped; (4) this preparation does not satisfy the condition that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as an active ingredient; (5) information is required with respect to the degree of disintegration within the uterus, the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis, and the chemical compatibility of the vehicle and active agents; and (6) evidence must be provided that the tablet disintegrates in the gastrointestinal tract of the medicated species to produce the desired effect.

The Food and Drug Administration concurred with the above conclusions of the Academy.

The announcement allowed Pitman-Moore, Inc., 6 months to provide adequate documentation in support of the labeling used for Gammamycin, and made provision for written comments or requests for an informal conference from interested persons.

Pitman-Moore, Inc., did not furnish any data to support the effectiveness of Gammamycin, but did report that the manufacture and marketing of the drug was discontinued on or about January 1965 and that the firm has no plans to resume marketing this product. No other comments or requests for a hearing were received.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provision for certification of this drug due to a lack of substantial evidence that it will have the effectiveness it purports and is represented to have. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for such drug should be revoked on the basis of an unwarranted hazard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141e and 146e are amended by revoking § 141e.421 *Bacitracin - neomycin - polymyxin tablets and* § 146e.421 *Bacitracin-neomycin-polymyxin tablet.* Certificates of safety and effectiveness issued under those regulations are also revoked.

Any person who will be adversely affected by the removal of any such drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS–NRC evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for its intended uses.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b)

Dated: March 22, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71–4459 Filed 3–31–71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7103]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accounting for Advanced Payments

Correction

In F.R. Doc. 71–3969 appearing at page 5495 in the issue for Wednesday, March 24, 1971, the reference to "§ 1.466–1(c)(1)" in the last line of § 1.451–5(b) should read "§ 1.446–1(c)(1)".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 906—MEDICAL SERVICE EARLY COMMISSIONING PROGRAM

Part 906 is revised to read as follows:

Sec.
906.1 Purpose.
906.2 How the program works.
906.3 Status of participants.
906.4 Eligibility.
906.5 How to apply.
906.6 Selecting students.
906.7 Training programs.
906.8 Supply of forms.

AUTHORITY: The provisions of this Part 906 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 906.1 Purpose.

This part explains participation in the Medical Service Early Commissioning Program. It also tells who is eligible for the program.

§ 906.2 How the program works.

(a) When enrolled in medical, osteopathy, dental, veterinary, or optometry school, the participant is given a probationary appointment as a second lieutenant in the Reserve of the Air Force, Medical Service Corps (MSC). Upon successful completion of his professional school, the individual is reappointed in the Reserve of the Air Force, Medical Corps (MC), Dental Corps (DC), Veterinary Corps (VC), or Biomedical Sciences Corps (BSC), as appropriate.

(b) Participation in the plan insures deferment from induction or involuntary call to active duty until completion of professional school. It also provides an early association with the Air Force of future physicians, dentists, veterinarians, and optometrists.

§ 906.3 Status of participants.

(a) Appointments are probationary and contingent upon successful qualification as a physician, dentist, veterinarian, or optometrist.

(b) Participants who fail to achieve qualification for reappointment to the MC, DC, VC, or BSC, as appropriate, or, having qualified, decline to accept reappointment, may have their appointment in the MSC terminated. Additionally, participants who change their course of study may have their appointments in the MSC terminated.

(c) Appointments under this program are made only in the grade of second lieutenant, Reserve of the Air Force, MSC. Upon appointment, participants are designated Ready Reservists and assigned to the Obligated Reserve Section (ORS). When necessary, further classification and assignment will be according to AFM 35-3 (Air Reserve Forces Personnel Administration). However, participants will not be assigned to units of the Air Force Reserve or to the Air National Guard for training.

(d) Participants may volunteer for sponsored training programs offered under Part 905 of this subchapter.

(e) Upon completion of requisite professional education, participants are reappointed to the appropriate Corps of the Medical Service and, consistent with active duty requirements, ordered to active duty requirements, ordered to active duty for not less than 2 years. Physicians may be granted additional deferment beyond internship if selected for residency deferment through participation in the Armed Forces Physicians' Appointment and Residency Consideration Program (Berry Plan) or through participation in the Osteopathic Residency Deferment Program (ORD Program), as appropriate. Dental, veterinary, and optometry participants in the program may be deferred from active duty to permit them to complete postgraduate training.

§ 906.4 Eligibility.

(a) The early commissioning program is limited to students enrolled in an approved school of medicine, osteopathy, dentistry, veterinary medicine, or optometry. Only those schools located in the United States, Puerto Rico, or Canada are acceptable for student participation in this program.

(b) At the discretion of the Surgeon General, programs for students in other health or health-related fields may be initiated in order to assist in meeting requirements for personnel qualified in such fields.

(c) Applicant must meet the eligibility criteria for appointment prescribed in Part 881, Subchapter I of this chapter, with the exception of certain education requirements.

§ 906.5 How to apply.

Each applicant submits a request direct to USAFMPC (AFMSMB-4), Randolph AFB TX 78148, for an application kit. The application kit will consist of AF Form 433, "Application for the Air Force Medical Service Commissioning Program," and associated forms.

§ 906.6 Selecting students.

Selection of participants is made by the Office of the Surgeon General, USAF.

§ 906.7 Training programs.

Off-term or summer training programs of approximately 90 days duration appropriate to the professional specialties and/or officer orientation may be established by the Air Force and offered to participants. Programs will be announced to participants during the year preceding their eligibility for such training. Participants receive pay and allowances for such periods.

§ 906.8 Supply of forms.

AF Form 433 will be reproduced locally, head to head, on 8" x 10½" paper.

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.71-4443 Filed 3-31-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 71-20]

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

Subpart 3.65—Thirteenth Coast Guard District

SEATTLE AND PORTLAND CAPTAIN OF THE PORT AREAS

The purpose of this amendment to Part 3 is to change the Seattle and Portland Captain of the Port areas.

Part 3 of Title 33, Code of Federal Regulations, describes the districts, zones, and areas into which the Coast Guard is divided for the performance of its assigned functions and duties. This amendment changes the area of responsibility of the Seattle Captain of the Port to reflect his assigned duty as On Scene Commander in accordance with the Seattle Coastal Region Pollution Contingency Plan. The changes in the description of the Seattle Captain of the Port zone require changes in the description of the Portland Captain of the Port zone.

Since this amendment concerns a matter relating to agency management, the notice of proposed rule making and public procedure requirements in 5 U.S.C. 553 do not apply and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Part 3 is amended as follows:

1. By revising § 3.65-55(b) to read as follows:

§ 3.65-55 Portland Captain of the Port.

* * * * *

(b) The Portland Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting at the Washington coastline in 47°32' N. latitude running due east to 47°32' N. latitude, 123°18' W. longitude; thence due south to 46°55' N. latitude; thence due east to 116°30' W. longitude; thence due south to 45°20' N. latitude; thence due west to 122° W. longitude; thence due south to the California-Oregon State line; thence due west to the Pacific Ocean; thence northerly following the coastline to the western extremity of Clatsop Spit; thence westerly to the Columbia River Lightship; thence northeasterly to the westernmost part of Cape Disappointment; thence northerly following the coastline to the point of beginning.

2. By revising § 3.65-60(b) to read as follows:

§ 3.65-60 Seattle Captain of the Port.

* * * * *

(b) The Seattle Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from 46°55' N. latitude, 122° W. longitude due north to the international boundary; thence west, southerly and northwesterly along that boundary to 48°29'35" N. latitude, 124°43'45" W. longitude; thence southerly to Cape Flattery; thence southerly following the coastline to 47°32' N. latitude; thence due east to 123°18' W. longitude; thence southerly to 46°55' N. latitude; thence easterly to the point of beginning.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b) and 49 CFR 1.45 and 1.46)

Effective date. This amendment shall become effective on April 1, 1971.

Dated: March 25, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-4513 Filed 3-31-71;8:51 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1030, Amdt. 7]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 22d day of March 1971.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211, 15250, 35 F.R. 5334, 10661, 15294), and good cause appearing therefor:

It is ordered, That § 1033.1030 *Service Order No. 1030* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over the tracks of the Atchison, Topeka and Santa Fe Railway Co.), be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–4521 Filed 3–31–71;8:52 am]

[S.O. 1042, Amdt. 3]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of March 1971.

Upon further consideration of Service Order No. 1042 (35 F.R. 10150, 15394, 19753), and good cause appearing therefor:

It is ordered, That § 1033.1042 *Service Order No. 1042* (Chicago and North Western Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.) be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–4522 Filed 3–31–71;8:52 am]

[2d Rev. S.O. 1065, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of March 1971.

Upon consideration of request of the Illinois Central Railroad Co. seeking suspension of certain provisions of Second Revised Service Order No. 1065.

It appearing, that the provisions of paragraph (10), section (a) of Second Revised Service Order No. 1065 have resulted in severe shortages of plain 40-foot narrow-door boxcars by shippers located on the lines of the Illinois Central Railroad Co.; that the provisions of Second Revised Service Order No. 1065, which require the return to owners of plain 40-foot narrow-door boxcars owned by the Illinois Central Railroad Co. have not been in effect for a sufficient time to overcome the shortages caused by the limited use, authorized by Second Revised Service Order No. 1065, of similar cars owned by railroads not named in various Interstate Commerce Commission service orders; and to prevent irreparable harm to the affected shippers during the necessary car relocation period:

It is ordered, That § 1033.1065 *Service Order No. 1065* (Distribution of boxcars) be, and it is hereby, amended by adding the following subparagraph (10.1) to paragraph (a) of Second Revised Service Order No. 1065.

(10.1) The provisions of subparagraph (10) of this paragraph insofar as they apply to the Illinois Central Railroad Co. are hereby suspended until 12:01 a.m., April 5, 1971.

Effective date. This amendment shall become effective at 12:01 a.m., March 24, 1971.

(Secs. 1, 12, 15, and 17(2) 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–4523 Filed 3–31–71;8:52 am]

[Rev. S.O. 1066–A]

PART 1033—CAR SERVICE

Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of March 1971.

Upon further consideration of Revised Service Order No. 1066 and good cause appearing therefor:

It is ordered, That § 1033.1066 *Service Order No. 1066* (Distribution of gondola cars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., April 1, 1971; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–4520 Filed 3–31–71;8:52 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4–1–71).

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

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. 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 extends from May 1, 1971, through September 15, 1971, daylight hours only.

The provisions of this special regulation 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.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

MARCH 25, 1971.

[FR Doc.71–4463 Filed 3–31–71;8:47 am]

PART 33—SPORT FISHING

Columbia National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4–1–71).

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

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

General conditions. Sport fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to sport fishing are designated by signs and/or delineated on maps available at the refuge headquarters, Post Office Drawer F, Othello, WA 99344, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, OR 97208.

Special conditions. (1) Sport fishing shall be permitted on the refuge as follows:

Waters open April 18 through August 15, 1971—Mallard Lake, Migraine Lake, and Scabrock Lakes.

Waters open July 10 through September 30, 1971—Lower Crab Creek within Management Units I and III as posted.

Waters open April 18 through September 30, 1971—Lower Crab Creek within Management Units II, IV, and V.

(2) The use of boats and outboard motors are prohibited on lakes so posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1972.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

FEBRUARY 17, 1971.

[FR Doc.71–4464 Filed 3–31–71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

OMNIBUS EXAMINATION OF RECORDS CLAUSE

This amendment of the Federal Procurement Regulations prescribes a revised Examination of Records by Comptroller General clause in § 1–7.101–10 for use, with certain minor exceptions, in all negotiated fixed-price contracts which exceed $2,500. The use of such a clause which provides for the Comptroller General to "* * * have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor * * *" is required by the Federal Property and Administrative Services Act of 1949, as amended, and other statutes. In the past, different versions of the clause have been used by agencies in negotiated contracts which are other than fixed-price. This revision of the clause is designed to provide an expanded clause which is appropriate for use in both fixed-price and other than fixed-price negotiated contracts. The amendment provides for the use of the revised clause in connection with Standard Form 2–A, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property; Standard Form 2–B, U.S. Government Lease for Real Property (Short Form); Standard Form 19, Invitation, Bid, and Award (Construction, Alteration, or Repair); Standard Form 32, General Provisions (Supply Contract); and Standard Form 253, General Provisions (Architect-Engineer Contract).

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.8—Price Negotiation Policies and Techniques

Section 1–3.814–2(e) is revised as follows:

§ 1–3.814–2 Audit and records.

* * * * *

(e) Except as otherwise provided in Subpart 1–6.10 of this chapter, or when independent authority exists for the omission of such clause, the clause in §§ 1–7.101–10 and 1–7.602–7 of this chapter shall be inserted in all negotiated fixed-price contracts in excess of $2,500, including contracts awarded under a total set-aside (small business restricted advertising, as defined in § 1–1.701–9 of this chapter) or a partial set-aside (see §§ 1–1.706 and 1–1.804 of this chapter), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $2,500 (the clause prescribed by § 1–7.101–10 of this chapter satisfies this requirement). In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract.

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended to include revised entries as follows:

Sec.
1–7.101–10 Examination of records by Comptroller General.
1–7.602–7 Examination of records by Comptroller General.

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.101–10 is revised as follows:

§ 1–7.101–10 Examination of records by Comptroller General.

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a

provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c), above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigations, claims, or exceptions have been disposed of.

The above clause shall be included in fixed-price negotiated contracts and may be included in other than fixed-price negotiated contracts, as provided in § 1–3.814–2(e) of this chapter. When contracts involve the use of Standard Forms 2–A and 2–B, or 253, the forms may be amended to provide for the use of the term "lessor" or "architect-engineer," respectively, in lieu of the term "contractor."

Subpart 1–7.6—Fixed-Price Construction Contracts

Section 1–7.602–7 is amended to prescribe a revised caption for the section as follows:

§ 1–7.602–7 Examination of records by Comptroller General.

* * * * *

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101 is amended to change paragraph (c) as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10, and the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) of this chapter shall be substituted for the provision entitled Utilization of Concerns in Labor Surplus Areas in Article 22.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is revised to change paragraph (a) as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitiation, Bid, and Award (Construction, Alteration or Repairs) (Standard Form 19, October 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 12.

* * * * *

Subpart 1–16.6—Forms of Leases for Real Property

Section 1–16.601 is amended to change paragraphs (b) and (c) as follows:

§ 1–16.601 Forms prescribed.

* * * * *

(b) Standard Form 2–A, May 1970 edition, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property. Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 11.

(c) Standard Form 2–B, February 1965 edition, U.S. Government Lease for Real Property (Short Form). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10.

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

Section 1–16.701 is amended to change paragraph (b) as follows:

§ 1–16.701 Forms prescribed.

* * * * *

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 8.

* * * * *

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

Effective date. This amendment is effective July 30, 1971, but may be observed earlier.

Dated: March 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–4460 Filed 3–31–71;8:47 am]

Chapter 5A—Federal Supply Service, General Services Administration

INSTRUCTIONS FOR COMPLETING GSA FORM

Chapter 5A of Title 41 is amended as follows:

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.4—Opening of Bids and Award of Contract

1. Section 5A–2.403 is revised as follows:

§ 5A–2.403 Recording of bids.

GSA Form 289, Abstract of Bids, and GSA Form 289a, Abstract of Bids (Continued), illustrated in §§ 5A–16.950–289 and 5A–16.950–289a of this chapter, respectively, normally shall be used when recording bids. However, in cases where unusual circumstances require a specialized form for abstracting bids, GSA Form 289 need not be used. If special abstract forms are used recurrently in a class of cases in lieu of GSA Form 289, a copy of each such form shall be forwarded to the Director, Procurement Policy and Procedures Division.

2. Section 5A–2.404–2 is amended as follows:

§ 5A–2.404–2 Rejection of individual bids.

(a) *Proposed award to other than low offeror.* When an award in excess of $2,500 is proposed to other than the low offeror, GSA Form 2112, Proposed Award to Other than Low Bidder, shall be completed to explain the circumstances and justifications for rejecting the low offer. Higher authority approval shall be obtained in accordance with the Delegations of Authority Manual, Chapter 7 (ADM P 5450.39, FSS P 5450.20, or FSS P 5450.21), as amended. In completing GSA Form 2112 particular attention shall be given to the following:

(1) In the "Price Analysis" portion enter the unit and total price of each item to be rejected, the proposed award price, and the increase both in dollars and percentages. For aggregate awards, price comparisons shall be made only for the aggregate totals, i.e., no comparisons need to be made for the individual items within an aggregate group. The aggregate group numbers shall be inserted in the "Item No(s) and Quantity(ies)" block.

(2) The "Previous Award Comparison" portion shall be completed as called for by the Form. If the quantity is estimated, the abbreviation "Est." shall be shown after the dollar amount. If there has been no known previous award, or if the previous award price is not available, an appropriate explanation shall be made.

(3) In the "Basis for Rejection" portion enter concise but specific explanations for rejecting each lower-priced offer. If the explanations require space larger than the space provided on the

form, the words "see continuation sheet(s)" shall be entered and the complete explanation shall be made on the separate sheet(s). Basis-for-rejection explanations shall include the regulatory authority as, for example, "FPR 1–2.404–2(a)—Failure to conform to the essential requirements of the solicitation; specifically, nonconformance with specifications, as follows: * * * The deviation is considered major as concurred in by Standardization Division." When a proposed rejection is based on failure to meet Qualified Products List (QPL) requirements, the explanation shall indicate the following: (i) Whether the item(s) offered had or had not been tested and approved for inclusion in the QPL as required by the solicitation; (ii) whether the item has or has not been submitted for qualification testing; and (iii) the status of such testing, if available.

(4) All appropriate approval signatures shall be entered as called for on GSA Form 2112.

(5) Case files submitted for approval of an award to other than the low offeror must contain adequate documentation in support of the proposed rejection. Such case files normally shall be arranged with GSA Form 2112 on top of the file and the following documents fastened underneath: (i) GSA Form 1535, Request for Approval of Awards (see § 5A–1.375 of this chapter); (ii) the offer which is to be rejected; (iii) statements from (or a record of conversation with) the requisitioning activity, where appropriate, indicating concurrence in the proposed rejection; and (iv) plant facilities and/or financial responsibility reports, relevant correspondence or reports, e.g., with the Small Business Administration on Certificates of Competence matters, Congressional correspondence, or other evidence of high level interest in the transaction, etc. Where documentation in support of the proposed award is also submitted (as opposed to documentation solely related to the rejection of the low offer), such documents shall be suitably assembled as a separate package and placed inside the case file without being fastened.

* * * * *

PART 5A–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.1—Use of Negotiation

Section 5A–3.102 is amended by adding an applicable Subpart 5A–2.4 reference as follows:

§ 5A–3.102 Factors to be considered in negotiated contracts.

* * * * *

(d) *Nonacceptance of low offer.* The provisions of § 5A–2.404–2 of this chapter are applicable where the contracting officer determines to make award to other than the low offeror. The terms "bidder" and "rejection" on GSA Form 2112 and in § 5A–2.404–2 of this chapter shall be understood to mean "offeror" and "nonacceptance" respectively when used with negotiated competitive contracts.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: March 24, 1971.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[FR Doc.71–4485 Filed 3–31–71;8:49 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in Southeastern United States

On November 7, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17191) to amend Part 481 by designating the Western Tennessee and Middle Tennessee Intrastate Air Quality Control Regions and by revising the boundaries and renaming the Scottsboro (Alabama)-Jasper (Tennessee), Bristol (Virginia)-Johnson City (Tennessee), and Alabama-Mississippi-Tennessee Interstate Air Quality Control Regions.

On November 17, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17664) to amend Part 481 by designating the Mississippi Delta Intrastate Air Quality Control Region and by revising the boundaries and renaming the Alabama-Mississippi-Tennessee and Mobile (Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate Air Quality Control Regions.

On January 26, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1210) to amend Part 481 by designating the Alabama State Capital and East Alabama Intrastate Air Quality Control Regions, by revising the boundaries and renaming Scottsboro (Alabama)-Jasper (Tennessee) and Alabama-Mississippi-Tennessee Interstate Air Quality Control Regions, and by revising the boundaries of the Metropolitan Birmingham Intrastate Air Quality Control Region.

On February 23, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3378) to amend Part 481 by designating the Central Georgia, Northeast Georgia, and Southwest Georgia Intrastate Air Quality Control Regions and by revising the boundaries of the Augusta (Georgia)-Aiken (South Carolina), Chattanooga, Columbus (Georgia)-Phenix City (Alabama), Jacksonville (Florida)-Brunswick (Georgia), and Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Regions and the Metropolitan Atlanta Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. Consultations were held in Nashville, Tenn., on November 16, 1970, in Jackson, Miss., on November 23, 1970, in Montgomery, Ala., on February 2, 1971, and in Atlanta, Ga., on February 24, 1971, with appropriate State and local authorities, pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented, with the recommendation that the regions be designated and revised as proposed or with these changes: (1) Chambers County, Ala., is hereby deleted from the Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region and designated as part of the East Alabama Intrastate Air Quality Control Region; (2) the proposed Alabama State Capital Intrastate Air Quality Control Region will not be designated; (3) the area proposed for designation as the Alabama State Capital Intrastate Air Quality Control Region is hereby divided into three parts, one designated as the Alabama and Tombigbee Rivers Intrastate Air Quality Control Region, one designated as the Southeast Alabama Intrastate Air Quality Control Region, and one added to the Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region; (4) Lincoln, Taliaferro, and Wilkes Counties, proposed as part of the Northeast Georgia Intrastate Air Quality Control Region, are added to the Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region.

In consideration of the foregoing the regulations set forth below, designating certain air quality control regions in the States of Alabama, Georgia, Mississippi, and Tennessee and revising certain air quality control regions, are adopted effective on the date of filing with the Office of the Federal Register.

§ 481.119 Western Tennessee Intrastate Air Quality Control Region.

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

In the State of Tennessee:

Benton County.	Haywood County.
Carroll County.	Henderson County.
Chester County.	Henry County.
Crockett County.	Lake County.
Decatur County.	Lauderdale County.
Dyer County.	McNairy County.
Fayette County.	Madison County.
Gibson County.	Obion County.
Hardeman County.	Tipton County.
Hardin County.	Weakley County.

§ 481.120 Middle Tennessee Intrastate Air Quality Control Region.

The Middle Tennessee Intrastate Air Quality Control Region consists of the

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

In the State of Tennessee:

Bedford County.	Macon County.
Cannon County.	Marshall County.
Cheatham County.	Maury County.
Clay County.	Montgomery County.
Davidson County.	Moore County.
De Kalb County.	Perry County.
Dickson County.	Robertson County.
Giles County.	Rutherford County.
Hickman County.	Smith County.
Houston County.	Stewart County.
Humphreys County.	Sumner County.
Jackson County.	Trousdale County.
Lawrence County.	Wayne County.
Lewis County.	Williamson County.
Lincoln County.	Wilson County.

§ 81.122 Mississippi Delta Intrastate Air Quality Control Region.

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

In the State of Mississippi:

Bolivar County.	Sharkey County.
Coahoma County.	Sunflower County.
Humphreys County.	Tallachatchie County.
Issaquena County.	Tunica County.
Leflore County.	Washington County.
Quitman County.	Yazoo County.

§ 481.199 East Alabama Intrastate Air Quality Control Region.

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

In the State of Alabama:

Calhoun County.	Coosa County.
Chambers County.	Etowah County.
Cherokee County.	Randolph County.
Clay County.	Talladega County.
Cleburne County.	Tallapoosa County.

§ 481.266 Alabama and Tombigbee Rivers Intrastate Air Quality Control Region.

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

In the State of Alabama:

Choctaw County.	Monroe County.
Clarke County.	Perry County.
Conecuh County.	Washington County.
Dallas County.	Wilcox County.
Marengo County.	

§ 481.267 Southeast Alabama Intrastate Air Quality Control Region.

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

In the State of Alabama:

Barbour County.	Geneva County.
Coffee County.	Henry County.
Covington County.	Houston County.
Dale County.	

§ 481.236 Central Georgia Intrastate Air Quality Control Region.

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

In the State of Georgia:

Baldwin County.	Monroe County.
Ben Hill County.	Montgomery County.
Bibb County.	Peach County.
Bleckley County.	Pulaski County.
Crawford County.	Putnam County.
Dodge County.	Telfair County.
Hancock County.	Toombs County.
Houston County.	Treutlen County.
Jasper County.	Twiggs County.
Jeff Davis County.	Washington County.
Johnson County.	Wheeler County.
Jones County.	Wilcox County.
Laurens County.	Wilkinson County.
Macon County.	

§ 481.237 Northeast Georgia Intrastate Air Quality Control Region.

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

In the State of Georgia:

Banks County.	Lumpkin County.
Barrow County.	Madison County.
Clarke County.	Morgan County.
Dawson County.	Newton County.
Elbert County.	Oconee County.
Forsyth County.	Oglethorpe County.
Franklin County.	Rabun County.
Greene County.	Stephens County.
Habersham County.	Towns County.
Hall County.	Union County.
Hart County.	Walton County.
Jackson County.	White County.

§ 481.238 Southwest Georgia Intrastate Air Quality Control Region.

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

In the State of Georgia:

Baker County.	Irwin County.
Berrien County.	Lanier County.
Brooks County.	Lee County.
Calhoun County.	Lowndes County.
Clay County.	Miller County.
Colquitt County.	Mitchell County.
Cook County.	Randolph County.
Crisp County.	Seminole County.
Decatur County.	Terrell County.
Dougherty County.	Thomas County.
Early County.	Tift County.
Echols County.	Turner County.
Grady County.	Worth County.

§ 481.41 Metropolitan Birmingham Intrastate Air Quality Control Region.

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

In the State of Alabama:

Bibb County.	Lamar County.
Blount County.	Pickens County.
Chilton County.	St. Clair County.
Fayette County.	Shelby County.
Greene County.	Sumter County.
Hale County.	Tuscaloosa County.
Jefferson County.	Walker County.

§ 481.45 Metropolitan Atlanta Intrastate Air Quality Control Region.

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

In the State of Georgia:

Butts County.	Heard County.
Carroll County.	Henry County.
Clayton County.	Lamar County.
Cobb County.	Meriwether County.
Coweta County.	Pike County.
De Kalb County.	Rockdale County.
Douglas County.	Spalding County.
Fayette County.	Troup County.
Fulton County.	Upson County.
Gwinnett County.	

§ 481.42 Chattanooga Interstate Air Quality Control Region.

The Chattanooga Interstate Air Quality Control Region (Georgia-Tennessee)

has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Bartow County.	Gordon County.
Catoosa County.	Haralson County.
Chattooga County.	Murray County.
Cherokee County.	Paulding County.
Dade County.	Pickens County.
Fannin County.	Polk County.
Floyd County.	Walker County.
Gilmer County.	Whitfield County.

In the State of Tennessee:

Hamilton County.

§ 481.57 Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region.

The Briston (Virginia)-Johnson City (Tennessee) Interstate Air Quality Control Region has been renamed the Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857 h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Tennessee:

Anderson County.	Knox County.
Blount County.	Loudon County.
Bradley County.	McMinn County.
Campbell County.	Meigs County.
Carter County.	Monroe County.
Claiborne County.	Polk County.
Cocke County.	Rhea County.
Grainger County.	Roane County.
Greene County.	Sevier County.
Hamblen County.	Sullivan County.
Hancock County.	Unicoi County.
Hawkins County.	Union County.
Jefferson County.	Washington County.
Johnson County.	

In the State of Virginia:

Bland County.	Norton City.
Bristol City.	Russell County.
Buchanan County.	Scott County.
Carroll County.	Smyth County.
Dickenson County.	Tazewell County.
Galax City.	Washington County.
Grayson County.	Wise County.
Lee County.	Wythe County.

§ 481.58 Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region.

The Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Autauga County.	Lowndes County.
Bullock County.	Macon County.
Butler County.	Montgomery County.
Crenshaw County.	Pike County.
Elmore County.	Russell County.
Lee County.	

In the State of Georgia:

Chattahoochee County.	Schley County.
Dooly County.	Stewart County.
Harris County.	Sumter County.
Marion County.	Talbot County.
Muscogee County.	Taylor County.
Quitman County.	Webster County.

§ 481.62 Northeast Mississippi Intrastate Air Quality Control Region.

The Alabama - Mississippi - Tennessee Interstate Air Quality Control Region has been renamed the Northeast Mississippi Intrastate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Mississippi:

Alcorn County.	Marshall County.
Attala County.	Monroe County.
Benton County.	Montgomery County.
Calhoun County.	Neshoba County.
Carroll County.	Noxubee County.
Chickasaw County.	Oktibbeha County.
Choctaw County.	Panola County.
Clay County.	Pontotoc County.
Grenada County.	Prentiss County.
Holmes County.	Tate County.
Itawamba County.	Tippah County.
Kemper County.	Tishomingo County.
Lafayette County.	Union County.
Leake County.	Webster County.
Lee County.	Winston County.
Lowndes County.	Yalobusha County.

§ 481.68 Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate Air Quality Control Region.

The Mobile (Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate Air Quality Control Region has been renamed the Mobile (Alabama) - Pensacola - Panama City (Florida)-Southern Mississippi Interstate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Baldwin County.	Mobile County.
Escambia County.	

In the State of Florida:

Bay County.	Jackson County.
Calhoun County.	Okaloosa County.
Escambia County.	Santa Rosa County.
Gulf County.	Walton County.
Holmes County.	Washington County.

In the State of Mississippi:

Adams County.	Lamar County.
Amite County.	Lauderdale County.
Claiborne County.	Lawrence County.
Clarke County.	Lincoln County.
Copiah County.	Madison County.
Covington County.	Marion County.
Forrest County.	Newton County.
Franklin County.	Pearl River County.
George County.	Perry County.
Greene County.	Pike County.
Hancock County.	Rankin County.
Harrison County.	Scott County.
Hinds County.	Simpson County.
Jackson County.	Smith County.
Jasper County.	Stone County.
Jefferson County.	Walthall County.
Jefferson Davis County.	Warren County.
	Wayne County.
Jones County.	Wilkinson County.

§ 481.72 Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate Air Quality Control Region.

The Scottsboro (Alabama)-Jasper (Tennessee) Interstate Air Quality Control Region has been renamed the Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1875h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Colbert County.	Limestone County.
Cullman County.	Madison County.
De Kalb County.	Marion County.
Franklin County.	Marshall County.
Jackson County.	Morgan County.
Lauderdale County.	Winston County.
Lawrence County.	

In the State of Tennessee:

Bledsoe County.	Overton County.
Coffee County.	Pickett County.
Cumberland County.	Putnam County.
Fentress County.	Scott County.
Franklin County.	Sequatchie County.
Grundy County.	Warren County.
Marion County.	White County.
Morgan County.	Van Buren County.

§ 481.91 Jacksonville (Florida)-Brunswick (Georgia) Interstate Air Quality Control Region.

The Jacksonville (Florida)-Brunswick (Georgia) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically

located within the outermost boundaries of the area so delimited):

In the State of Florida:

Alachua County.	Lafayette County.
Baker County.	Leon County.
Bradford County.	Liberty County.
Clay County.	Madison County.
Columbia County.	Marion County.
Dixie County.	Nassau County.
Duval County.	Putnam County.
Flagler County.	St. Johns County.
Franklin County.	Suwannee County.
Gadsden County.	Taylor County.
Gilchrist County.	Union County.
Hamilton County.	Wakulla County.
Jefferson County.	

In the State of Georgia:

Appling County.	Coffee County.
Atkinson County.	Glynn County.
Bacon County.	Long County.
Brantley County.	McIntosh County.
Camden County.	Pierce County.
Charlton County.	Ware County.
Clinch County.	Wayne County.

§ 481.113 Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Region.

The Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina:

Beaufort County.	Hampton County.
Colleton County.	Jasper County.

In the State of Georgia:

Bryan County.	Effingham County.
Bulloch County.	Evans County.
Candler County.	Liberty County.
Chatham County.	Tattnall County.

§ 481.114 Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region.

The Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Burke County.	McDuffie County.
Columbia County.	Richmond County.
Emanuel County.	Screven County.
Glascock County.	Taliaferro County.
Jefferson County.	Warren County.
Jenkins County.	Wilkes County.
Lincoln County.	

In the State of South Carolina:

Aiken County.	Barnwell County.
Allendale County.	Calhoun County.
Bamberg County.	Orangeburg County.

NOTE: For identification purposes, the Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region is referred to by Alabama authorities as the Alabama State Capital-Columbus (Georgia) Interstate Air Quality Control Region.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4580 Filed 3-31-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in Maryland and West Virginia

On January 7, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 226) to amend Part 481 by designating the Eastern Shore, Central Maryland, and Southern Maryland Intrastate Air Quality Control Regions.

On February 23, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3380) to amend Part 481 by designating the Allegheny, Central West Virginia, Eastern Panhandle, Kanawha Valley, North Central West Virginia, and Southern West Virginia Intrastate Air Quality Control Regions and by revising the boundaries of the designated Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) (§ 481.59).

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments.

A consultation was held on January 18, 1971, with appropriate State and local authorities in Maryland pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that Washington County, Md., originally proposed in the Central Maryland Intrastate Air Quality Control Region, now be added to the designated Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) (§ 481.59).

In addition, a consultation was held on March 2, 1971, with appropriate State and local authorities in West Virginia pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing, the regulations set forth below, designating and revising certain air quality control regions in the States of Maryland and West Virginia, are adopted effective on the date of filing with the Office of the Federal Register.

§ 481.154 Eastern Shore Intrastate Air Quality Control Region.

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

In the State of Maryland:

Caroline County.	Somerset County.
Cecil County.	Talbot County.
Dorchester County.	Wicomico County.
Kent County.	Worcester County.
Queen Annes County.	

§ 481.155 Central Maryland Intrastate Air Quality Control Region.

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

In the State of Maryland:

Frederick County.

§ 481.156 Southern Maryland Intrastate Air Quality Control Region.

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

In the State of Maryland:

Calvert County.	St. Marys County.
Charles County.	

§ 481.230 Allegheny Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Greenbrier County.	Pocahontas County.
Hampshire County.	Randolph County.
Hardy County.	Summers County.
Monroe County.	Tucker County.
Pendleton County.	

In Grant County:

Grant Magisterial District.	Milroy Magisterial District.

In Mineral County:

Cabin Run Magisterial District.	Welton Magisterial District.
Frankfort Magisterial District.	

§ 481.231 Central West Virginia Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Braxton County.	Nicholas County.
Calhoun County.	Ritchie County.
Clay County.	Roane County.
Doddridge County.	Upshur County.
Gilmer County.	Webster County.
Lewis County.	Wirt County.

§ 481.232 Eastern Panhandle Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Berkeley County.	Morgan County.
Jefferson County.	

§ 481.233 Kanawha Valley Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Kanawha County.	Putnam County.

In Fayette County:

Falls Magisterial District.	Kanawha Magisterial District.

§ 481.234 North Central West Virginia Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Barbour County.	Monongalia County.
Harrison County.	Preston County.
Marion County.	Taylor County.

§ 481.235 Southern West Virginia Intrastate Air Quality Control Region.

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

In the State of West Virginia:

Boone County.	Mercer County.
Lincoln County.	Mingo County.
Logan County.	Raleigh County.
McDowell County.	Wyoming County.

In Fayette County:

Fayetteville Magisterial District.	Quinnimont Magisterial District.
Mountain Cove Magisterial District.	Sewell Mountain Magisterial District.
Nuttall Magisterial District.	

§ 481.59 Cumberland-Keyser Interstate Air Quality Control Region.

The Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Allegany County.	Washington County.
Garrett County.	

In the State of West Virginia:

In Grant County:

Union Magisterial District.

In Mineral County:

Elk Magisterial District.	Piedmont Magisterial District.
New Creek Magisterial District.	

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857 g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4578 Filed 3-31-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in Midwestern United States

On January 8, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 293) to amend Part 481 by designating the North Central Wisconsin, and Southern Wisconsin Intrastate Air Quality Control Regions, and by revising the boundaries and renaming the Menominee-Escanaba (Michigan) — Marinette (Wisconsin), Southeast Minnesota—La Crosse (Wisconsin), and Duluth (Minnesota)—Superior (Wisconsin) Interstate Air Quality Control Regions, and by renaming the Metropolitan Milwaukee Intrastate Air Quality Control Region.

On February 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1544) to amend Part 481 by designating the Central Michigan, South Central Michigan, and Upper Michigan Intrastate Air Quality Control Regions.

On February 23, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3379) to amend Part 481 by designating the Central Minnesota, Northwest Minnesota, and Southwest Minnesota Intrastate Air Quality Control Regions, and by revising the boundaries of the Duluth (Minnesota)—Superior (Wisconsin), Southeast Minnesota—La Crosse (Wisconsin), and Metropolitan Sioux Falls Interstate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. Consultations were held in Madison, Wis., on January 15, 1971, in Lansing, Mich., on February 9, 1971, and in Twin Cities, Minn., on February 22, 1971, with appropriate State and local authorities from each respective State, pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604).

Due consideration has been given to all relevant material presented, with the recommendation that the proposed name changes of the interstate regions not be made, and that the counties in the Michigan portion of the Menominee-Escanaba (Michigan)—Marinette (Wisconsin) Interstate Region be added to the Upper Michigan Intrastate Region and the counties in the Wisconsin portion become part of the Lake Michigan Intrastate Region, except for Florence County, which becomes part of the North Central Wisconsin Intrastate Region.

In consideration of the foregoing the regulations set forth below, designating certain air quality control regions in the States of Wisconsin, Michigan, and Minnesota, are adopted effective on the date of filing with the Office of the Federal Register.

§ 481.157 North Central Wisconsin Intrastate Air Quality Control Region.

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

In the State of Wisconsin:

Adams County.	Marathon County.
Forest County.	Oneida County.
Florence County.	Portage County.
Juneau County.	Vilas County.
Langlade County.	Wood County.
Lincoln County.	

§ 481.158 Southern Wisconsin Intrastate Air Quality Control Region.

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

In the State of Wisconsin:

Columbia County.	Jefferson County.
Dane County.	Lafayette County.
Dodge County.	Richland County.
Green County.	Sauk County.
Iowa County.	

§ 481.67 Lake Michigan Intrastate Air Quality Control Region.

The Menominee-Escanaba (Michigan)-Marinette (Wisconsin) Interstate Air Quality Control Region has been renamed the Lake Michigan Intrastate Air Quality Control Region (Wisconsin) and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin:

Brown County.	Menominee County.
Calumet County	Oconto County.
Door County.	Outagamie County.
Fond du Lac County.	Shawano County.
Green Lake County.	Sheboygan County.
Kewaunee County.	Waupaca County.
Manitowoc County.	Waushara County.
Marinette County.	Winnebago County.
Marquette County.	

§ 481.30 Southeastern Wisconsin Intrastate Air Quality Control Region.

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

In the State of Wisconsin:

Kenosha County.	Walworth County.
Milwaukee County.	Washington County.
Ozaukee County.	Waukesha County.
Racine County.	

§ 481.60 Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region.

The Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Aitkin County.	Koochiching County.
Carlton County.	Lake County.
Cook County.	St. Louis County.
Itasca County.	

In the State of Wisconsin:

Ashland County.	Price County.
Bayfield County.	Rusk County.
Burnett County.	Sawyer County.
Douglas County.	Taylor County.
Iron County.	Washburn County.

§ 481.66 Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region.

The Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857m(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Blue Earth County.	Mower County.
Brown County.	Nicollet County.
Dodge County.	Olmsted County.
Faribault County.	Rice County.
Fillmore County.	Sibley County.
Freeborn County.	Steele County.
Goodhue County.	Wabasha County.
Houston County.	Waseca County.
Le Sueur County.	Watonwan County.
Martin County.	Winona County.

In the State of Wisconsin:

Barron County.	La Crosse County.
Buffalo County.	Monroe County.
Chippewa County.	Pepin County.
Clark County.	Pierce County.
Crawford County.	Polk County.
Dunn County.	St. Croix County.
Eau Claire County.	Trempealeau County.
Jackson County.	Vernon County.

§ 481.195 Central Michigan Intrastate Air Quality Control Region.

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

In the State of Michigan:

Allegan County.	Mecosta County.
Arenac County.	Midland County.
Bay County.	Montcalm County.
Clare County.	Muskegon County.
Genesse County.	Newaygo County.
Gladwin County.	Oceana County.
Gratiot County.	Ogemaw County.
Huron County.	Osceola County.
Ionia County.	Ottawa County.
Iosco County.	Roscommon County.
Isabella County.	Saginaw County.
Kent County.	Sanilac County.
Lake County.	Shiawassee County.
Lapeer County.	Tuscola County.
Mason County.	

§ 481.196 South Central Michigan Intrastate Air Quality Control Region.

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

In the State of Michigan:

Barry County.	Jackson County.
Branch County.	Kalamazoo County.
Calhoun County.	Lenawee County.
Clinton County.	Livingston County.
Eaton County.	St. Joseph County.
Hillsdale County.	Washtenaw County.
Ingham County.	

§ 481.197 Upper Michigan Intrastate Air Quality Control Region.

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

In the State of Michigan:

Alcona County.	Kalkaska County.
Alger County.	Keweenaw County.
Alpena County.	Leelanau County.
Antrim County.	Luce County.
Baraga County.	Mackinac County.
Benzie County.	Manistee County.
Cheboygan County.	Marquette County.
Charlevoix County.	Menominee County.
Chippewa County.	Missaukee County.
Crawford County.	Montmorency County.
Delta County.	
Dickinson County.	Ontonagon County.
Emmet County.	Oscoda County.
Gogebic County.	Otsego County.
Grand Traverse County.	Presque Isle County.
Houghton County.	Schoolcraft County.
Iron County.	Wexford County.

§ 481.243 Central Minnesota Intrastate Air Quality Control Region.

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

In the State of Minnesota:

Benton County.	Pine County.
Chisago County.	Sherburne County.
Isanti County.	Stearns County.
Kanabec County.	Wright County.
Mille Lacs County.	

§ 481.244 Northwest Minnesota Intrastate Air Quality Control Region.

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

In the State of Minnesota:

Becker County.	Morrison County.
Beltrami County.	Norman County.
Cass County.	Otter Tail County.
Clearwater County.	Pennington County.
Crow Wing County.	Polk County.
Douglas County.	Pope County.
Grant County.	Red Lake County.
Hubbard County.	Roseau County.
Kittson County.	Stevens County.
Lake of the Woods County.	Todd County.
	Traverse County.
Mahnomen County.	Wadena County.
Marshall County.	Wilkin County.

§ 481.245 Southwest Minnesota Intrastate Air Quality Control Region.

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

In the State of Minnesota:

Big Stone County.	Meeker County.
Chippewa County.	Murray County.
Cottonwood County.	Nobles County.
Jackson County.	Pipestone County.
Kandiyohi County.	Redwood County.
Lac qui Parle County.	Renville County.
Lincoln County.	Rock County.
Lyon County.	Swift County.
McLeod County.	Yellow Medicine County.

§ 481.85 Metropolitan Sioux Falls Interstate Air Quality Control Region.

The Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa-South Dakota) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Lyon County.

In the State of South Dakota:

Lincoln County.	Minnehaha County.
McCook County.	Turner County.

NOTE: For purposes of identification, this Region is referred to by Minnesota authorities as follows:

Sec.
481.60 Duluth (Minnesota)-Superior (Wisconsin(Interstate Air Quality Control Region: Northeast Minnesota Region.

For purposes of identification, these Regions are referred to by Wisconsin authorities as follows:

Sec.
481.60 Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region: Northwestern Wisconsin Region.
481.66 Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region: West Central Wisconsin Region.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4582 Filed 3-31-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in California

On January 15, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 613) to amend Part 481 by designating the Great Basin Valley, North Central Coast, North Coast, Northeast Plateau, Sacramento Valley, San Diego, San Joaquin Valley, South Central Coast, and Southeast Desert Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 22, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing the regulations set forth below, designating certain air quality control regions in the State of California, are adopted effective on the date of filing with the Office of the Federal Register.

§ 481.159 Great Basin Valley Intrastate Air Quality Control Region.

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

In the State of California:

Alpine County.	Mono County.
Inyo County.	

§ 481.160 North Central Coast Intrastate Air Quality Control Region.

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

In the State of California:

Monterey County.	Santa Cruz County.
San Benito County.	

§ 481.161 North Coast Intrastate Air Quality Control Region.

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

In the State of California:

Del Norte County.	Mendocino County.
Humboldt County.	Trinity County.
Lake County.	

Siskiyou County—that portion of Siskiyou County which lies west of a line described as follows:

Beginning at the Oregon border and running south along the eastern boundary of T. 48 N., R. 8 W. to the northeast corner of T. 47 N., R. 8 W., Humboldt Base and Meridian; then east along the north boundary of T. 47 N., R. 7 W. to the northeast corner of sec. 4, T. 47 N., R. 7 W.; then south along the east boundaries of secs. 4, 9, 16, 21, 28, and 33, T. 47 N., R. 7 W.; then west along the south boundary of T. 47 N., R. 7 W., to the northeast corner of T. 46 N., R. 8 W.; then south along the east boundary of T. 46 N., R. 8 W., to its intersection with the north boundary of T. 45 N., R. 8 W.; then east one-quarter mile to the northeast corner of T. 45 N., R. 8 W.; then south along the east boundary of T. 45 N., R. 8 W., and T. 44 N., R. 8 W., to the northeast corner of sec. 24, T. 44 N., R. 8 W.; then east along the section line to the northeast corner of sec. 20, T. 44 N., R. 7 W.; then south along the eastern boundaries of secs. 20, 29, and 32, T. 44 N., R. 7 W., to the north boundary of T. 43 N., R. 7 W.; then east along the north boundary of T. 43 N., R. 7 W., to the northeast corner of sec. 3, T. 43 N., R. 7 W.; then south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 43 N., R. 7 W., and continuing south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 42 N., R. 7 W.; then east to the intersection of the Klamath and Shasta National Forest boundaries; then south along the common boundary of the two National Forests to the Trinity County boundary.

§ 481.162 Northeast Plateau Intrastate Air Quality Control Region.

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

In the State of California:

Lassen County.	Modoc County.

Shasta County—that portion of Shasta County which lies east and north of a line described as follows:

Beginning at the Shasta-Siskiyou County boundary and running south along the range line common to R. 2 E. and R. 1 E., Mount Diablo Base and Meridian to the southwest corner of T. 53 N., R. 2 E.; then east along the township line common to T. 35 N. and T. 34 N., to the northwest corner of T. 34 N., R. 3 E.; then south along the range line common to R. 3 E. and R. 2 E., to the southwest corner of T. 33 N., R. 3 E.; then east along the township line common to T. 33 N. and T. 32 N., to the northwest corner of T. 32 N., R. 4 E.; then south along the range line common to R. 4 E. and R. 3 E. to the point of intersection with the northwest corner of the Lassen Volcanic National Park

boundary; then east along the north boundary of Lassen Volcanic National Park to the point of intersection with the Lassen-Shasta County boundary.

Siskiyou County—that portion of Siskiyou County which lies east of a line described as follows:

Beginning at the Oregon border and running south along the eastern boundary of T. 48 N., R. 8 W., Humboldt Base and Meridian; to the northeast corner of T. 47 N., R. 8 W.; then east along the north boundary of T. 47 N., R. 7 W. to the northeast corner of sec. 4, T. 47 N., R. 7 W.; then south along the east boundaries of secs. 4, 9, 16, 21, 28, and 33, T. 47 N., R. 7 W., then west along the south boundary of T. 47 N., R. 7 W. to the northeast corner of T. 46 N., R. 8 W.; then south along the east boundary of T. 46 N., R. 8 W. to its intersection with the north boundary of T. 45 N., R. 8 W.; then east one-quarter mile to the northeast corner of T. 45 N., R. 8 W.; then south along the east boundary of T. 45 N., R. 8 W., and T. 44 N., R. 8 W. to the northeast corner of sec. 24, T. 44 N., R. 8 W.; then east along the section line to the northeast corner of sec. 20, T. 44 N., R. 7 W.; then south along the eastern boundaries of secs. 20, 29, and 32, T. 44 N., R. 7 W. to the north boundary of T. 43 N., R. 7 W.; then east along the north boundary of T. 43 N., R. 7 W.; to the northeast corner of sec. 3, T. 43 N., R. 7 W.; then south along the east boundaries of secs. 3 10, 15, 22, 27, and 34, T. 43 N., R. 7 W. and continuing south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 42 N., R. 7 W.; then east to the intersection of the Klamath and Shasta National Forest boundaries; then south along the common boundary of the two National Forests to the Trinity County boundary.

§ 481.163 Sacramento Valley Intrastate Air Quality Control Region.

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

In the State of California:

Butte County.	Sacramento County.
Colusa County.	Sierra County.
El Dorado County.	Sutter County.
Glenn County.	Tehama County.
Nevada County.	Yolo County.
Placer County.	Yuba County.
Plumas County.	

Shasta County—that portion of Shasta County which lies west and south of a line described as follows:

Beginning at the Shasta-Siskiyou County boundary and running south along the range line common to R. 2 E. and R. 1 E., Mount Diablo Base and Meridian to the southwest corner of T. 35 N., R. 2 E.; then east along the township line common to T. 35 N. and T. 34 N. to the northwest corner of T. 34 N., R. 3 E.; then south along the range line common to R. 3 E. and R. 2 E. to the southwest corner of T. 33 N., R. 3 E.; then east along the township line common to T. 33 N. and T. 32 N. to the northwest corner of T. 32 N., R. 4 E.; then south along the range line common to R. 4 E. and R. 3 E. to the point of intersection with the northwest corner of the Lassen Volcanic National Park boundary; then east along the north boundary of Lassen Volcanic National Park to the point of intersection with the Lassen-Shasta County boundary.

§ 481.164 San Diego Intrastate Air Quality Control Region.

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

In the State of California:

San Diego County—that portion of San Diego County which lies west of a line described as follows:

Beginning at the United States-Mexico border and running north along the range line common to R. 7 E., and R. 6 E., San Bernardino Base and Meridian; to the southeast corner of T. 16 S., R. 6 E.; then west along the township line common to T. 16 S. and T 17 S. to the southwest corner of T. 16 S., R. 6 E.; then north along the range line common to R. 6 E. and R. 5 E. to the southeast corner of T. 14 S., R. 5 E.; then west along the township line common to T. 14 S. and T. 15 S. to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the township line common to T. 10 S. and T. 9 S.; then west along this township line to the point of intersection with the range line common to R. 4 E. and R. 3 E.; then north along this range line to the San Diego-Riverside County boundary.

§ 481.165 San Joaquin Valley Intrastate Air Quality Control Region.

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

In the State of California:

Amador County.	Merced County.
Calaveras County.	San Joanquin County.
Fresno County.	Stanislaus County.
Kings County.	Tulare County.
Madera County.	Tuolumne County.
Mariposa County.	

Kern County—that portion of Kern County which lies west and north of a line described as follows:

Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W., San Bernardino Base and Meridian; north along the range line; then east along the township line common to T. 32 S., Mount Diablo Base and Meridian; and T. 12 N., San Bernardino Base and Meridian; then north along the range line common to R. 34 E. and R. 33 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and. T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E., and R. 36 E. to the Kern-Tulare County boundary.

§ 481.166 South Central Coast Intrastate Air Quality Control Region.

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

In the State of California:

San Luis Obispo County.

Santa Barbara County—that portion of Santa Barbara County which lies north of a line described as follows:

Beginning at the Pacific Ocean outfall of Jalama Creek and running east and north along Jalama Creek to a point of intersection with the west boundary of the San Julian Land Grant; then south along the San Julian Land Grant boundary to its southwest corner; then east along the south boundary of the San Julian Land Grant to the northeast corner of partial sec. 20, T. 5 N., R. 32 W., San Bernardino Base and Meridian; then south and east along the boundary of the Las Cruces Land Grant to the southwest corner of partial sec. 22, T. 5 N., R. 32 W.; then northeast along the Las Cruces Land Grant boundary; then east along the north boundaries of sec. 13, T. 5 N., R. 32 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 31 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 30 W., and secs. 18, 17, 16, 15, T. 5 N., R. 29 W.; then south along the east boundary of sec. 15 T. 5 N., R. 29 W.; then east along the north boundaries of secs. 23 and 24, T. 5 N., R. 29 W., and secs. 19, 20, 21, 22, 23, 24, T. 5 N., R. 28 W., and secs. 19 and 20, T. 5 N., R. 27 W.; then south along the east boundary of sec. 20, T. 5 N., R. 27 W.; then east along the north boundaries of secs. 28, 27, 26, 25, T. 5 N., R. 27 W. and sec. 30, T. 5 N., R. 26 W.; then south along the east boundary of sec. 30, T. 5 N., R. 26 W.; then east along the north boundaries of secs. 32, 33, 34, 35, T. 5 N., R. 26 W.; then south along the east boundary of sec. 35, T. 5 N., R. 26 W. to the township line common to T. 4 N. and T. 5 N.; then east along this township line to the Santa Barbara-Ventura County boundary.

§ 481.167 Southeast Desert Intrastate Air Quality Control Region.

The Southeast Desert Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the

territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Imperial County.

San Diego County—that portion of San Diego County which lies east of a line described as follows:

Beginning at the United States-Mexico border and running north along the range line common to R. 7 E. and R. 6 E. to the southeast corner of T. 16 S., R. 6 E.; then west along the township line, San Bernardino Base and Meridian; common to T. 16 S. and T. 17 S. to the southwest corner of T. 16 S., R. 6 E.; then north along the range line common to R. 6 E. and R. 5 E. to the southeast corner of T. 14 S., R. 5 E.; then west along the township line common to T. 14 S. and T. 15 S. to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the eastern most corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the township line common to T. 10 S. and T. 9 S.; then west along this township line to the point of intersection with the range line common to R. 4 E. and R. 3 E.; then north along this range line to the San Diego-Riverside County boundary.

Riverside County—that portion of Riverside County which lies east of a line described as follows:

Beginning at the Riverside-San Diego County boundary and running north along the range line common to R. 4 E. and R. 3 E., San Bernardino Base and Meridian; then east along the township line common to T. 8 S. and T. 7 S.; then north along the range line common to R. 5 E. and R. 4 E.; then west along the township line common to T. 6 S. and T. 7 S. to the southwest corner of sec. 34, T. 6 S., R. 4 E.; then north along the west boundaries of secs. 34, 27, 22, 15, 10, 3, T. 6 S., R. 4 E.; then west along the township line common to T. 5 S. and T. 6 S.; then north along the range line common to R. 4 E. and R. 3 E.; then west along the south boundaries of secs. 13, 14, 15, 16, 17, and 18, T. 5 S., R. 3 E.; then north along the range line common to R. 2 E. and R. 3 E.; then west along the township line common to T. 4 S. and T. 3 S. to the intersection with the southwest boundary of partial sec. 31, T. 3 S., R. 1 W.; then northwest along the line to the intersection with the range line common to R. 2 W. and R. 1 W.; then north to the Riverside-San Bernardino County line.

San Bernardino County—that portion of San Bernardino County which lies east and north of a line described as follows:

Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to R. 3 E. and R. 2 E., San Bernardino Base and Meridian; then west along the township line common to T. 3 N. and T. 2 N. to the San Bernardino-Los Angeles County boundary.

Los Angeles County—that portion of Los Angeles County which lies north and east of a line described as follows:

Beginning at the Los Angeles-San Bernardino County boundary and running west along the township line common to T. 3 N. and T. 2 N., San Bernardino Base and Meridian; then north along the range line common to R. 8 W. and R. 9 W.; then west along the township line common to T. 4 N. and T. 3 N.; then north along the range line common to R. 12 W. and R. 13 W. to the southeast corner of sec. 12, T. 5 N., R. 13 W.; then west along the south boundaries of secs. 12, 11, 10, 9, 8, 7, T. 5 N., R. 13 W. to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W. and R. 14 W.; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N. and T. 6 N. (point is at the northwest corner of sec. 4 in T. 6 N., R. 14 W.); then west along the township line common to T. 7 N. and T. 6 N.; then north along the range line common to R. 15 W. and R. 16 W. to the southeast corner of sec. 13, T. 7 N., R. 16 W.; then along the south boundaries of secs. 13, 14, 15, 16, 17, 18, T. 7 N., R. 16 W.; then north along the range line common to R. 16 W. and R. 17 W. to the north boundary of the Angeles National Forest (collinear with township line common to T. 8 N. and T. 7 N.) then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.

Kern County—that portion of Kern County which lies east and south of a line described as follows:

Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W., San Bernardino Base and Meridian, north along the range line; then east along the township line common to T. 32 S., Mount Diablo Base and Meridian; and T. 12 N., San Bernardino Base and Meridian; then north along the range line common to R. 34 E. and R. 33 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern-Tulare County boundary.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4579 Filed 3-31-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in Washington and Oregon

On February 11, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2872) to amend Part 481 by designating the North Central Washington, Northeast Washington, Northwest Washington, Olympic, and South Central Washington Intrastate Air Quality Control Regions and by revising the boundaries of the Portland Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 18, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented with the recommendations that the originally proposed North Central and Northeast Washington Intrastate Air Quality Control Regions be combined to form the Northern Washington Intrastate Air Quality Control Region; that the originally proposed Olympic and Northwest Washington Intrastate Air Quality Control Regions be combined to form the Olympic-Northwest Washington Intrastate Air Quality Control Region; that Klickitat County be added to the originally proposed South Central Washington Intrastate Air Quality Control Region; and that Lewis, Skamania, and Wahkiakum Counties, in Washington, be added to the Portland Interstate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.185, as set forth below, designating the Northern Washington Intrastate Air Quality Control Region; § 481.187, as set forth below, designating the Olympic-Northwest Washington Intrastate Air Quality Control Region; § 481.189, as set forth below, designating the South Central Washington Intrastate Air Quality Control Region; and § 481.51, as set forth below, revising the boundaries of the Portland Interstate Air Quality Control Region, are adopted effective on the date of filing with the Office of the Federal Register.

§ 481.185 Northern Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

Chelan County.	Okanogan County.
Douglas County.	Pend Oreille County.
Ferry County.	Stevens County.

§ 481.187 Olympic-Northwest Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

Clallam County.	Pacific County.
Grays Harbor County.	San Juan County.
Island County	Skagit County.
Jefferson County.	Thurston County.
Mason County.	Whatcom County.

§ 481.189 South Central Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

Benton County.	Klickitat County.
Franklin County.	Walla Walla County.
Kittitas County.	Yakima County.

§ 481.51 Portland Interstate Air Quality Control Region.

The Portland Interstate Air Quality Control Region (Oregon-Washington) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Benton County.	Marion County.
Clackamas County.	Multnomah County.
Columbia County.	Polk County.
Lane County.	Washington County.
Linn County.	Yamhill County.

In the State of Washington:

Clark County.	Skamania County.
Cowlitz County.	Wahkiakum County.
Lewis County.	

NOTE: For purposes of identification, the Portland Interstate Air Quality Control Region (Oregon-Washington) will be referred to by Washington authorities as the Portland (Oregon)-Southwest Washington Interstate Air Quality Control Region.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

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PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in Certain States

On January 27, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1276) to amend Part 481 by designating the Metropolitan Columbus, Mansfield-Marion, Northwest Ohio, Sandusky, Wilmington-Chillicothe-Logan, and Zanesville-Cambridge Intrastate Air Quality Control Regions and by revising the boundaries of the designated Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region.

On February 10, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2791) to amend Part 481 by designating seven new intrastate air quality control regions and revising two interstate air quality control regions in Illinois.

On February 23, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3377) to amend Part 481 by designating the Appalachian, Bluegrass, North Central Kentucky, and South Central Kentucky Intrastate Air Quality Control Regions and by revising the boundaries of the presently designated Metropolitan Cincinnati, Evansville (Indiana)-Owensboro Henderson (Kentucky), Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio), and Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. Pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604) consultations were held in each State with appropriate State and local authorities. Due consideration has been given to all relevant material presented. The only major change from the original proposal was presented by the State of Illinois. The alternate recommendation would result in the expansion of four existing interstate air quality control regions and the designation of four new intrastate air quality control regions affecting Illinois.

In consideration of all information, data, views and arguments, the regulations set forth below, designating and revising certain air quality control regions in the States of Ohio, Illinois, and Kentucky, are adopted effective on the date of filing with the Office of the Federal Register.

§ 481.200 Metropolitan Columbus Intrastate Air Quality Control Region.

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

In the State of Ohio:

Delaware County.	Madison County.
Fairfield County.	Perry County.
Franklin County.	Pickaway County.
Licking County.	Union County.

§ 481.201 Mansfield-Marion Intrastate Air Quality Control Region.

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

In the State of Ohio:

Ashland County.	Morrow County.
Crawford County.	Richland County.
Holmes County.	Wayne County.
Knox County.	Wyandot County.
Marion County.	

§ 481.202 Northwest Ohio Intrastate Air Quality Control Region.

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

In the State of Ohio:

Allen County.	Logan County.
Auglaize County.	Mercer County.
Champaign County.	Paulding County.
Defiance County.	Putman County.
Fulton County.	Shelby County.
Hancock County.	Van Wert County.
Hardin County.	Williams County.
Henry County.	

§ 481.203 Sandusky Intrastate Air Quality Control Region.

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

In the State of Ohio:

Erie County.	Sandusky County.
Huron County.	Seneca County.
Ottawa County.	

§ 481.204 Wilmington-Chillicothe-Logan Intrastate Air Quality Control Region.

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

In the State of Ohio:

Clinton County.	Jackson County.
Fayette County.	Pike County.
Highland County.	Ross County.
Hocking County.	Vinton County.

§ 481.205 Zanesville-Cambridge Intrastate Air Quality Control Region.

The Zanesville-Cambridge Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as

defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Carroll County.	Muskingum County.
Coshocton County.	Noble County.
Guernsey County.	Tuscarawas County.
Harrison County.	

§ 481.262 North Central Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Bureau County.	Marshall County.
La Salle County.	Putnam County.
Lee County.	Stark County.

§ 481.263 East Central Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Champaign County.	Iroquois County.
Clark County.	Livingston County.
Coles County.	McLean County.
Cumberland County.	Moultrie County.
De Witt County.	Piatt County.
Douglas County.	Shelby County.
Edgar County.	Vermilion County.
Ford County.	

§ 481.264 West Central Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Adams County.	Macoupin County.
Brown County.	Menard County.
Calhoun County.	Montgomery County.
Cass County.	Morgan County.
Christian County.	Pike County.
Greene County.	Sangamon County.
Jersey County.	Schuyler County.
Logan County.	Scott County.
Macon County.	

§ 481.265 Southeast Illinois Intrastate Air Quality Control Region.

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

In the State of Illinois:

Clay County.	Jefferson County.
Crawford County.	Lawrence County.
Edwards County.	Marion County.
Effingham County.	Perry County.
Fayette County.	Richland County.
Franklin County.	Saline County.
Gallatin County.	Wabash County.
Hamilton County.	Wayne County.
Hardin County.	White County.
Jackson County.	Williamson County.
Jasper County.	

§ 481.191 Appalachian Intrastate Air Quality Control Region.

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

In the State of Kentucky:

Bell County.	Leslie County.
Breathitt County.	Letcher County.
Clay County.	Magoffin County.
Floyd County.	Martin County.
Harlan County.	Owsley County.
Jackson County.	Perry County.
Johnson County.	Pike County.
Knott County.	Rockcastle County.
Knox County.	Whitley County.
Laurel County.	Wolfe County.
Lee County.	

§ 481.192 Bluegrass Intrastate Air Quality Control Region.

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

In the State of Kentucky:

Anderson County.	Jessamine County.
Bourbon County.	Lincoln County.
Boyle County.	Madison County.
Clark County.	Mercer County.
Estill County.	Nicholas County.
Fayette County.	Powell County.
Franklin County.	Scott County.
Garrard County.	Woodford County.
Harrison County.	

§ 481.193 North Central Kentucky Intrastate Air Quality Control Region.

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

In the State of Kentucky:

Breckinridge County.	Meade County.
Bullitt County.	Nelson County.
Grayson County.	Oldham County.
Hardin County.	Shelby County.
Henry County.	Spencer County.
Larue County.	Trimble County.
Marion County.	Washington County.

§ 481.194 South Central Kentucky Intrastate Air Quality Control Region.

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

In the State of Kentucky:

Adair County.	Logan County.
Allen County.	McCreary County.
Barren County.	Metcalf County.
Butler County.	Monroe County.
Casey County.	Pulaski County.
Clinton County.	Russell County.
Cumberland County.	Simpson County.
Edmondson County.	Taylor County.
Green County.	Warren County.
Hart County.	Wayne County.

§ 481.20 Metropolitan Cincinnati Interstate Air Quality Control Region.

The Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Boone County.	Grant County.
Campbell County.	Kenton County.
Carroll County.	Owen County.
Gallatin County.	Pendleton County.

In the State of Indiana:

Dearborn County.	Ohio County.

In the State of Ohio:

Butler County.	Hamilton County.
Clermont County.	Warren County.

§ 481.61 Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region.

The Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Daviess County.	Ohio County.
Hancock County.	Union County.
Henderson County.	Webster County.
McLean County.	

In the State of Indiana:

Dubois County.	Spencer County.
Gibson County.	Vanderburgh County.
Perry County.	Warrick County.
Pike County.	
Posey County.	

§ 481.64 Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region.

The Huntington (West Virginia)-Ashland (Kentucky) - Portsmouth - Ironton (Ohio) Interstate Air Quality Control Region is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions of described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

In the State of Kentucky:

Bath County.	Lewis County.
Boyd County.	Mason County.
Bracken County.	Menifee County.
Carter County.	Montgomery County.
Elliott County.	Morgan County.
Fleming County.	Robertson County.
Greenup County.	Rowan County.
Lawrence County.	

In the State of Ohio:

Adams County.	Lawrence County.
Brown County.	Scioto County.
Gallia County.	

In the State of West Virginia:

Cabell County.	Wayne County.
Mason County.	

§ 481.14 Metropolitan Chicago Interstate Air Quality Control Region.

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

In the State of Illinois:

Cook County.	Kendall County.
Du Page County.	Lake County.
Grundy County.	McHenry County.
Kane County.	Will County.
Kankakee County.	

In the State of Indiana:

Lake County.	Porter County.

§ 481.18 Metropolitan St. Louis Interstate Air Quality Control Region.

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

In the State of Illinois:

Bond County.	Randolph County.
Clinton County.	St. Clair County.
Madison County.	Washington County.
Monroe County.	

In the State of Missouri:

Franklin County.	St. Louis City.
Jefferson County.	St. Louis County.
St. Charles County.	

§ 481.69 Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

The Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Alexander County.	Pope County.
Johnson County.	Pulaski County.
Massac County.	Union County.

In the State of Kentucky:

Ballard County.	Hopkins County.
Caldwell County.	Livingston County.
Calloway County.	Lyon County.
Carlisle County.	Marshall County.
Christian County.	McCracken County.
Crittenden County.	Muhlenberg County.
Fulton County.	Todd County.
Graves County.	Trigg County.
Hickman County.	

§ 481.98 Burlington-Keokuk Interstate Air Quality Control Region.

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

In the State of Illinois:

Fulton County.	Mason County.
Hancock County.	Peoria County.
Henderson County.	Tazewell County.
Knox County.	Warren County.
McDonough County.	Woodford County.

In the State of Iowa:

Des Moines County.	Lee County.

NOTE: For purposes of identification, the regions are referred to by Illinois authorities as follows:

Sec.
- 481.14 Metropolitan Chicago Interstate Air Quality Control Region: Region III.
- 481.262 North Central Illinois Intrastate Air Quality Control Region: Region V.
- 481.98 Burlington-Keokuk Interstate Air Quality Control Region: Region VI.
- 481.263 East Central Illinois Intrastate Air Quality Control Region: Region VII.
- 481.264 West Central Illinois Intrastate Air Quality Control Region: Region VIII.
- 481.18 Metropolitan St. Louis Interstate Air Quality Control Region: Region IX.
- 481.265 Southeast Illinois Intrastate Air Quality Control Region: Region X.
- 481.69 Paducah-Cairo Interstate Air Quality Control Region: Region XI.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4577 Filed 3-31-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region

On February 20, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3269) to amend Part 481 by designating the Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 24, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.226, as set forth below, designating the Lincoln-Beatrice-Fairbury Air Quality Control Region, is adopted effective on the date of filing with the Office of the Federal Register.

§ 481.226 Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region.

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

In the State of Nebraska:

Gage County.	Lancaster County.
Jefferson County.	Thayer County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4583 Filed 3-31-71;8:53 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Air Quality Control Regions in Southwestern United States

On February 24, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3428) to amend Part 481 by designating the Upper Rio Grande Valley, Northeastern Plains, Southwestern Mountains—Augustine Pass, and Pecos-Permian Intrastate Air Quality Control Regions and by revising the boundaries of the El Paso-Las Cruces-Alamogordo and Arizona-New Mexico Southern Border Interstate and Albuquerque-Mid Rio Grande Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 26, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91–604). Due consideration has been given to all relevant material presented, with the recommendation that the proposed Southwestern Mountains-Augustine Pass Intrastate Air Quality Control Region be designated as the Southwestern Mountains-Augustine Plains Intrastate Air Quality Control Region, and that the proposed Pecos-Permian Intrastate Air Quality Control Region be designated as the Pecos-Permian Basin Intrastate Air Quality Control Region.

In consideration of the foregoing, the regulations set forth below, designating and revising certain air quality control regions in the State of New Mexico, are adopted effective on the date of filing with the office of the Federal Register.

§ 481.239 Upper Rio Grande Valley Intrastate Air Quality Control Region.

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

In the State of New Mexico:

Los Alamos County. Taos County.
Santa Fe County.

Those portions of Rio Arriba County lying east of the Continental Divide.

§ 481.240 Northeastern Plains Intrastate Air Quality Control Region.

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

In the State of New Mexico:

Colfax County. San Miguel County.
Guadalupe County. Torrance County.
Harding County. Union County.
Mora County.

§ 481.241 Southwestern Mountains-Augustine Plains Intrastate Air Quality Control Region.

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

In the State of New Mexico:

Catron County. Socorro County.

Those portions of McKinley County lying east of the Continental Divide.

Those portions of Valencia County, excluding the Zuni and Ramah Navajo Indian Reservations, lying west of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.

§ 481.242 Pecos-Permian Basin Intrastate Air Quality Control Region.

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

In the State of New Mexico:

Chaves County. Lea County.
Curry County. Quay County.
De Baca County. Roosevelt County.
Eddy County.

§ 481.82 El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region.

The El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (New Mexico-Texas) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Brewster County. Hudspeth County.
Culberson County. Jeff Davis County.
El Paso County. Presidio County.

In the State of New Mexico:

Dona Ana County. Otero County.
Lincoln County. Sierra County.

§ 481.83 Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region.

The Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region (New Mexico) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Bernalillo County.

Those portions of Sandoval County lying east of the Continental Divide.

Those portions of Valencia County lying east of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.

§ 481.99 Arizona-New Mexico Southern Border Interstate Air Quality Control Region.

The Arizona-New Mexico Southern Border Interstate Air Quality Control Region (Arizona-New Mexico) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona:

Cochise County. Greenlee County.
Graham County.

In the State of New Mexico:

Grant County. Luna County.
Hidalgo County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91–604)

Dated: March 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–4584 Filed 3–31–71;8:53 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 928]

[Docket No. AO-317]

PAPAYAS GROWN IN HAWAII

Decision and Referendum Order With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Hilo, Hawaii, September 21, 1970, and continued at Honolulu, Hawaii on September 24, 1970, after notice thereof published in the FEDERAL REGISTER (35 F.R. 13653) on a proposed marketing agreement and order for regulating the handling of papayas grown in Hawaii, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on January 22, 1971, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 71–1175; 36 F.R. 1341). No exceptions were filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71–1175; 36 F.R. 13411), are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision and are set forth in full herein.

For the purposes of correcting inadvertent errors and for clarification, minor revisions are made in specified marketing agreement and order provisions as hereinafter set forth.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Papayas Grown in Hawaii" and "Order Regulating the Handling of Papayas Grown in Hawaii," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

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

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in the administration of the order;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All handling of papayas, grown in the production area, in fresh fruit channels exert an influence on all other handling of such papayas in fresh form. Sellers of papayas, as of other commodities, endeavor to transact their business so as to secure maximum returns for the papayas they have for sale. The sellers of papayas continually survey all accessible markets so as to take advantage of the best possible opportunity to market the fruit. Markets within Hawaii provide opportunities to dispose of papayas the

same as export markets. The sale of a quantity of papayas within Hawaii exerts an influence on all other sales of papayas. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used when bargaining for papayas in another market. Hence, it is concluded that any movement and sale of papayas, grown in the production area, whether to a market within the State of Hawaii or outside thereof, affect prices for all papayas grown in the production area.

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

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

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

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

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

It would not be in the public interest to cease all regulations should grower prices exceed the parity level. To cease all regulations may result in the dissipation of all the benefits derived from the program and result in disorderly marketing. Therefore, the order should provide that the Secretary be authorized, during periods when producer prices exceed the parity level, to limit shipments of papayas by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity as will be in the public interest. In the State of Hawaii Department of Agriculture wholesale standards for Hawaii grown papayas, each papaya must meet the size requirement set forth for that grade. For example, to be classified, as Hawaii Fancy, each papaya must weigh not less than 16 ounces. The minimum weight prescribed for Hawaii No. 1 grade is 14 ounces. Thus, there is a definite correlation between the size of the papaya and the quality of such fruit.

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

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

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

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

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

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of papayas that is regulated, the term

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

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place papayas in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of papayas begins at the time the fruit is picked from the tree and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling, consigning, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of papayas to fruit which conforms to the applicable regulations under the order.

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

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

Papayas are sometimes sold, after picking, at the field where grown, at a roadside stand, or at a packinghouse to brokers and others who transport the papayas or cause the transportation thereof from such points to markets within and without the State. The sale or delivery of papayas to such persons, and the subsequent movement to market, are each handling transactions. Any person who is engaged in any such transaction, whether grower, packinghouse operator, broker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the papayas he handles meets all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading or otherwise preparing the papayas for market. The primary responsibility for obtaining inspection and certification to determine whether a particular lot of papayas conforms to the applicable regulations should rest with the person who places such lot in the current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the papayas for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the papayas are met at the time such person handles the papayas. This can readily be ascertained by determining that the papayas have been inspected and certified as meeting such regulations or by having them inspected. As all handling of papayas is in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, or transportation of papayas within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

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

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

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

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

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

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

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

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

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

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the grower members of the committee. The districts (i.e., the geographical divisions of the production area) as hereinafter set forth

represent a reasonable basis for providing a fair, adequate and equitable representation on the committee. The provisions for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

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

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

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

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

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

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

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

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

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

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

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

which the industry desires to serve on the initial committee.

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

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

The order should provide that no grower organization should be permitted to have more than a total of three members and three alternate members on the committee. This requirement would tend to assure wider distribution of the membership on the committee among the growers that would likely result without such limitation. Representation from many grower segments of the industry is desirable. Such would tend to assure that there would be full discussion on all matters requiring the attention of the committee and that all views would be expressed before a decision is reached.

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

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

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

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

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

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

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

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

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

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

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

The committee should be authorized to vote by telephone, telegraph, or other means of communications when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes cast. In the case of an assembled meeting, however, all votes should be cast in person.

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

In order for a grower alternate adequately to represent his district or an alternate handler member to serve at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussion leading up to action that may be taken at the meeting. Likewise, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although, only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer

and handler attitudes towards a proposed regulation or other matters. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective member, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

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

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

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

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

Should it develop that assessment income, during a fiscal year, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all papayas handled during the particular fiscal year so that the total payments by each handler during each fiscal year will be proportional to the total volume of papayas handled during that period.

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

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

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

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

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal moneys to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

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

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

the marketing, distribution, and consumption of papayas.

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

Production research might be undertaken on methods which would retard the growth of the tree so that there would be a longer period of time during which papayas may be harvested before the fruit bearing area becomes so high that harvesting the fruit is difficult. Also, research leading to a tree which will start fruiting at a lower height should reduce harvesting costs. These are but a few of the kinds of research that the committee may want to undertake. It is desirable for the order to contain authority for the committee to engage in research projects, either production or marketing research or both, and development projects which are designed to assist, improve production or promote the marketing, distribution and consumption of papayas.

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

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

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

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to papayas produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of papayas. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

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

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

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

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

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for papayas. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

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

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

the price depressing effect of the poor quality papayas.

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

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

The grade, size, and quality composition of the papaya crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of papayas harvested in the production area and available for shipment in fresh market outlets so that the market demands could generally be met without shipment of the poorer grades, sizes, and quality papayas to such market outlets. The shipment of excessively small and poor quality papayas has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by grade, size, and quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the papaya crop will be marketed.

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

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

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

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

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

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

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

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

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

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent papayas handled for any of the exempted purposes from entering into regulated

channels of trade and thereby tend to defeat the objectives of the program. For example, should it be found that a portion of the papayas moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such papayas do not have to comply with grade, size, quality, or other requirements. These procedures might include such requirements as filing application for authorization to move papayas in exempted channels and certification by the receiver that such papayas would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

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

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

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

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

It was testified at the hearing that there are papaya fields, such as some of those located on the island of Oahu, and on the island of Maui, that are considerable distance from established inspection points, thus making inspection not readily available to such handlers. It would be expensive and impractical to make the inspection at the point where such papayas are prepared for market and first handled as defined in the order and thus become subject to regulations. Inspection fees are the chief source of income for the Federal-State Inspection Service. For that reason, it is generally not the policy to maintain a year-round staff of the size required for peak load periods. The use of inspection personnel for such isolated inspections, where a large percentage of the time involved is spent in travel, would not utilize such personnel in an effective manner. Record evidence shows that the committee should have the authority to conclude an arrangement with the inspection organization whereby the committee could issue waivers-of-inspection to growers for fruit produced at locations not having inspection service readily available. The committee should also be authorized with the approval of the Secretary to prescribe such safeguards as are necessary to prevent papayas handled pursuant to any such procedure from being marketed without complying with the provisions of the order.

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

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

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of papayas. Such records should be retained for not less than 2 years after the termination of the fiscal year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–704), it is hereby directed that a referendum be conducted among the producers, who, during the period January 1, 1970, through December 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of Hawaii in the production of papayas for market to ascertain whether such producers favor the issuance of the said annexed order regulating the handling of papayas.

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

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

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

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

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

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: March 26, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] *Regulating the Handling of Papayas Grown in Hawaii*

Sec.
298.0 Findings and determinations.

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AUTHORITY: The provisions of this Part 928 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 928.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part

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

900), a public hearing was held in Hilo, Hawaii, September 21, 1970, and continued at Honolulu, Hawaii, on September 24, 1970, upon a proposed marketing agreement and a proposed marketing order regulating the handling of papayas grown in Hawaii. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

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

It is, therefore ordered, That, on and after the effective date hereof, all handling of papayas grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 928.1 Secretary.

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

§ 928.2 Act.

"Act" means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (46 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 928.3 Person.

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

§ 928.4 Papayas.

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

§ 928.5 Production area.

"Production area" means the State of Hawaii.

§ 928.6 Fiscal year.

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

§ 928.7 Committee.

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

§ 928.8 Grower.

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

§ 928.9 Handler.

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

§ 928.10 Handle.

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

§ 928.11 District.

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

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

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

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

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

§ 928.12 Export.

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

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

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

§ 928.21 Term of office.

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

§ 928.22 Nomination.

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

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than November 15 of each even numbered year, separate meetings of

growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate member of the committee, which shall be publicized and open to all growers and handlers. At each grower meeting, a chairman and a secretary shall be selected by growers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary. At each handler meeting, a chairman and a secretary may be selected by the handlers eligible to participate therein. If a chairman is elected he shall announce the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a report concerning such meeting. If a chairman is not elected some person shall be designated to file a report with the committee concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

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

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

§ 928.23 Selection.

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

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

§ 928.24 Failure to nominate.

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

§ 928.25 Acceptance.

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

§ 928.26 Vacancies.

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

§ 928.27 Alternate members.

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

§ 928.30 Powers.

The committee shall have the following powers:

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

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

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

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

§ 928.31 Duties.

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

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

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties and procedures of each;

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 928.32 Procedure.

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

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

(c) All meetings of the committee held for the purpose of formulating

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

§ 928.33 Expenses and compensation.

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

§ 928.34 Annual report.

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

EXPENSES AND ASSESSMENTS

§ 928.40 Expenses.

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

§ 928.41 Assessments.

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

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such expenses shall be applied to all papayas handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

§ 928.42 Accounting.

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

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

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

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

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

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

RESEARCH

§ 928.45 Production research, marketing research and development.

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

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

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

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

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

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

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

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

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

REGULATION

§ 928.50 Marketing policy.

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

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

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

(3) Available supplies of competitive papayas in all producing areas of the

United States and other competitive producing areas;

(4) Trend and level of consumer income;

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

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

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

§ 928.51 Recommendations for regulation.

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

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

§ 928.52 Issuance of regulations.

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

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

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

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

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

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

§ 928.53 Modification, suspension, or termination of regulations.

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

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

§ 928.54 Special purpose and minimum quantity shipments.

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

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

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

§ 928.55 Inspection and certification.

(a) Whenever the handling of any variety of papayas is regulated pursuant to § 928.52 or § 928.53, each handler who handles papayas shall, prior thereto, cause such papayas to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided,* That inspection and certification shall be required for papayas which previously have been so inspected and certified only if such papayas have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such papayas.

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

REPORTS

§ 928.60 Reports.

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

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

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

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

MISCELLANEOUS PROVISIONS

§ 928.61 Compliance.

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

§ 928.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 928.63 Effective time.

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

§ 928.64 Termination.

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

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

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

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

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

§ 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

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

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

§ 928.66 Effect of termination or amendment.

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

§ 928.67 Duration of immunities.

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

§ 928.68 Agents.

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

§ 928.69 Derogation.

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

§ 928.70 Personal liability.

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

§ 928.71 Separability.

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

[FR Doc.71-4481 Filed 3-31-71;8:48 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

CONTRACT FORMS FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-4332 appearing at page 5805 in the issue of Saturday, March 27, 1971, the first eight lines of the third column should be transferred to appear immediately following the first line of the second column. As corrected, the first paragraph of the document reads as follows:

The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101, et seq.) as amended by the Merchant Marine Act of 1970 (Public Law 91-469), provides that a shipyard of the United States may apply for construction-differential subsidy to aid in the construction of merchant vessels to be used in the foreign commerce of the United States. This focus on the shipyard as the recipient of construction-differential subsidy as well as the goals of subsidy simplification and reduction of direct government involvement in contract administration reflected in the 1970 Act and its background, has led the Maritime Subsidy Board to develop, after receipt of informal industry comment, draft contract forms for use in the implementation of the new Maritime Program authorized by the 1970 Act. Copies of the draft contract forms may be obtained from the Secretary, Maritime Subsidy Board.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 156]

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with 5 U.S.C. 553 to institutions of higher education and other interested parties that the U.S. Commissioner of Education pursuant to the authority of 20 U.S.C. 1068, 1141-1142, 1231 et seq., proposes to issue the regulations set forth below as Part 156 of Title 45 of the Code

of Federal Regulations governing the awarding of funds under the "Special Services for Disadvantaged Students" Program (section 408 of the Higher Education Act of 1965). The purpose of this program is to provide support for projects that are designed to provide remedial and other special services for disadvantaged students, that is, students with academic potential who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant and who by reason of deprived educational, cultural or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education. Such services include tutorial or other educational services and career guidance or other student personnel services.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed regulations to Division of Student Special Services, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202 within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulation reads as follows:

PART 156—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Sec.

156.1 Purpose and objectives.
156.2 Definitions.
156.3 Submission of project proposals.
156.4 Project proposals; initial year.
156.5 Project proposals, other than initial year.
156.6 Criteria for approval of proposals.
156.7 Project requirements.
156.8 Costs eligible for Federal support.
156.9 Payment procedures.
156.10 Interest earned on Federal funds.
156.11 Records and Reports.
156.12 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

AUTHORITY: The provisions of this Part 156 issued under 20 U.S.C. 1068. Interpret or apply 20 U.S.C. 1068, 1141–1142, 1231 et seq.

§ 156.1 Purpose and objectives.

(a) The regulations in this part govern the administration of the program of Special Services for Disadvantaged Students authorized under section 408 of the Higher Education Act of 1965, as amended. This program provides support for projects conducted by institutions of higher education or combinations of institutions of higher education which are designed to provide remedial and other special services for disadvantaged students, that is, students with academic potential:

(1) Who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant, and

(2) Who by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

(b) Such projects may provide, among other things, for:

(1) Counseling, tutorial, or other educational services, including special summer programs, to remedy such students' academic deficiencies,

(2) Career, placement, or other student personnel services to encourage or facilitate such students' continuance or reentrance in higher education programs, or

(3) Identification, encouragement, and counseling of any such students with a view of their undertaking a program of graduate or professional education.

(20 U.S.C. 1068)

§ 156.2 Definitions.

As used in this part:

(a) The term "academic potential" refers to those who with adequate support are capable of undertaking a program of postsecondary education.

(b) The term "academic year" means that period of time, the duration of which is typically 8 or 9 months consisting of two semesters, or two trimesters, or three quarters, during which 1 year of study at the college level is completed.

(c) The term "Act" means the Higher Education Act of 1965, as amended.

(d) The term "applicant institution" includes one or more participating members of a combination of institutions of higher education.

(e) The term "combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily the exclusive purpose) of carrying out a project providing special services for disadvantaged students or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose (although not necessarily the exclusive purpose) of carrying out such a project on their behalf.

(f) The term "Commissioner" means the Commissioner of Education or his designee.

(g) The term "disadvantaged students" means those students who by reason of deprived educational, cultural or economic background, are in need of remedial, counseling, tutorial, or other educational services, to assist them to initiate, continue, or resume their postsecondary education.

(h) The term "institutions of higher education" means an educational institution in any State which meets the requirements set forth in section 1201(a) of the Act.

(i) The term "other educational services" means instruction, during the academic year and in special summer programs, including remedial courses, and includes the modification of the curriculum necessary to provide special courses and other kinds of instruction suitable for the education of disadvantaged or physically handicapped students.

(j) The term "physically handicapped students" means those students who are blind, visually handicapped, or partially seeing, deaf or hard of hearing, speech impaired, crippled, or otherwise health impaired and who because of their physical limitations needs specially designed instructional and related services to fully participate in the experience and opportunities offered by institutions of higher education.

(k) The term "State" means in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(l) The term "student personnel services" includes such services as career guidance, job placement, and assistance in obtaining financial aid and housing.

(20 U.S.C. 1068, 1141)

§ 156.3 Submission of project proposals.

(a) *Closing dates, scope.* The Commissioner may set dates by which proposals must be received in order to assure that they will be considered for an award. Awards may be made only with respect to projects serving either disadvantaged or physically handicapped undergraduate students or both.

(b) *Forms.* Such proposals shall be submitted in such form and in such manner as the Commissioner may prescribe.

(c) *Additional information.* The Commissioner reserves the right to request the submission of such additional or supplemental information as he believes necessary or desirable in connection with the review and consideration of a proposal.

(d) *Eligible applicants.* Awards for the conduct of special services projects will be made to institutions of higher education and combinations of institutions of higher education and only where the applicant institution (or one or more participating institutions in a combination of institutions of higher education) has been carrying out a program of special services for disadvantaged or physically handicapped students.

(e) *Maintenance of effort.* Awards will be made only if the Commissioner finds the applicant will continue to provide a program of special services for disadvantaged students. The award will not cover any costs of a project which are for services currently being provided by the applicant.

(f) *Terms and conditions of award.* Grants pursuant to this part shall be made for carrying out the project proposal approved by the Commissioner and shall be subject to such other terms and conditions as are made a part of the grant document. Copies of standard terms and conditions shall, to the extent practical, be made available to prospective applicants.

(20 U.S.C. 1068)

§ 156.4 **Project proposals; initial year.**

(a) Proposals for carrying out a new special services project must include a statement as to the specific purpose to be accomplished in the period covered by the grant, a detailed plan of operation for accomplishing these purposes, a budget and a list of key personnel and a statement of their background which shows their qualifications for participating in the project. Such proposals must also provide assurance that none of the services made available under the grant are otherwise available to the prospective participants in the special services project either through the applicant institution or through other public or private community agencies and that, where appropriate, such other services will be utilized in carrying out the special services project.

(b) The Commissioner will review such proposals in the light of the criteria set forth in § 156.6.

(c) The Commissioner will approve such proposals only if he finds that the requirements of § 156.7 will be met, and that Federal funds will be properly expended and accounted for.

(d) In considering such proposals, the Commissioner reserves the right to suggest inclusions or deletions which he feels will strengthen the proposed project.

(e) Proposals for new projects will be considered after the review of proposals for the continuation of existing projects has been completed.

(20 U.S.C. 1068)

§ 156.5 **Project proposals, other than initial year.**

(a) Proposals for the continuation of existing special services projects must contain the information set forth in § 156.4(a).

(b) The Commissioner will approve such proposals only if he makes the findings set forth in § 156.4(c) and finds that the project has been carried out in an efficient manner and is achieving its projected goals.

(20 U.S.C. 1068)

§ 156.6 **Criteria for approval of proposals.**

Proposals for the conduct of new special services projects will be selected on the basis of a review in the light of the following factors:

(a) The extent to which the current ongoing program of the applicant institution for serving the disadvantaged and physically handicapped students together with the plans as set forth in the project proposal for serving such students in the future will provide a comprehensive program of recruitment, admissions, financial aid, tutoring, counseling, curriculum, teacher training, and other services designed to meet the total needs of disadvantaged or physically handicapped students, and

(b) Either (1) the scope of the applicable program with respect to the range of disadvantaged or physicially handicapped students it will serve, or (2) the special contribution that the program will make to the overall goals of this part where the program will concentrate service on a particular segment of such students.

(c) For the time being, except in an unusual case where warranted on an experimental basis, priority will be given to projects which provide special services to students who have not yet reached the junior year of study.

(20 U.S.C. 1068)

§ 156.7 **Project requirements.**

(a) Except where approved by the Commissioner in the case of small projects, each project proposal must provide for the services of a full-time project director.

(b) Each proposal must specifically identify the type and numbers of staff that will be needed to meet the special needs of the students to be served by the project.

(c) Each proposal must include the provision of assistance to student participants in identifying and pursuing their occupational or educational careers.

(20 U.S.C. 1068)

§ 156.8 **Costs eligible for Federal support.**

(a) Federal funds may be used only to cover those costs which are reasonable and necessary to the carrying out of a special services project, such as salaries of administrative staff and costs in connection with curriculum revision, including duplicating as defined in the current Government Printing and Binding Regulations. The principles governing allowable costs in the use of Federal funds are set forth in Bureau of the Budget Circular A–21.

(b) In no event may funds granted under this part be used for the construction of buildings, for the purchasing of elaborate equipment such as teaching machines, listening or taping stations or braille writers, for the payment of student stipends or other forms of student support, or for costs of recruiting students for entrance into the beneficiary institution.

(c) Any equipment procured from funds made available under this part, and any equipment provided by the Government to carry out a project supported under this part, shall upon the expiration or termination of the project, be made available for such disposition as the Commissioner may direct in accordance with the terms and conditions of the award and the Department's Grants Administration Manual, Chapter 1–410.

(20 U.S.C. 1068)

§ 156.9 **Payment procedures.**

(a) The Commissioner shall make payments on account of approved projects pursuant to such methods as he determines will best make the funds available as needed and will eliminate unnecessary expense to the Federal Government.

(b) Such funds shall remain available for the payment of obligations incurred during the designated award period.

(c) Neither the approval of the proposal nor any payment to the grantee shall be deemed to waive the right or duty of the Commissioner to withhold or recover funds by reason of the failure of the grantee to observe any Federal requirement.

(20 U.S.C. 1068)

§ 156.10 **Interest earned on Federal funds.**

Any interest earned on Federal funds awarded under this part prior to the disbursement of such funds for program purposes shall be credited to the United States except in cases where such interest is earned by a State agency or institution.

(42 U.S.C. 4213)

§ 156.11 **Records and reports.**

(a) *Records.* The institution shall establish and maintain such records as are necessary to document the progress of each special services student in the project, the changes in project design, if any, and the manner in which the project is meeting its objectives. These records shall be available for such disposition as may be prescribed by the Commissioner. All accounting records shall be retained intact for audit or inspection by authorized representatives of the Federal Government for the period specified in the grant terms and conditions.

(b) *Reports.* The institution shall submit fiscal reports and other reports relating to the conduct of the project in such form, at such time, and containing such information as the Commissioner may require.

(20 U.S.C. 1068)

§ 156.12 **Preceding provisions not exhaustive of jurisdiction of the Commissioner.**

No provisions of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the Act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

Dated: February 23, 1971.

S. P. MARLAND, Jr.,
U. S. Commissioner of Education.

Approved: March 26, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.71–4500 Filed 3–31–71;8:50 am]

[45 CFR Part 157]

TALENT SEARCH

Notice of Proposed Rule Making

Notice is hereby given in accordance with 5 U.S.C. 553 to institutions of higher education, public and private agencies and organizations, and other interested parties that the Commissioner of Education under authority contained in 20 U.S.C. 1068, 1141–1142, 1231 et seq., proposes to issue the regulations set forth below as Part 157 of Title 45 of the Code

of Federal Regulations governing the awarding of funds under the "Talent Search" program (section 408 of the Higher Education Act of 1965). The purpose of this program is to enable selected institutions, agencies, or organizations to carry out projects which give promise of encouraging those students who normally would not have done so to complete secondary education and to undertake postsecondary educational training.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed regulations to Division of Student Special Services, Bureau of Higher Education, U.S. Office of Education, Washington, DC 20202, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulation reads as follows:

PART 157—TALENT SEARCH

Sec.

157.1 Scope and purpose.
157.2 Definitions.
157.3 Eligible applicants.
157.4 Submission of project proposals.
157.5 Proposals for sponsoring Talent Search projects.
157.6 Required project objectives.
157.7 Criteria for evaluating proposals.
157.8 Costs eligible for Federal support.
157.9 Payment of funds on approved projects.
157.10 Limitations on cost.
157.11 Maximum grant or contract amount.
157.12 Equipment.
157.13 Records and reports.

AUTHORITY: The provisions of this Part 157 issued under 20 U.S.C. 1068. Interpret or apply 20 U.S.C. 1068, 1141–1142, 1231 et seq.

§ 157.1 Scope and purpose.

The regulations in this part govern the administration of the Talent Search Program authorized under section 408 of the Higher Education Act of 1965. Under this program, the Commissioner awards financial assistance in the form of grants or contracts to institutions of higher education, public and private nonprofit agencies and organizations, or public and private agencies and organizations, for the purpose of enabling selected institutions, agencies or organizations to carry out projects which give promise of encouraging those students who normally would not have done so to complete secondary education and to undertake postsecondary educational training. These students normally do not attend college because their lack of financial resources or their lack of educational preparation and/or achievement is such that they and their secondary school teachers or counselors would not have considered the student's enrollment in a postsecondary institution possible.

(20 U.S.C. 1068)

§ 157.2 Definitions.

As used in this part:

(a) The term "Act" means the Higher Education Act of 1965, as amended.

(b) The term "applicant" refers to the institution, agency, or organization applying for or awarded a Talent Search grant or contract under this part.

(c) The term "combination of institutions of higher education" means a group of institutions of higher education which have entered into a cooperative arrangement for the purpose (although not necessarily the exclusive purpose) of carrying out a Talent Search project, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose (although not necessarily the exclusive purpose) of carrying out a Talent Search project on their behalf.

(d) The term "Commissioner" means the Commissioner of Education, or his designee.

(e) The term "institution" means an educational institution in any State.

(f) The term "institution of higher education" means an educational institution in any State which meets the requirements set forth in section 1201 (a) of the Act.

(g) The term "secondary school" means a school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12.

(h) The term "State" means in addition to the States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1068, 1141)

§ 157.3 Eligible applicants.

The Commissioner may make grants to and contracts with

(a) Institutions of higher education,

(b) Combinations of institutions of higher education and

(c) Public and private nonprofit agencies and organizations (including professional and scholarly associations)

to plan, develop or carry out one or more projects under this part. In addition he may enter into contracts with other private agencies and organizations for such purposes.

(20 U.S.C. 1068)

§ 157.4 Submission of project proposals.

(a) *Filing of proposals.* Grants and contracts for the conduct of Talent Search projects shall be awarded on the basis of review of proposals for the continuation of existing projects and of proposals for new projects which have been submitted on such forms and in such manner as the Commissioner may from time to time prescribe.

(b) *Closing dates.* The Commissioner may set dates by which project proposals must be received in order to be considered or assured of consideration for an award.

(c) *Additional information.* The Commissioner reserves the right to request the submission of such additional or supplemental information as he believes necessary or desirable in connection with the review and consideration of a proposal.

(d) *Terms and conditions of award.* Grants or contracts pursuant to this part shall be made for carrying out the project proposals approved by the Commissioner, and shall be subject to such other terms and conditions as are made a part of the grant or contract document. Copies of standard terms and conditions shall, to the extent practical, be made available to prospective applicants.

(20 U.S.C. 1068)

§ 157.5 Proposals for sponsoring Talent Search projects.

(a) Proposals for conducting Talent Search projects must include a description of the general population in the geographic area where the project is located and a description of the target population with whom the applicant proposes to work. In addition, the proposal must describe the area in terms of the educational problems and resources which affect the target population's ability to gain access to and succeed in postsecondary education. The proposal must state clearly what methods the project will use to seek solutions to the problems and how it will mobilize the existing resources to aid students. Applicants are expected to set project goals in terms of the project's ability to work with and to place students in educational programs. Such proposals must also contain an explanation of the procedures for recruiting students, a budget, a staff organization chart, appropriate job descriptions, and a resume of the project director's qualification.

(b) The Commissioner will approve only those proposals which give promise of achieving the objectives and requirements set forth in § 157.6, and which assure that Federal funds will be properly expended and accounted for.

(c) In reviewing the proposals, the Commissioner reserves the right to suggest inclusions or deletions which he believes will strengthen the proposed projects.

(20 U.S.C. 1068)

§ 157.6 Required project objectives.

Each project proposal must include provisions for implementing the following objectives:

(a) Recruitment of those students with an exceptional potential for postsecondary educational training whose lack of preparation, lack of knowledge about available opportunities, underachievement, dropping out of secondary school, or all four, is such that they are not likely to apply for admission to postsecondary institutions.

(b) The utilization of project leadership and staff which reflect the ethnic background of the Talent Search students.

(c) The utilization of a board or other advisory committee composed of students, target community representatives, and educational community representatives.

(d) The development of regular channels of communication and cooperative arrangements with institutions of higher education in the project area.

(e) The development of increased cooperation among other established educational institutions and service agencies in the area in order to serve Talent Search youth more effectively.

(f) The establishment of the type of relationship with Talent Search students, and the kind of recordkeeping system that will enable the project to follow students from first contact to application to school and then through the enrollment process.

(g) The presentation of the students' special needs (such as tutoring, counseling, day care, etc.) to the institution and encouraging the institution to provide means of meeting those needs.

(h) The improvement of existing counseling services offered to students by secondary schools and other institutions and agencies.

(20 U.S.C. 1068)

§ 157.7 Criteria for evaluating proposals.

Proposals will be selected on the basis of a review in the light of the following factors which are not necessarily listed in order of weight or importance:

(a) The distribution of Talent Search funds among the States according to demographic information as to concentrations of students who are eligible to receive services provided under this part.

(b) An evaluation of the proposed target population in terms of average per capita income, ethnic composition, unemployment rate, school dropout rate, average annual number of high school graduates, and percentage of high school graduates going on to postsecondary education.

(c) Whether other projects or activities already exist in the area to be served which can provide some or all of the assistance set forth in the proposal.

(d) The scope and variety of methods to be used in the recruitment of Talent Search youth.

(e) Whether the applicant has established rapport with the community to be served.

(f) The ability of the applicant to work with members of the academic community in the area to be served, especially in the area of admissions and financial aid, as reflected by previous activities of the applicant.

(20 U.S.C. 1068)

§ 157.8 Costs eligible for Federal support.

Federal funds may be used only to cover those costs which are not excluded under § 157.10, are reasonable and necessary to the carrying out of a Talent Search project, and are provided for in the approved budget. The principles governing allowable costs in the use of Federal funds are set forth in Bureau of the Budget Circular A–21.

(20 U.S.C. 1068)

§ 157.9 Payment of funds on approved projects.

The Commissioner shall make payments on account of approved projects pursuant to such methods as he determines will best make the funds available as needed and will eliminate unnecessary expense to the Federal Government. Any interest earned on Federal funds awarded under this part prior to the disbursement of such funds for program purposes shall be credited to the United States except in cases where such interest is earned by a State agency or institution.

(20 U.S.C. 1068, 42 U.S.C. 4213)

§ 157.10 Limitations on cost.

In no case may funds made available under this part be used for:

(a) The construction of buildings, or the purchase of land or buildings,

(b) Instructional costs of any kind, including salaries, materials, etc.,

(c) Student stipends of any kind, or

(d) Costs for residential or remedial programs.

(20 U.S.C. 1068)

§ 157.11 Maximum grant or contract amount.

The Federal grant or contract with respect to a particular project may not exceed $100,000 per year.

(20 U.S.C. 1068)

§ 157.12 Equipment.

(a) All equipment and materials purchased with funds provided under this part shall be procured in an economical manner consistent with sound business practice. Proposed methods of purchase shall be set forth by the applicant as part of the project application. Specific justification must be submitted and approved in advance for any purchase on other than a competitive bidding basis.

(b) Any equipment procured from funds made available under this part, and any equipment provided by the Government to carry out a project supported under this part, shall upon the expiration or termination of the project, be made available for such disposition as the Commissioner may direct in accordance with the terms and conditions of the award and the Department's Grants Administration Manual, Chapter 1–410.

(20 U.S.C. 1068)

§ 157.13 Records and reports.

(a) *Records.* (1) Awardees shall establish and maintain such records as are necessary to follow the progress of each Talent Search youth in their projects, to follow necessary changes in project design, and to describe the ways in which the project is meeting its objectives.

(2) All accounting records shall be retained intact for audit or inspection by authorized representatives of the Federal Government for 5 years after the grant or contract period or until audited, whichever is earlier, except that all records must be kept for at least 3 years.

(b) *Reports.* Fiscal reports and reports relating to the conduct of projects funded under this part shall be provided in such form and contain such information as the Commissioner shall require.

(20 U.S.C. 1068)

Dated: February 23, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: March 26, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.71–4501 Filed 3–31–71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 11]

[CGFR 70–103]

TEMPORARY SERVICE

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw a notice of proposed rule making, CGFR 70–103, published in the FEDERAL REGISTER on September 17, 1970 (35 F.R. 14559), which proposed to amend the rules pertaining to licenses in temporary grades and special endorsements on licenses to permit temporary service. That notice proposed to terminate the practice of endorsing regular licenses as Second and Third Mates and as Second and Third Assistant Engineers to permit the holder to serve temporarily, without examination, in the next higher grade. Also, the notice proposed to terminate the existing practice of endorsing regular steam engineer licenses to permit the holder to serve temporarily in the same or lower grade, up to First Assistant Engineer, on motor vessels and to prohibit holders of licenses with endorsements for temporary service from signing articles of agreement in the higher grade specified in the endorsement after the effective date of any amendment issued pursuant to the notice.

Since publication of that notice, the Coast Guard has determined that the proposed amended temporary licensing program is not appropriate because it would not serve the purpose for which it was intended and has decided to withdraw notice CGFR 70–103 and to issue a new notice.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (35 F.R. 14559) on September 17, 1970, and circulated as CGFR 70–103, entitled "Temporary Service" and subtitled "Cancellation of Endorsement" is hereby withdrawn.

This withdrawal is issued under the authority of R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), section 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655(b)(1), and 49 CFR 1.46(b).

Dated: March 26, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-4482 Filed 3-31-71;8:49 am]

[46 CFR Part 11]

[CGFR 71-21]

TEMPORARY LICENSES OR SPECIAL ENDORSEMENTS

Proposed Cancellation

The Coast Guard is considering amending the Merchant Marine Officers and Seamen regulations to terminate the special endorsements on regular licenses that allow service in the next higher grade, and the special endorsements on steam engineer licenses that allow service aboard motor vessels.

Interested persons are invited to submit written data, views, arguments or comments concerning this notice to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Each communication received on or before May 5, 1971, will be fully considered and evaluated before final action is taken on this notice. Each submission should identify the number of this notice, CGFR 71-21, and state the section to which it is directed, the reason for any recommended change, and the name and address and the firm or organization, if any, of the commentator.

Copies of all written communications received will be available for examination by interested persons at U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. Communications will not be acknowledged. The proposals contained in this document may be changed in the light of the communications received.

A notice of proposed rule making was published in the FEDERAL REGISTER on September 17, 1970 (35 F.R. 14559), proposing to amend 46 CFR Part 11 to revoke the present rules that allow endorsing the regular license held by a second or third mate or second or third assistant engineer to allow him to serve temporarily, without examination, in the next higher grade. In addition, the notice proposed to revoke the rules that allow endorsing the regular license held by an engineer of steam vessels to permit him to serve temporarily in the same or lower grade, up to First Assistant Engineer, on motor vessels. The notice also proposed to prohibit holders of licenses with endorsements for temporary service from signing articles of agreement in the higher grade specified in the endorsement after the effective date of the amendment.

Since publication of that notice, the Coast Guard has determined that there is no further need to continue the temporary licensing program. The comments received regarding the proposal indicate that shortages of regular licensed officers are no longer anticipated because the Vietnam sealift operation has diminished and the number of officers has increased. The number of applicants for special endorsements has declined. Therefore, the temporary licensing program to relieve officer shortages is no longer needed. If a shortage of officers occurs, the navigation and vessel inspection laws and regulations can be waived under Part 6 of Title 46, CFR, to relieve such shortage for a particular voyage in the interest of national defense. Therefore, Notice CGFR 70-103 was withdrawn by a notice published in the April 1, 1971, issue of the FEDERAL REGISTER (36 F.R. 6014).

Termination of the temporary licensing program would affect (1) persons currently enrolled in a Coast Guard approved maritime training program to qualify for an original temporary license, (2) persons who have obtained their temporary license and are completing the additional sea service necessary to obtain their regular license, and (3) licensed marine engineers who have obtained the temporary endorsements to their regular steam license, which permits service on motor vessels, but have not completed the required service aboard motor vessels to obtain a regular motor license. The purpose of the amendments proposed in this notice is to provide a transition period for these persons who would be affected by the termination of the temporary licensing program.

The provisions in §§ 11.01-1 (a)(2) and (b), 11.01-3(b), 11.05-5(a), and 11.15-1 (a), (b), (c), and (d) that allow endorsing regular licenses to permit the holders to serve temporarily in the next higher grade would be revoked. In addition, § 11.01-10(b) would be revised to terminate existing special endorsements on regular licenses that allow service in the next higher grade.

A new paragraph (c) would be added to § 11.01-10 to allow the special motor vessel endorsement on a regular license as First, Second, or Third Assistant Engineer of steam vessels to be renewed one time upon the first renewal of the regular license after the effective date of the amendment. Such endorsements would be acceptable, under the requirements of 46 U.S.C. 224, for service on motor vessels until the next expiration of the regular license. A one-time renewal of this endorsement would be allowed because there is a scarcity of motor vessels on which holders of temporary endorsements may obtain the required experience needed for a regular license.

Sections 11.10-1(a) and 11.10-50(a) would be amended to allow the issuance of licenses for "Temporary Third Mate" or "Temporary Third Assistant Engineer" to successful graduates of a Coast Guard approved maritime training program who are enrolled in such a training program on or before the effective date of the proposed amendment. These temporary licenses would be effective for no more than 5 years.

In consideration of the foregoing, it is proposed to amend Part 11 of Title 46, Code of Federal Regulations, as follows:

1. By revising paragraphs (a) (1) and (2) and (b) of § 11.01-1 to read as follows:

§ 11.01-1 Application.

(a) The regulations in this part apply to—

(1) "Temporary Third Mate" and "Temporary Third Assistant Engineer" licenses;

(2) Special endorsements on regular licenses as Second and Third Mates and Second and Third Assistant Engineers.

* * * * *

(b) The applicable regulations in Part 10 of this subchapter apply to all licenses except to the extent that certain requirements in §§ 10.05-1 to 10.10-29 of this subchapter are modified by this part to permit issuance of licenses as "Temporary Third Mate" or "Temporary Third Assistant Engineer".

§ 11.01-3 [Amended]

2. By revoking § 11.01-3(b).

3. In § 11.01-10, by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 11.01-10 Duration of licenses in temporary grades or special endorsements issued pursuant to this part.

* * * * *

(b) Special endorsements (placed on regular licenses under the provisions of § 11.15-1 that were in effect before (effective date of amendment)) held by second and third mates and second and third assistant engineers that allow service in the next higher grade expire on (effective date of amendment).

(c) The special endorsement (placed on regular licenses under the provisions of § 11.15-1 that were in effect before (effective date of amendment)) that allows a first, second, or third assistant engineer of steam vessels to serve on motor vessels is valid for the period of the regular license. The special endorsement may be continued upon the first renewal of the regular license subsequent to obtaining the special endorsement unless sooner canceled or suspended by proper authority as published in the FEDERAL REGISTER. Except as provided in this paragraph, special endorsements shall not be renewed.

§ 11.05-5 [Amended]

4. By revoking § 11.05-5(a).

5. By revising § 11.10-1(a) to read as follows:

§ 11.10-1 Temporary Third Mate.

(a) Any person who meets the requirements in § 10.02-5 of this chapter for an original license but does not have the minimum service or training required for a license as Third Mate in § 10.05-33 or § 10.05-35 of this chapter may apply for a license as "Temporary Third Mate" if—

(1) He has successfully completed a Coast Guard approved maritime training program; and

(2) He is enrolled in that program before (effective date of this amendment).

* * * * *

6. By revising § 11.10–50(a) to read as follows:

§ 11.10–50 Temporary Third Assistant Engineer.

(a) Any person who meets the requirements in § 10.02–5 of this chapter for an original license but does not have the minimum service or training required for a license as Third Assistant Engineer in § 10.10–21 or § 10.10–23 of this chapter may apply for a license as "Temporary Third Assistant Engineer", if—

(1) He has successfully completed a Coast Guard approved maritime training program; and

(2) He is enrolled in that program before (effective date of this amendment).

* * * * *

§ 11.15–1 [Amended]

7. By revoking paragraphs (a), (b), (c), and (d) of § 11.15–1.

These amendments are proposed under the authority of R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), section 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655(b)(1)), and 49 CFR 1.46(b).

Dated: March 26, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-4483 Filed 3-31-71;8:49 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-25]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Morristown, N.J. control zone (36 F.R. 2107).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the control zone for the existing NDB approach to Runway 5 at Morristown Municipal Airport. Additionally, a new NDB and localizer instrument approach procedure was authorized recently for Runway 23. To provide airspace protection for these procedures, an updating is required of the Morristown Control Zone. The Somerset Hills Airport and its associated traffic pattern area was not excluded from the Morristown Control Zone extension because of their proximity to aircraft executing Morristown Runway 5 procedures. Therefore, a 1.5-mile radius of Somerset Hills Airport is included in the proposed alteration of the control zone.

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.

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

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

Within a 5-mile radius of the center of Morristown Municipal Airport (40°48'00" N., 74°25'00" W.); within 2 miles each side of the Morristown Municipal Airport localizer northeast course extending from the 5-mile-radius zone to the OM; within 3 miles each side of the 204° bearing from the Chatham, N.J., RBN extending from the 5-mile-radius zone to 8.5 miles southwest of the RBN including a 1.5-mile radius of the center of Somerset Hills Airport, Basking Ridge, N.J. (40°41'28" N., 74°32'08" W.). This control zone is effective from 0700 to 2300 hours, local time, daily.

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 March 23, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-4496 Filed 3-31-71;8:50 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 31, 32]

EXEMPTION OF CERTAIN STATIC ELIMINATION DEVICES AND ION GENERATING TUBES CONTAINING TRITIUM, KRYPTON-85, OR POLONIUM-210

Notice of Proposed Rule Making

Devices designed for use as static eliminators and devices designed for ionization of air which contain certain amounts of specified byproduct material as a sealed source or sources, are presently generally licensed under the Atomic Energy Commission's regulation, 10 CFR Part 31, "General Licenses for Byproduct Material," § 31.3 (a) and (d), subject to the terms and conditions of those general licenses. The Commission's experience indicates that the distribution of static eliminators and ion generating tubes has not created an unreasonable risk to the health and safety of the public.

In addition, certain static eliminators and ion generating tubes containing tritium, krypton-85, or polonium-210 are covered by the general license provided in 10 CFR 31.5 for industrial type devices. The Commission considers that such static eliminators and ion generating tubes, if manufactured, processed, produced, or imported to meet specified performance standards and safety criteria, could be distributed for subsequent possession, use, transfer, and disposal without the imposition of regulatory controls on the user.

In light of these considerations, the Commission is proposing amendments to its regulations that would, under the conditions set forth below, establish a new class exemption for static elimination devices and ion generating tubes in its regulation, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30. The Commission has concluded that the overall benefits to be derived from the use of radioactive materials in static elimination devices and ion generating tubes covered by the amendments, as a class of products, offset the small risk as reflected in the safety criteria proposed for this class of products.

Proposed new § 30.21(a)(1) would exempt any person from the requirements for a license set forth in section 81 of the Atomic Energy Act of 1954, as amended, and from the regulations in 10 CFR Parts 20 and 30–36 to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires tritium, krypton-85, or polonium-210 in static elimination devices and ion generating tubes manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the Commission which license authorizes the transfer of the static elimination devices or ion generating tubes to persons exempt under proposed new § 30.21(a)(1) or equivalent regulations of an Agreement State.

Proposed new § 30.21(c) specifically provides that toys or adornments, products designed for application to a human being, or products in which tritium, krypton-85, or polonium-210 is used primarily for frivolous purposes are not included in the class exemption.

A new § 32.30 would be added to 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material," to establish requirements for the issuance of specific licenses to manufacture, process, produce, imports, or transfer static elimination devices and ion generating tubes

containing tritium, krypton-85, and polonium-210, or to incorporate such devices or tubes into products for commercial distribution, for use under the exemption. An applicant for a license under proposed new § 32.30 would be required, among other things, to submit sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of use and disposal of the product to demonstrate that the product will meet the safety criteria set forth in a proposed new § 32.31.

The proposed class exemption encompasses a wide variety of static elimination devices and ion generating tubes. Therefore, in proposed new § 32.30(b)(1), the Commission would require an applicant to submit a description of the product, as it will be manufactured, processed, produced, imported, or transferred for use by persons exempt under proposed new § 30.21(a)(1). Such a product is normally composed of a source or sources of ionizing radiation plus containment, shielding, and other safety features. Licenses issued under proposed new § 32.30 would authorize distribution of a completed product only and not the radiation source by itself.

An individual product designed for use as a static eliminator or ion generator which contains a specified maximum quantity of tritium, krypton-85, or polonium-210 would be considered a single unit. If the design or the inherent properties of the unit did not preclude the incorporation of more than one unit in a single item, the applicant would be expected to estimate the number of units likely to be incorporated in a single item. In developing the safety criteria set out in proposed new § 32.31, it was recognized that estimated external radiation doses and dose commitments should take into consideration both normal and severe conditions of use and disposal involving such cases of multiple units likely to be incorporated in a single item. In other respects the safety criteria set out in proposed new § 32.31 are comparable to the Commission's safety criteria (§ 32.23) for self-luminous products containing tritium, krypton-85, and promethium-147 as published in the FEDERAL REGISTER on June 6, 1969 (34 F.R. 9025).

Persons licensed under proposed new § 32.30 would be subject to the quality control, labeling, and reporting requirements set out in proposed new § 32.33. Notices of issuance of specific licenses pursuant to proposed new § 32.30 authorizing the transfer of individual products for use under the class exemption would be published in the FEDERAL REGISTER for the information of the public. Copies of the licenses would be available for examination at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Petitions for rule making for exemption of static elimination devices or ion generating tubes which do not meet the conditions of the proposed amendments (§§ 32.30, 32.31, 32.32, and 32.33) would be considered on a case-by-case basis.

In concert with the establishment of the new class exemption for static elimination devices and ion generating tubes, the Commission is proposing amendments to its regulations that would revoke § 31.3 of 10 CFR Part 31.

Licensees authorized at the time of revocation to distribute specified models of static elimination devices and ion generating tubes for use under the general licenses then provided in § 31.3 (a) and (d) would be issued, without supplying any additional information other than the methods of labeling, concurrently with the date the general licenses in § 31.3 (a) and (d) would be revoked, new or amended specific licenses authorizing transfer for use under the proposed class exemption of:

1. Existing stocks of finished static elimination devices or ion generating tubes as labeled or marked prior to the revocation date.

2. The same models of static elimination devices or ion generating tubes labeled or marked after the revocation date to reflect the requirements of the new or amended specific licenses.

To clarify the status of all persons who may possess a static elimination device or ion generating tube under the general licenses in § 31.3 (a) and (d) at the time of revocation, the Commission is proposing amendments to its regulations that would, in proposed new § 30.21(a) (2) and (3), exempt from AEC licensing requirements persons possessing and using static elimination devices and ion generating tubes distributed prior to the effective date of revocation for use under the general licenses then provided in § 31.3 (a) and (d).

The proposed amendments are consistent with the Commission's criteria for the approval of the use of byproduct material and source material in products intended for use by the general public as published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462).

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150 "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274", the transfer of possession or control by persons in Agreement States who manufacture, process, or produce static elimination devices and ion generating tubes for use as exempt items would be subject to the Commission's licensing and regulatory requirements, even though the static elimination devices and ion generating tubes are manufactured under an Agreement State license. Such manufacturers, processors, or producers wishing to transfer possession or control of static elimination devices and ion generating tubes for exempt use would be required to obtain a specific license issued by the Commission under proposed new § 32.30.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30, 31, and 32 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. A new § 30.21 is added to 10 CFR Part 30 to read as follows:

§ 30.21 Static elimination devices and ion generating tubes containing tritium, krypton-85, or polonium-210.

(a) Except for persons who manufacture, process, or produce static elimination devices and ion generating tubes containing tritium, krypton-85, or polonium-210, or who import such devices or tubes, or who incorporate such devices or tubes into products for commercial distribution, and except as provided in paragraph (c) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires:

(1) Tritium, krypton-85, or polonium-210 in static elimination devices and ion generating tubes manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the Commission pursuant to § 32.30 of this chapter, which license authorizes the transfer of the product for use under this subparagraph (1);

(2) Static elimination devices, containing not more than 500 microcuries of polonium-210 per device, which have been distributed prior to [effective date] for use under the general license then provided in § 31.3(a) of this chapter; and

(3) Ion generating tubes, containing not more than 500 microcuries of polonium-210 per tube or not more than 50 millicuries of tritium per tube, which have been distributed prior to [effective date] for use under the general license then provided in § 31.3(d) of this chapter.

(b) Any person who desires to manufacture, process, or produce static elimination devices or ion generating tubes containing tritium, krypton-85, or polonium-210, or to import or to transfer static elimination devices or ion generating tubes containing tritium, krypton-85, or polonium-210, or to incorporate such devices or tubes into products for commercial distribution, for use pursuant to paragraph (a)(1) of this section, should apply for a license pursuant to § 32.30 of this chapter, which license

states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to paragraph (a)(1) of this section or equivalent regulations of an Agreement State.

(c) The exemption in paragraph (a)(1) of this section does not apply to tritium, krypton-85, or polonium-210 used in products primarily for frivolous purposes, in products designed for application to a human being, or in toys or adornments.

§ 31.3 [Revoked]

2. Section 31.3 of 10 CFR Part 31 is revoked.

3. New §§ 32.30, 32.31, 32.32, and 32.33 are added to 10 CFR Part 32 to read as follows:

§ 32.30 Static elimination devices and ion generating tubes containing tritium, krypton-85, or polonium-210: requirements for license to manufacture, process, produce, import, transfer, or incorporate into products.

An application for a specific license to manufacture, process, or produce static elimination devices or ion generating tubes containing tritium, krypton-85, or polonium-210, to import or transfer such devices or tubes, or to incorporate such devices or tubes into products for commercial distribution, for use pursuant to § 30.21(a)(1) of this chapter or equivalent regulations of an Agreement State, will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter: *Provided, however,* That the requirements of § 30.33(a) (2) and (3) of this chapter do not apply to an application for a license to transfer tritium, krypton-85, or polonium-210 in static elimination devices and ion generating tubes manufactured, processed, produced, or possessed pursuant to a license issued by an Agreement State.

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the product to demonstrate that the product will meet the safety criteria set forth in § 32.31. The information should include:

(1) A description of the product and its intended use or uses.

(2) The type and quantity of byproduct material in each unit.

(3) Chemical and physical form of the byproduct material in the product and changes in chemical and physical form that may occur during the useful life of the product.

(4) Solubility in water and body fluids of the forms of the byproduct material identified in subparagraphs (3) and (12) of this paragraph.

(5) Details of construction and design of the product as related to containment and shielding of the byproduct material and other safety features under normal and severe conditions of handling, storage, use, and disposal of the product.

(6) Maximum external radiation levels at 5 centimeters and 25 centimeters from any external surface of the product, averaged over an area not to exceed 10 square centimeters, and the method of measurement.

(7) Degree of access of human beings to the product during normal handling and use.

(8) Total quantity of byproduct material expected to be distributed in the product annually.

(9) The expected useful life of the product.

(10) The proposed method of labeling or marking each unit with the identification of the manufacturer, processor, producer, or importer of the product and the byproduct material in the product.

(11) Procedures for prototype testing of the product to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe conditions of handling, storage, use, and disposal of the product.

(12) Results of the prototype testing of the product, including any change in the form of the byproduct material contained in the product, the extent to which the byproduct material may be released to the environment, any increase in external radiation levels, and any other changes in safety features.

(13) The estimated external radiation doses and dose commitments relevant to the safety criteria in § 32.31 and the basis for such estimates.

(14) A determination that the probabilities with respect to the doses referred to in § 32.31(d) meet the criteria of that paragraph and the basis for the determination.

(15) Quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet.

(16) Any additional information, including experimental studies and tests, required by the Commission.

§ 32.31 Same: safety criteria.

An applicant for a license under § 32.30 shall demonstrate that the product is designed and will be manufactured so that:

(a) In normal use and disposal of a single exempt unit, and of multiple units likely to be incorporated in a single item (unless incorporation of more than one unit in a single item is precluded by design or the inherent properties of the unit), it is unlikely that the external radiation dose in any 1 year, or the dose commitment resulting from the intake of radioactive material in any 1 year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the product will exceed the dose to the appropriate organ as specified in Column I of the Table in § 32.32.

(b) In normal handling and storage of the quantities of exempt units likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, it is unlikely that the external radiation dose in any 1 year, or the dose commitment resulting from the intake of radioactive material in any 1 year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the product will exceed the dose to the appropriate organ as specified in Column II of the Table in § 32.32.

(c) It is unlikely that there will be a significant reduction in the effectiveness of the containment, shielding, or other safety features of the product from wear and abuse likely to occur in normal handling and use of the product during its useful life.

(d)[3] In use and disposal of a single exempt unit, and of multiple units likely to be incorporated in a single item (unless incorporation of more than one unit in a single item is precluded by design or the inherent properties of the unit), or in handling and storage of the quantities of exempt units likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, the probability is low that the containment, shielding, or other safety features of the product would fail under such circumstances that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column III of the Table in § 32.32, and the probability is negligible that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column IV of the Table in § 32.32.

§ 32.32 Same: table of organ doses.

Part of body	Column I (rem)	Column II (rem)	Column III (rem)	Column IV (rem)
Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	0.001	0.01	0.5	15
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter	0.015	0.15	7.5	200
Other organs	0.003	0.03	1.5	50

§ 32.33 Conditions of licenses issued under § 32.30: quality control, labeling, and reports of transfers.

Each person licensed under § 32.30 shall:

(a) Carry out adequate quality control procedures in the manufacture of the product to assure that each production lot meets the quality control standards approved by the Commission;

[3] It is the intent of this paragraph that as the magnitude of the potential dose increases above that permitted under normal conditions, the probability that any individual will receive such a dose must decrease. The probabilities have been expressed in general terms to emphasize the approximate nature of the estimates which are to be made. The following values may be used as guides in estimating compliance with the criteria:

Low—not more than 1 such failure per year for each 10,000 exempt units distributed.

Negligible—not more than 1 such failure per year for each 1 million exempt units distributed.

(b) Label or mark each unit so that the manufacturer, processor, producer, or importer of the product and the byproduct material in the product can be identified; and provide such other information with each unit as may be required by the Commission, including disposal instructions when appropriate; and

(c) File an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall include the following information on products imported or transferred to other persons for use under § 30.21 of this chapter or equivalent regulations of an Agreement State: (1) A description or identification of the type of each product imported or transferred; (2) for each radionuclide in each type of product, the total quantity of radionuclide imported or transferred; and (3) the number of units of each type of product imported or transferred during the reporting period. If no imports or transfers of byproduct material have been made pursuant to § 32.30 during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within 30 days thereafter.

(Secs. 81, 82, 68 Stat. 935; 42 U.S.C. 2111, 2112; sec. 161 b., i., o., 68 Stat. 948, 949, 950, as amended; 42 U.S.C. 2201 (b), (i), (o))

Dated at Washington, D.C., this 23d day of March 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-4442 Filed 3-31-71;8:45 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegation of Authority; Exceptions

Correction

In F.R. Doc. 71-3835 appearing on page 5304 in the issue of Friday, March 19, 1971, the signature reading "James E. Hawk" should read "James E. Hawkins".

Bureau of Land Management

[C-12610]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1971.

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as part of the Arapaho National Wildlife Refuge.

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, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, CO 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the 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 other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 7 N., R. 79 W.,
Sec. 3, all;
Sec. 4, all;
Sec. 6, lot 1, SE¼NE¼, E½SE¼;
Sec. 7, E½, E½W½;
Sec. 9, NE¼, E½NW¼, SE¼;
Sec. 10, all;
Sec. 14, SW¼SW¼;
Sec. 15, NE¼, N½NW¼;
Sec. 17, SW¼NW¼, NE¼SW¼.
T. 8 N., R. 79 W.,
Sec. 3, SW¼SW¼;
Sec. 4, SW¼NE¼, N½SE¼;
Sec. 5, lot 4;
Sec. 6, lot 7;
Sec. 7, SW¼NE¼, SE¼NW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 8, E½NW¼, S½;
Sec. 9, S½;
Sec. 17, all;
Sec. 18, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 19, lots 2, 3, 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, NE¼NE¼, W½NE¼, NW¼;
Sec. 21, SE¼;
Sec. 22, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 27, all;
Sec. 28, E½;
Sec. 30, part E½E½ east of Highway 125;
Sec. 31, part E½NE¼ east of Highway 125, E½SE¼;
Sec. 33, NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 34, all.
T. 8 N., R. 80 W.,
Sec. 11, NE¼NE¼, SW¼NE¼, N½SW¼, SW¼SW¼;
Sec. 12, NE¼, N½NW¼;
Sec. 15, N½NE¼, E½NW¼.
T. 9 N., R. 79 W.,
Sec. 32, W½E½, E½E½SW¼;
Sec. 33, SW¼SW¼.

The above-described land aggregates 10,285.34 acres, more or less.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

[FR Doc.71-4462 Filed 3-31-71;8:47 am]

Office of Hearings and Appeals

[Docket No. M 71-12]

#30 SLOPE, INC.

Petition for Modification of Interim Mandatory Safety Standard

In regard petition of #30 Slope, Inc., for modification of an interim mandatory safety standard—section 303(a) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. sec. 801 et seq.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 801 et seq., notice is hereby given that #30 Slope, Inc. (petitioner), has filed a petition to modify the application of section 303(a) of the Act with respect to its #30 Slope Mine. Section 303(a) provides:

> All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

Petitioner proposes in effect that the designated mine be excepted from the application of the requirements of section 303(a) in view of the impossibility of installing mechanical ventilation equipment due to the excessive number of openings to the surface, the extensive mine workings of the now abandoned Saint Clair Coal Co., lack of measurable methane emissions or oxygen deficiencies since reopening of the mine in 1968, and the brief estimated remaining life of the present mining operation. Petitioner proposes to increase examination for methane, oxygen deficiency and air volumes to one examination per hour at the working faces, and to withdraw all underground personnel immediately if any irregularity should be detected upon any such examination.

A copy of the petition is available for inspection in the Hearings Division, Office of Hearings and Appeals, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MARCH 23, 1971.

[FR Doc.71-4465 Filed 3-31-71;8:47 am]

Office of the Secretary

R. H. LYNCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Because of company reorganizations, I am no longer an officer or director of Atlantic Pipe Line Co. and Philadelphia Tankers, Inc.

(2) None.
(3) None.
(4) None.

This statement is made as of March 1, 1971.

Dated: March 11, 1971.

R. H. LYNCH.

[FR Doc.71-4466 Filed 3-31-71;8:47 am]

ATOMIC ENERGY COMMISSION

[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 the office of the County Manager, Mecklenburg County, 720 East Fourth Street, Charlotte, NC.

Dated at Bethesda, Md., this 25th day of 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. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, P.R.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 18, 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 Office of the Mayor of the Municipality of Salinas, Salinas, P.R.

Dated at Bethesda, Md., this 24th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2835 Filed 3-17-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-3-143]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority March 24, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated February 4, February 18, and February 26, 1971, names additional specific commodity rates under existing commodity descriptions, and specifies rates under new descriptions, as set forth in the attachment hereto.[1] These rates reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22096, R-13 through R-24, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4504 Filed 3-31-71;8:50 am]

[1] Filed as part of the original document.

[Docket No. 23183; Order 71-3-164]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 26, 1971.

The Postmaster General filed a notice of intent March 11, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 60.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Alliance and Omaha, via North Platte and Grand Island, Nebr., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Super 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used

[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).

and useful therefor, and the services connected therewith, shall be 60.5 cents per great circle aircraft mile between Alliance and Omaha, via North Platte and Grand Island, Nebr., based on five round trips per week flown with Beechcraft Super 18 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. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4505 Filed 3-31-71;8:51 am]

[Docket No. 23184; Order 71-3-163]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 26, 1971.

The Postmaster General filed a notice of intent March 11, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Grand Island, Nebr., and Salina, Kans., via Wichita, Kans., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper PA-23 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.5 cents per great circle aircraft mile between Grand Island, Nebr., and Salina, Kans., via Wichita, Kans., 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. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4506 Filed 3-31-71;8:51 am]

[Docket No. 23185; Order 71-3-162]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 26, 1971.

The Postmaster General filed a notice of intent March 11, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 49.85 cents per great circle aircraft mile for the transportation of mail by aircraft between Muskogee, Okla., and Wichita, Kans., via Tulsa and Oklahoma City, Okla., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Super 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid

by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.85 cents per great circle aircraft mile between Muskogee, Okla., and Wichita, Kans., via Tulsa and Oklahoma City, Okla., based on five round trips per week flown with Beechcraft Super 18 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. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-4507 Filed 3-31-71;8:51 am]

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23186; Order 71-3-161]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 26, 1971.

The Postmaster General filed a notice of intent March 11, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 64 cents per great circle aircraft mile for the transportation of mail by aircraft between Sidney and North Platte, Nebr., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper PA-23 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 64 cents per great circle aircraft mile between Sidney and North Platte, Nebr., 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. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-4508 Filed 3-31-71;8:51 am]

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[Dockets Nos. 22877; 22941; Order 71-3-146]

U.S.-FLAG CARRIER-AIR FREIGHT FORWARDER DISCUSSIONS

Order Denying Petition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March 1971.

By Order 71-1-68, dated January 14, 1971, the Board allowed a period for the receipt of comments from interested persons and parties as to a request by the Air Freight Forwarders Association (AFFA) that the Board direct the U.S. air carrier members of the International Air Transport Association (IATA) to meet with U.S. international air freight forwarders during the course of the biennial Worldwide Cargo Tariff Conference scheduled to convene in Singapore in May of 1971. Action was deferred

on this request of AFFA pending receipt of comments as well as review of any discussion of the issue which might occur in preconference meetings between forwarders and carriers as otherwise authorized by Order 71–1–68.[1]

Comments were received on February 1, 1971, from Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc. all of which oppose AFFA's request on the basis that (1) IATA conferences are intended to be meetings of carriers, and the AFFA proposal would require negotiations with a different interest group concurrently with negotiations among themselves, thereby complicating conference objectives and disrupting orderly processes; (2) participation by forwarders would involve Board consideration of participation by other interested groups, the divergent interests of which could create an unmanageable situation at conferences; and (3) objectives of forwarders can be fully realized during preconference meetings with the carriers. These carriers also advert to the conference process which requires unanimous agreement among all carriers, both United States and foreign, and contend that such a process would be injurious to the public and other shippers through the possibility of concerted forwarder pressure on the carriers to conform to their positions on any particular issue. TWA, while recognizing that discussions must be authorized by the Board, asserts that the Board has no statutory authority to require such meetings.

In its February 8, 1971, answer to the above comments, AFFA makes the primary contention that the Board has the authority to require that the carriers hold in-conference meetings with other parties by virtue of the fact that U.S.-flag carrier participation in the IATA machinery is "solely and entirely at the discretion of and with the permission of the Board" and "that the Board may impose any conditions to the continued renewal of such authorization." AFFA believes that the opportunity for carriers to draw upon the knowledge and experience of forwarders present at the time of the conference would produce an agreement (1) which would "meet the general approval of all of the carriers, the forwarding industry, the shipping public and the Board," and (2) which is preferable to a less desirable agreement which the Board "must approve in toto at the risk of an 'open rate' situation."

AFFA's request that the U.S. carrier members of IATA be directed to meet with the forwarders for discussion purposes during the course of the IATA cargo rate conference will be denied.[2]

While the forwarders unquestionably have a strong and legitimate interest in the results of the conference, so also do various shipper groups. AFFA's proposal would place the forwarders in a favored position with respect to advocacy of a rate structure designed to fit their special needs, to an extent which the Board does not believe is warranted by their peculiar dual status as carriers in their own right vis-a-vis the public but shippers vis-a-vis the direct carriers. Thus grant of the forwarders' request could well lead to legitimate demands by shipper groups to be included in any such in-conference meetings. The practicality of conducting such wide-open meetings during the course of conference negotiations may well be doubted.

The Board believes that the outstanding practices and procedures adequately provide for the consideration of the divergent views of all concerned in the formulation and Board review of IATA rate resolutions. U.S. carrier participation in the IATA rate-making machinery is subject to provisions of general application embodied in the IATA agreements or in Board conditions to protect a broader public interest, including the requirements of unanimous action by the direct carrier members of each IATA traffic conference, limited periods of applicability of IATA rate resolutions, and the requirement of Board approval of resolutions after opportunity for comment and prior to the time they may be implemented. In addition, it is the established practice of the Board to provide opportunity prior to the rate conferences for all intreested persons to submit comments to the Board, and the Board has the opportunity, on request, or on its own initiative, to indicate to the U.S. carrier the Board's views in respect to rate matters, as well as to request that the U.S. carriers place on the conference agenda any specific matter deemed of importance. As noted, carrier-forwarder discussions, attended by Board observers, were held in New York on February 2, 1971, prior to the agenda cutoff date. The forwarders there expressed their views with respect to many IATA rate matters.

In consideration of the foregoing and all relevant matters, the Board cannot find that the requested discussions are essential means to pursue the legitimate objectives of the forwarders, or that it is in the public interest to require the requested discussions, and the request therefore will be denied. In these circumstances, the Board does not reach the issue presented by TWA as to the Board's authority to require such meetings.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. The petition of the Air Freight Forwarders Association, insofar as it requests that the U.S. direct carrier members of the International Air Transport Association be directed to meet with U.S. international air freight forwarders during the course of the 1971 IATA Worldwide Cargo Traffic Conference, is denied; and

2. This order shall be served upon all U.S.-flag carrier members of the International Air Transport Association and all Board-authorized international air freight forwarders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4503 Filed 3-31-71;8:50 am]

[1] Such a meeting was held at the invitation of AFFA, and discussion of the instant issue centered on the comments of the parties as set forth herein.

[2] In view of the opposition expressed by the direct carriers who filed comments, the question of merely authorizing carrier-forwarder discussions during the conference would appear to be moot.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of January 15, 1971, F.R. Doc. 71–552, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Special Assistant, Office of the Deputy Under Secretary for Policy Analysis and Program Evaluation to Assistant to the Deputy Under Secretary, Office of the Deputy Under Secretary for Policy Analysis and Program Evaluation.

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

[FR Doc.71-4450 Filed 3-31-71;8:46 am]

GLASSBLOWER, NATIONAL INSTITUTES OF HEALTH

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 16, 1971, for a single position of Glassblower, GS–001, to be filled by a qualified candidate at GS–7, 9, or 10 in the Instrument Fabrication Section, Division of Research Services, National Institutes of Health, Bethesda, Md. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-4449 Filed 3-31-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 536]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 22, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

4907-C2-P-71—Jasper Mobilephone (New), C.P. for a new 2-way station to be located at 1 mile southwest, Highway No. 78 West, near Jasper, Ala., to operate on 152.12 MHz.

4908-C2-P-71—Mobilfone Communications, Inc. (KKX714), C.P. for additional facilities to operate on frequency 152.18 MHz at location No. 2: On Highway No. 183, 3 miles north of Austin, Tex.

4909-C2-TC(3)71—Ranch Radio, Inc., Consent to transfer of control from Anne K. Putnam, Estate of Paul Putnam and J. Robert Melanson, Transferors, to: J. Robert Melanson and Elmer E. Neumann, Transferees, Stations: KLB324 El Campo, Tex., KUA276 Glidden, Tex.

4927-C2-AL-71—Airpage, Consent to assignment of license from Airpage, Assignor, to: Phone Depots, Inc., doing business as Mobilfone Radio System, Assignee, Station—KCC802 Waterbury, Conn.

4983-C2-P-(3)71—Instant Communications, Inc. (New), C.P. for a new 2-way station to be located at 201 South Main Street, Ann Arbor, Mich., to operate on frequencies 454.025, 454.075, and 454.325 MHz.

4984-C2-P-(4)71—Charlotte Message Center (KIM903), C.P. for additional facilities to operate on 152.06 and 152.18 MHz base and 2128 MHz repeater at location No. 1: 0.6 mile south of Route No. 82, 11.7 miles east-southeast of Fort Myers, Fla.; change control frequencies from 454.05 and 454.10 MHz to 2178 MHz at location No. 2: 4426 Cleveland Avenue, Fort Myers, FL and delete the control station operating on 454.05 MHz at location No. 3: U.S. Highway No. 17, 1 mile north of Punta Gorda, Fla.

Correction

4789-C2-P-70—Marsh Media, Ltd. (New), Correct to read: Marsh Communications, Inc.

1783-C2-P-71—Marsh Media, Ltd. (New), All other particulars remain as reported on public notice dated Oct. 5, 1970, Report No. 512.

724-C2-P-71—All City Telephone Answering Service Inc. (KSA266), Correct location to read: New Berlin, Wis. All other particulars as reported on public notice dated Aug. 10, 1970, Report No. 504 and Report No. 533, dated Mar. 1, 1971.

RURAL RADIO SERVICE

4909-C2-TC-71—Ranch Radio, Inc., Consent to transfer of control from Anne K. Putnam, Estate of Paul Putnam and J. Robert Melanson, Transferors, to: J. Robert Melanson and Elmer E. Neumann, Transferees, Station: KPP96 temporary-fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

4910-C1-P-71—The Diamond State Telephone Co. (New), C.P. for a new station to be located 919 Market Street, Wilmington, DE. Frequency: 6137.9 MHz toward Philadelphia, Pa.

4911-C1-P-71—General Telephone Co. of Alabama (KJG74), C.P. to add frequency 6041.6 MHz toward Ozark, Ala. Station location: 205 West Troy Street, Dothan, AL.

4912-C1-P-71—General Telephone Co. of Alabama (KJG76), C.P. to add frequency 6293.6 MHz toward Dothan, Ala., and 6278.8 MHz toward Brundidge, Ala. Station location: 204 Blackmon Road, Ozark, AL.

4913-C1-P-71—General Telephone Co. of Alabama (KJG75), C.P. to add frequency 6026.7 MHz toward Ozark, Ala., and 6041.6 MHz toward Troy, Ala. Station location: 4.5 miles north-northwest of Brundidge, Ala.

1839-C1-P-71 and 2643-C1-P-71—New York Telephone Co. (KEL91), C.P. to change frequency on path toward Patterson, N.J., from 6330.7 MHz to 11075 MHz. Location: 200 Park Avenue, New York, NY.

4938-C1-P-71—The Mountain States Telephone and Telegraphy Co. (New), C.P. for a new station to be located 1.5 miles south-southwest of Arlington, Wyo. Frenquency: 2118.4 MHz toward Medicine Bow, Wyo.

4939-C1-P-71—The Mountain States Telephone and Telegraphy Co. (New), C.P. for a new station to be located 10.9 miles east-southeast of Medicine Bow, Wyo. Frequency: 2168.4 MHz toward Arlington, Wyo.

4940-C1-P-71—The Pacific Telephone and Telegraph Co. (KYS42), C.P. to add frequency 4010 MHz toward Clearlake Oaks, Calif. Station location: Berryessa Peak, 5.6 miles south-southwest of Brooks, Calif.

4941-C1-P-71—The Pacific Telephone and Telegraph Co. (KYS43), C.P. to add frequency 3970 MHz toward Berryessa Peak and toward Elk Creek, Calif. Station location: 14.7 miles northeast of Clearlake Oaks, Calif.

4942-C1-P-71—The Pacific Telephone and Telegraph Co. (KYS44), C.P. to add frequency 4010 MHz toward Clearlake Oaks and Paskenta, Calif. Station location: 6.5 miles south-southwest of Elk Creek, Calif.

4943-C1-P-71—The Pacific Telephone and Telegraph Co. (KYS45), C.P. to add frequency 3970 MHz toward Elk Creek and Cottonwood, Calif. Station location: 11 miles north of Paskenta, Calif.

4944-C1-P-71—The Pacific Telephone and Telegraph Co. (KYS46), C.P. to add frequency 4010 MHz toward Paskenta and Bear Spring, Calif. Station location: 7.5 miles east of Cottonwood, Calif.

4945–C1–P–71—The Pacific Telephone and Telegraph Co. (KYS51), C.P. to add frequency 3970 MHz toward Cottonwood and Pondosa, Calif. Station location: Bear Spring, 6.6 miles northeast of Montgomery Creek, Calif.

4946–C1–P–71—The Pacific Telephone and Telegraph Co. (KYS52), C.P. to add frequency 4010 MHz toward Bear Spring and Timber, Calif. Station location: 4 miles south-southwest of Pondosa, Calif.

4947–C1–P–71—The Pacific Telephone & Telegraph Co. (KYS53), C.P. to add frequency 3970 MHz toward Pondosa, Calif., and Brady, Oreg. Station location: Timber Mountain, 4 miles southwest of Perez, Calif.

4948–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located 52d Avenue and Zuni Street, Denver Zuni, CO. Frequencies: 6241.7 and 11,425 MHz toward Arapahoe Springs, Colo.

4949–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at Arapahoe Springs, 3.5 miles south of Idaho Springs, Colo. Frequencies: 5960.0 and 10,955 MHz toward Denver Zuni, Colo., and frequencies 6049.0 and 10,775 MHz toward Idaho Springs, Colo., via passive reflector.

4950–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 16th and Miner Street, Idaho Springs, Colo. Frequencies: 6301.0 and 11,625 MHz toward Arapahoe Springs, Colo., via passive reflector.

American Telephone & Telegraph Co., Twenty C.P. applications to provide Type TD–2 telephone channels between Jasper, Ala., and Jackson, Miss., and between Shreveport, La., and Vicksburg, Miss.

4951–C1–P–71—The Mountain States Telephone & Telegraph Co. (KRS91), C.P. to add frequencies 3950 and 4030 MHz toward Berry, Ala. Station location: 3.5 miles southwest of Jasper, Ala.

4952–C1–P–71—American Telephone & Telegraph Co. (KRR76), C.P. to add frequencies 3990 and 4070 MHz toward Jasper and Gordo, Ala. Station location: 5 miles east-southeast of Berry, Ala.

4953–C1–P–71—American Telephone & Telegraph Co. (KRS90), Add frequencies 3950 and 4030 MHz toward Berry and Carrollton, Ala. Station location: 13.5 miles north of Gordo, Ala.

4954–C1–P–71—American Telephone & Telegraph Co. (KRR77), Add frequencies 3990 and 4070 MHz toward Gordo, Ala., and Brooksville, Miss. Station location: 4 miles northwest of Carrollton, Ala.

4955–C1–P–71—American Telephone & Telegraph Co. (KRT24), Add frequencies 3950 and 4030 MHz toward Carrollton, Ala., and Mashulaville, Miss. Station location: 8 miles north of Brooksville, Miss.

4956–C1–P–71—American Telephone & Telegraph Co. (KRT29), Add frequencies 3990 and 4070 MHz toward Brooksville and Louisville, Miss. Station location: 8.1 miles west of Mashulaville, Miss.

4957–C1–P–71—American Telephone & Telegraph Co. (KRT28), Add frequencies 3950 and 4030 MHz toward Mashulaville and Williamsville, Miss. Station location: 7.5 miles west of Louisville, Miss.

4958–C1–P–71—American Telephone & Telegraph Co. (KRT30), Add frequencies 3990 and 4070 MHz toward Louisville and Durant, Miss. Station location: 1.6 miles northwest of Williamsville, Miss.

4959–C1–P–71—American Telephone & Telegraph Co. (KRT27), Add frequencies 3950 and 4030 MHz toward Williamsville and Pickens, Miss. Station location: 1.6 miles northwest of Durant, Miss.

4960–C1–P–71—American Telephone & Telegraph Co. (KLN22), Add frequencies 3990 and 4070 MHz toward Durant and 3910 MHz toward Canton, Miss. Station location: 7.6 miles west of Pickens, Miss.

4961–C1–P–71—American Telephone & Telegraph Co. (KRT25), Add frequency 3870 MHz toward Pickens and Cynthia, Miss. Station location: 8 miles southwest of Canton, Miss.

4962–C1–P–71—American Telephone & Telegraph Co. (KRT26), Add frequency 3910 MHz toward Canton and Jackson, Miss. Station location: 0.3 mile southwest of Cynthia, Miss.

4963–C1–P–71—American Telephone & Telegraph Co. (KKN22), Add frequency 3870 MHz toward Cynthia, Miss. Station location: Lamar and Capitol Streets, Jackson, Miss.

4964–C1–P–71—American Telephone & Telegraph Co. (KKO31), Add frequency 4030 MHz toward Haughton, La. Station location: 602 Crockett Street, Shreveport, La.

4965–C1–P–71—American Telephone & Telegraph Co (KKT22), Add frequency 4070 MHz toward Athens, La. Station location: 2 miles northwest of Haughton, La.

4966–C1–P–71—American Telephone & Telegraph Co. (KKT23), Add frequency 4030 MHz toward Vienna, La. Station location: 2 miles northwest of Athens, La.

4967–C1–P–71—American Telephone & Telegraph Co. (KKT24), Add frequency 4070 MHz toward Monroe, La. Station location: 3 miles east-northeast of Vienna, La.

4968–C1–P–71—American Telephone & Telegraph Co. (KKT25), Add frequency 4030 MHz toward Oak Ridge, La. Station location: 1.6 miles west of Monroe, La.

4969–C1–P–71—American Telephone & Telegraph Co. (KKT26), Add frequency 4030 MHz toward Tendal, La. Station location: 2.5 miles east of Oak Ridge, La.

4970–C1–P–71—American Telephone & Telegraph Co. (KKT27), Add frequency 4070 MHz toward Vicksburg, Miss. Station location: 1.1 miles east of Tendal, La.

4985–C1–P–71—Central Telephone Co. (KBD33), C.P. to correct coordinates to read: latitude 44°38′17″ N., longitude 93°09′12″ W. and change polarization on frequencies 5945.2 and 6063.8 MHz toward Minneapolis, MN, to horizontal and azimuth 347° and 11′.

4986–C1–P–71—Northwestern Bell Telephone Co. (KAU66), C.P. to add frequency 4030 MHz toward Collins, Iowa. Station location: 604 Ninth Street, Des Moines, Iowa.

4987–C1–P–71—Northwestern Bell Telephone Co. (KBK96), C.P. to add frequency 4070 MHz toward Marshalltown, Iowa. Station location: 3 miles north and 0.5 mile west of Collins, Iowa.

4988–C1–P–71—Northwestern Bell Telephone Co. (KBK95), C.P. to add frequency 3810 MHz toward Lincoln, Iowa. Station location: 0.5 mile west of Marshalltown, Iowa.

4989–C1–P–71—Northwestern Bell Telephone Co. (KBD56), C.P. to add frequency 4170 MHz toward Marshalltown, Iowa and 3850 MHz toward Waterloo, Iowa. Station location: 1 mile north of Lincoln, Iowa.

4990–C1–P–71—Northwestern Bell Telephone Co. (KBD55), C.P. to add frequencies 3950 and 4190 MHz toward Raymond, Iowa, and 4130 MHz toward Lincoln, Iowa. Station location: 403 Sycamore Street, Waterloo, Iowa.

4991–C1–P–71—Northwestern Bell Telephone Co. (KAS83), C.P. to add frequencies 3990 and 4198 MHz toward Vinton, Iowa, and 3990 and 4198 MHz toward Waterloo, Iowa. Station location: 0.8 mile east of Raymond, Iowa.

4992–C1–P–71—Northwestern Bell Telephone Co. (KBI53), C.P. to add frequencies 3950 and 4190 MHz toward Raymond, Iowa, and 3950 MHz toward Cedar Rapids, Iowa. Station location: 2 miles northeast of Vinton, Iowa.

4993–C1–P–71—Northwestern Bell Telephone Co. (KBI54), C.P. to add frequency 4070 MHz toward Vinton, Iowa. Station location: 619 Third Avenue, southeast, Cedar Rapids, Iowa.

The following Renewal Applications received for licenses expiring February 1, 1971. Term: February 1, 1971, to February 1, 1976. Cohasset Beach Telephone Co., KPZ40 Westport, Wash.

Pacific Power & Light Co., KKU21 La Salle, Mont.

Major Amendment:

3195–C1–P–71—Pacific Telephone & Telegraph Co. (KMB68), Change frequencies to 10,855, 10,935, 11,095, and 11,175 MHz on azimuth 238°46′. Location: Mount Wilson, Calif. All other particulars same as reported in public notice dated Dec. 21, 1970.

6209–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change point of communication from Des Moines, Iowa, to Altoona, Iowa, and change azimuth to 83°28′. Location: 3 miles southwest of Adel, Iowa.

6210–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change location of station to 2.3 miles southwest of Altoona, Iowa, at latitude 41°36′46″ N., longitude 93°29′06″ W., change azimuth toward Adel, Iowa, to 263°30′ and change azimuth toward Reasoner, Iowa, to 84°55′.

6211–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change point of communication from Des Moines, Iowa, to Altoona, Iowa, and change azimuth to 265°30′. Location: 2.5 miles north-northeast of Reasoner, Iowa.

6220–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change azimuth toward Elgin, Ill.; to 66°15′. Location: 4.5 miles southwest of DeKalb, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6221–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change location of station to 0.9 mile south of Elgin, Ill., at latitude 42°02'05" N., longitude 88°15'58" W. Change azimuth toward DeKalb, Ill., to 245°45', and azimuth toward Chicago to 105°00'.

6222–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change azimuth toward Elgin, Ill., to 284°53'. Location: Chicago, Ill. (All other particulars same as reported in public notice dated Apr. 20, 1970.)

967–C1–P–71—American Telephone & Telegraph Co. (KLS32), Delete frequencies 4090, 4170 MHz toward Laredo, Tex. Station location: 13.8 miles east-northeast of Laredo, Tex. (All other particulars same as reported in Public Notice dated Aug. 24, 1970.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4981–C1–MP–71—New York-Penn Microwave Corp. (WDD72), Modification of construction permit (2416–C1–P–70) to change azimuth to 71°47' toward Pulpit Rock, Pa. Station location: Blue Mountain, 2.60 miles north-northwest of Strausstown, Pa.

4982–C1–MP–71—New York-Penn Microwave Corp. (WDD61), Modification of construction permit (8468–C1–P–70) to change azimuth to 304°25' toward Pulpit Rock, Pa. Station location: 1.5 miles northeast of Frederickville, Pa.

Major amendment:

2618–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,385 MHz and 11,465 MHz toward Onarga, Ill., on azimuth 188°58'. Station location: 3.5 miles northwest of Kankakee, Ill.

2619–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 10,895 MHz and 10,975 MHz toward Gibson City, Ill., on azimuth 226°46'. Station location: 1 mile north of Onarga, Ill.

6587–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,465 MHz and 11,545 MHz toward Urbana, Ill., on azimuth 158°58'. Station location: 0.25 mile northeast of Gibson City, Ill.

6588–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,095 MHz and 11,175 MHz toward Tuscola, Ill., on azimuth of 196°42'. Station location: 1.65 miles southeast of Urbana, Ill.

2621–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,505 MHz, 11,585 MHz, and 11,665 MHz toward Mattoon, Ill., on azimuth 192°13'. Station location: 0.1 mile northeast of Tuscola, Ill.

2623–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 10,975 MHz, 11,055 MHz, and 11,135 MHz toward Effingham, Ill., on azimuth of 198°21'. Station location: 0.27 mile northeast of Mattoon, Ill.

4898–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 10,735 MHz, 10,975 MHz, 11,055 MHz, and 11,135 MHz toward Charleston, Ill., on azimuth of 97°07'. Station location: 0.27 mile northeast of Mattoon, Ill.

4899–C1–P–66—United Video, Inc. (New), Application amended (a) to delete frequencies 11,225, 11,305, 11,465, and 11,625 MHz toward Flora, Ill., on azimuth 180°06'; (b) to delete frequency 11,225 MHz toward Mattoon, Ill., on azimuth 18°15'; and (c) to add frequencies 11,385 and 11,545 MHz via power-split toward new point of communication at Vandalia, Ill., on azimuth 248°44'. Station location: 1 mile east of Effingham, Ill.

4902–C1–P–66—United Video, Inc. (New), Application amended (a) to delete Mount Vernon, Ill., as point of communication; (b) to change frequencies from 10,735 and 10,815 MHz to frequencies 10,775 and 10,935 MHz toward Olney, Ill., on azimuth 77°24'; and (c) to delete frequencies 10,895, 10,975, and 11,055 MHz toward Olney, Ill., on azimuth 77°24'. Station location: 1.6 miles west of Flora, Ill.

(INFORMATIVE: Applicant, in the above amendments, is deleting certain frequencies from its pending applications to reflect the carriage of only two Chicago signals, WGN-TV and WFLD-TV, rather than four signals as originally proposed. Applicant, in addition, proposes to deliver the signals of WGN-TV and WFLD-TV to a new customer, Vandalia Cable TV Company, Inc., in Vandalia, Ill. See Applications File Nos. 2618/2619–C1–P–66, 6587/6588–C1–P–66, 2621, and 2623–C1–P–66; 4898/99, and 4902–C1–P–66, for further information.)

[FR Doc.71-4368 Filed 3-31-71;8:45 am]

[Dockets Nos. 19176, 19177; FCC 71-278]

GRENCO, INC., AND RADIO GREENWOOD, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Grenco, Inc., Greenwood, S.C., Docket No. 19176, Files Nos. BR–1137 and BRH–1674, for renewal of license of stations WCRS and WCRS–FM, Greenwood, S.C.; and Radio Greenwood, Inc., Greenwood, S.C., Docket No. 19177, File No. BR–2821, for renewal of license of station WGSW, Greenwood, S.C.

1. The Commission has before it for consideration the above-captioned applications for renewal of licenses of Stations WGSW, WCRS, and WCRS–FM, Greenwood, S.C., filed in August 1969 and Dockets Nos. 18503 and 18504 concerning the application of United Community Enterprises, Inc., for a construction permit.

2. A chronological history of the events preceding this order is set forth in the Review Board decision of July 1, 1969, in United Community Enterprises et al., 18 FCC 2d 555. In that decision the Review Board granted a petition for enlargement of issues and specified a "strike" issue against one of the mutually exclusive applicants, namely Saluda Broadcasting Co., Inc. The Greenwood, S.C., licensees, Radio Greenwood, Inc. (WGSW), and Grenco, Inc. (WCRS and WCRS–FM), were made parties respondent by the Review Board's order for the purpose of resolving the "strike" issue since the petitioners alleged that they assisted the "strike" applicant.[1] On March 2, 1970, the Hearing Examiner granted a petition to dismiss, filed by Saluda Broadcasting Co., Inc., and ordered that application dismissed with prejudice.

3. On April 20, 1970, the Review Board denied a motion to enlarge issues, submitted by Radio Greenwood, Inc., which sought in substance to further litigate the issue in the mutually exclusive hearing. This action effectively removed Radio Greenwood, Inc., and Grenco, Inc., as parties in the United Community Enterprises, Inc., hearing (Dockets Nos. 18503 and 18504) and rendered the "strike" issue moot in that proceeding. On June 26, 1970, the Commission denied an application for review of the April 20, 1970, decision filed by Radio Greenwood, Inc. Thus, the Commission has for consideration renewal applications filed by licensees who have outstanding allegations of participation in a "strike" application. We will not detail the allegations and responses of the parties involved but will incorporate by reference the above-mentioned Review Board decision which fully discusses the matter. The Commission is in complete agreement with the Board that in view of the apparent conflicts in the affidavits and statements of the parties an evidentiary hearing is necessary to resolve the substantial questions which go to the qualifications of the applicants herein to be licensees of the Commission. A determination cannot be made at this time that the granting of the WGSW, WCRS, and WCRS–FM applications would serve the public interest, convenience and necessity as required by section 307(d) of the Communications Act of 1934. This action is consistent with that taken in Western North Carolina Broadcasters, Inc., 8 FCC 2d 126 (1967).

4. We deem it desirable to explain what we mean by "strike" application in the context of the proceeding we are ordering herein c.f. Vernon E. Pressley v. F.C.C., ____ F. 2d ____ (D.C. Cir. Nov. 13, 1970). To be considered a "strike" application, the motive or purpose—principal or incidental—must be to obstruct or delay another application. (Al-Or Broadcasting Co., 37 FCC 917 (1964).) Such action by an existing licensee is not in the public interest and would bring into question the qualifications of the applicant to be a licensee. Guidelines used in determining if an application is a "strike" application are as follows: (1) The timing of the application, (2) the economic and competitive benefit occurring from the application, (3) the good faith of the applicant, and (4) questions concerning a frequency study. (Sumiton Broadcasting Company, Inc., et al., 15 FCC 2d 400 (1968).) In fact, the application form (F.C.C. Form 301) states "this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflicting." See Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327, 333 (1945). The guidelines are just that, and each particular set of circumstances must be individually examined, since the matter of purpose or motive cannot be scientifically defined.

[1] By order entered on Nov. 12, 1969, the Commission denied an appeal from this action of the Review Board.

5. Thus, the Commission finds that there exists as a result of the record in Dockets Nos. 18503 and 18504 proceeding, substantial questions which go to the qualifications of the applicants herein to be licensees of the Commission. In view of the potential implication which might flow from this matter with respect to United Community Enterprises, Inc., it will be made a party for the purpose of resolving these issues. The burden of proceeding with the introduction of evidence will be on the Broadcast Bureau of the Commission. The applicants, however will have the burden of proof on all issues and will have the ultimate burden of establishing that they possess the requisite character qualifications to be a licensee of the Commission and that a grant of their applications or renewal of license would serve the public interest, convenience and necessity.

6. In light of the above: *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for an evidentiary hearing, to be held at Greenwood, S.C., at a time to be specified in a subsequent order upon the following issues:

(1) To determine whether Grenco, Inc., principals or agents and/or whether Radio Greenwood, Inc., principals or agents supported or otherwise participated in the preparation and filing of the application of Saluda Broadcasting Co., Inc., for a new radio station at Saluda, S.C., on 1,090 kHz, 500 watts power, daytime only (File No. BP–17529, Docket No. 18504) for the purpose of impeding or obstructing grant of the application of United Community Enterprises, Inc., for a new radio station at Greenwood, S.C., on 1,090 kHz, 1 kw power, daytime only (BP–17439, Docket No. 18503).

(2) To determine whether in light of the evidence adduced under the foregoing issue, grant of the applications for renewal of licenses of WCRS and WCRS–FM submitted by Grenco, Inc., and WGSW submitted by Radio Greenwood, Inc., would serve the public interest, convenience, and necessity.

7. *It is further ordered,* That United Community Enterprises, Inc., shall be made a party and shall have the right to appear as such in the proceeding.

8. *It is further ordered,* That respecting Issue No. 1 the initial burden of coming forward with the introduction of evidence shall be on the applicants, and that United Community Enterprises, Inc., shall then proceed with the introduction of the evidence it has with respect to such issue. The burden of proof on all issues shall be on the applicants.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order;

10. *It is further ordered,* That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as requested by § 1.594(g) of the rules.

Adopted: March 17, 1971.

Released: March 25, 1971.

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

[FR Doc.71–4452 Filed 3–31–71;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 96]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Frontier Savings and Loan Association

MARCH 29, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., for approval of acquisition of control of the Frontier Savings and Loan Association, Lodi, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of assets of Frontier Savings and Loan Association and assumption of its liabilities by Gibraltar Savings and Loan Association, an insured subsidiary of the applicant, in exchange for stock of the applicant and the assumption of the liabilities of Frontier Savings and Loan Association by Gibraltar Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71–4515 Filed 3–31–71;8:51 am]

FEDERAL MARITIME COMMISSION

INACTIVE TARIFFS

Notice of Cancellation

By notice published in the FEDERAL REGISTER on January 15, 1971, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

Embassy Forwarding, Inc., 3150 Lawrence Place, Hyattsville, MD 20781.
Routed Thru-Pac, Inc., 350 Broadway, New York, NY 10013.
United Freightways Corporation, G.P.O. Box 4572, San Juan, PR 00936.

Accordingly, by the Commission pursuant to authority delegated by section 7.15 of Commission Order No. 1 (Revised) dated September 29, 1970, the tariffs of the above named carriers were canceled on March 1, 1971.

AARON W. REESE,
Managing Director.

[FR Doc.71–4502 Filed 3–31–71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. E–7609]

APPALACHIAN POWER CO.

Notice of Amendment of Interconnection Agreement

MARCH 25, 1971.

Take notice that on February 11, 1971, Appalachian Power Co. (Appalachian) filed Modification No. 2 dated February 1, 1971, to the Interconnection Agreement dated February 7, 1957, between Appalachian and Carolina Power & Light Co. (Carolina), designated Appalachian Rate Schedule FPC No. 24.

Section 1 of the modification provides for an increase in the Demand Charge for Short Term Power of from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a change in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from 3.333 mills for each kilowatt-hour of reduction to one-sixth (1/6) of the total weekly demand charge for each way (except Sundays) any such reduction is in effect.

Appalachian states the proposed changes indicated above are in each case the result of discussions and negotiation between the parties and reflect a desire on the part of such parties to assure that the compensation received for providing Short Term Power continue to be compensatory and not impose a burden on the supplying utility and its customers. Appalachian contends that a service, which is (1) reciprocal, (2) subject to changing conditions and (3) to be provided only if the party requested to supply such service is willing to provide it, must result in the realization of mutual benefits and compensation, therefore, must be reasonable in the light of current conditions and circumstances.

The stated reasons for the proposed rate increase are: (1) Increases in current capitol costs; and (2) increases in current installed cost of generation and transmission facilities.

Appalachian also states that it cannot estimate the transactions and revenues for the next 12 months because the extent to which Short Term Power will be used is unknown at present.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 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.71-4453 Filed 3-31-71;8:46 am]

[Docket No. CP70-19]

GREAT LAKES GAS TRANSMISSION CO.

Order Granting Extension of Time

MARCH 25, 1971.

On February 24, 1971, Great Lakes Gas Transmission Co. (Great Lakes) filed in Docket No. CP70-19 a motion for an extension of time within which to construct and operate certain facilities authorized by the Commission's opinion and order issued April 30, 1970, in Docket No. CP70-19, et al. (43 FPC 635), all as more fully set forth in the motion in this proceeding.

Said opinion and order in Docket No. CP70-20 authorized Great Lakes to import from Canada natural gas to be purchased from Trans-Canada Pipe Lines, Ltd. (Trans-Canada) and in Docket No. CP70-19, among other things, authorized Great Lakes to install and operate a 12,500 horsepower compressor at its Station No. 1 and eight meter station connections for service to Inter-City Gas, Ltd. (Inter-City) to be located at Clearbrook, Deer River, Floodwood, Gonvick, Karlstad, Lake Bronson, Lancaster, and Newfolden, Minn. Great Lakes requests an extension to November 1, 1972, for the installation and operation of the compressor and to November 1, 1971, for the construction of the metering facilities for the eight new delivery points. Said facilities were to be constructed by April 30, 1971.

Great Lakes is presently receiving gas from Trans-Canada at Emerson, MB, at a delivery pressure of 750 p.s.i.g. under an agreement, dated October 22, 1970, for a 1-year period ending November 1, 1971. Great Lakes is presently negotiating for an extension of this arrangement with Trans-Canada for a period following November 1, 1971, which would permit further deferral of the installation and operation of the hereinabove described 12,500 horsepower compressor, and, accordingly, requests an extension to November 1, 1972 for its installation and operation. Inasmuch as an extension of Great Lakes' pressure arrangement with Trans-Canada has not yet been agreed upon and properly filed with this Commission, we shall at this time grant an extension only to November 1, 1971, for the construction and operation of the 12,500 horsepower compressor. This, of course, is without prejudice to Great Lakes filing for a further extension of time should Trans-Canada and Great Lakes agree to continue the pressure arrangement beyond November 1, 1971.

Great Lakes is requesting the extension of time to November 1, 1971, for the construction and operation of the aforementioned eight metering stations because Inter-City has not yet constructed the local distribution facilities requiring such delivery points. The application indicates that because of pending Canadian export authorization and related Commission import approval, Inter-City did not know until October 30, 1970, whether it would have avaliable to it a firm supply of gas at the eight delivery points involved and did not construct the related local distribution facilities for the 1970-71 heating season. In these circumstances, Great Lakes requests the extension to construct its related metering facilities.

The Commission orders:

Great Lakes is granted an extension of time to November 1, 1971, within which to construct and operate the eight metering stations and the 12,500 horsepower compressor authorized by the Commission's opinion and order issued April 30, 1970, in Docket No. CP70-19, et al., hereinabove described, all as more fully set forth in the motion in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4454 Filed 3-31-71;8:46 am]

[Docket No. CP71-226]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Notice of Application

MARCH 26, 1971.

Take notice that on March 22, 1971, the Manufacturers Light and Heat Co. and Home Gas Co. (applicants), 800 Union Trust Building, Pittsburgh, PA 15219, filed in Docket No. CP71-226 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing April 1, 1971, and operation of certain natural gas facilities to enable applicants to take into their pipeline system supplies of natural gas which will be purchased from producers in the general areas of applicants' existing pipeline systems, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the purpose of this budget-type application is to augment their ability to act with reasonable dispatch in contracting for and connecting to their pipeline systems supplies of natural gas in various producing areas generally coextensive with said systems.

The total cost of the facilities proposed herein is not to exceed $2 million with no single project costing in excess of $500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4488 Filed 3-31-71;8:49 am]

[Docket No. G-2335 etc.]

MID LOUISIANA GAS CO.

Notice of Redesignation

MARCH 26, 1971.

On September 15, 1970, Mid Louisiana Gas Co. filed a motion, as supplemented on November 25, 1970, to advise the Commission that its name had been changed

from Humble Gas Transmission Co. by amendment to its certificate of incorporation on May 4, 1970.

Accordingly, the certificates of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Dockets Nos. G–2335, G–2448, G–2722, G–13589, G–13666, G–15208, CP63–56, CP63–175, CP64–163, CP65–395, CP67–68, CP67–149, CP67–158, CP68–16, CP68–46, CP68–263, CP68–308, CP68–365, CP69–135, and CP70–110, and the related tariff sheets on file with the Commission are redesignated as those of Mid Louisiana Gas Co.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4489 Filed 3–31–71;8:49 am]

[Docket No. CP71–227]

MONTANA POWER CO.

Notice of Application

MARCH 26, 1971.

Take notice that on March 22, 1971, the Montana Power Co. (applicant), 40 East Broadway, Butte, MT 59701, filed in Docket No. CP71–227 an application pursuant to section 3 of the Natural Gas Act for authorization to import additional volumes of natural gas from the Province of Alberta, Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to import 20,000 additional Mcf of natural gas per day, commencing on or about November 1, 1971, through existing facilities at the international boundary between Alberta and Montana. Applicant is presently importing 80,000 Mcf of natural gas per day from Canada at the same point on the international boundary pursuant to authorizations granted by the Commission in Docket No. G–17371. Applicant states that it has been unable to obtain additional sources of natural gas in the United States and that this additional supply is necessary to meet the increasing fuel requirements of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 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). 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.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4490 Filed 3–31–71;8:49 am]

[Docket No. G–16026 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Providing for Hearing

MARCH 26, 1971.

On May 19, 1970, Natural Gas Pipeline Company of America (Natural) filed a petition in the above-styled proceedings requesting that the Commission issue an order which would declare that (a) Natural has no refund liability under the "Consolidated Effective Tax Rate Conditions" of the settlement agreements in such proceedings, and (b) if Peoples Gas (Natural's parent company), through its own operations or those of a subsidiary other than Natural, shall suffer tax losses, even to the extent of the creation of a "loss company" in the system, such result will not and may not be used to reduce the rates of Natural below the level at which they would otherwise be, so long as such losses do not exceed the net taxable income of the companies in the corporate system which are not subject to Commission jurisdiction.

We find that Natural's petition raises issues of fact and law. A public hearing thereon is hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR Ch. I], a public hearing be held at a date as may hereafter be noticed by the Secretary with respect to the issues reserved for future determination in the settlement agreements in Dockets Nos. G–16026, G–18148, G–18149, RP60–5, and RP61–8.

(B) Natural shall within ninety (90) days from the date hereof file with the Commission its case-in-chief with respect to such issues.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4487 Filed 3–31–71;8:49 am]

[Docket No. RI71–865]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 25, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

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	
RI71–865	Skelly Oil Co.	11	[1] 13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East Bay City Field, Matagorda County, Tex., RR. District No. 3).	----------	2–22–71	3–25–71	[2] Accepted			
		11	14	do	$396,085	2–22–71	3–25–71	8–25–71	16.6	24.25	RI70–194

*Unless other stated, the pressure base is 14.65.

[1] Agreement dated Dec. 14, 1970 provides among other things for an extension of contract term and for renegotiated rates specified therein.

[2] Accepted effective as of date shown in "Effective Date" column.

The proposed increased rate of Skelly Oil Co. exceeds the corresponding rate limitation for increased rate filings in Southern Louisiana. In view thereof we shall suspend the proposed rate for 5 months from the expiration of the 30-day statutory notice period.

Skelly's proposed increased rate and charge 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 2.56).

[FR Doc.71–4455 Filed 3–31–71;8:46 am]

[Docket No. CP71–224]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 26, 1971.

Take notice that on March 22, 1971, United Gas Pipe Line Co. (applicant), 1525 Fairfield Avenue, Shreveport, LA 71102, filed in Docket No. CP71–224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas through existing facilities for Jefferson Lake Sulphur Co. (Jefferson Lake), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to transport up to 12,000 Mcf of natural gas per day from the Potash Field, Plaquemines Parish, La., to Jefferson Lake's facilities at Lake Hermitage Dome, Plaquemines Parish, La. Applicant states that this service will be performed through existing facilities and that the charge will be 3 cents per Mcf. Applicant further states that the transportation of natural gas proposed herein will make available to Jefferson Lake a firm source of supply and will enable applicant to curtail interruptible service to this industrial customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–4491 Filed 3–31–71;8:49 am]

FEDERAL RESERVE SYSTEM

PAN AMERICAN BANCSHARES, INC.

Amendment to Application for Approval of Acquisition of Shares of Bank

In the matter of the application of Pan American Bancshares, Inc., Miami, Fla., pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

On October 31, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16875) an order of the Board approving the application of Pan American Bancshares, Inc., to acquire at least 80 percent of the voting shares of Commercial National Bank of Broward County, Broward County, Fla. Notice is hereby given that an amendment to the application has been filed, whereby applicant seeks approval to acquire 78 percent of the voting shares of that bank.

Not later than April 12, 1971, comments and views regarding the amended proposal may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application and amendment may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, March 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–4456 Filed 3–31–71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F–95]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission in a proceeding (Docket No. P–55, Sub. No. 650) involving intrastate rates for telecommunications services provided by the Southern Bell Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–4461 Filed 3–31–71;8:47 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EASTERN ASSOCIATED COAL CORP. AND FREEMAN COAL MINING CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m^3) have been received as follows:

(1) ICP Docket No. 10329, Eastern Associated Coal Corp., Joanne Mine, USBM ID No. 46 01430 0, Rachel, Marion County, W. Va., Section ID No. 005 (1 Left—1 West).

(2) ICP Docket No. 10734, Freeman Coal Mining Corp., Orient No. 5 Mine, USBM ID No. 11 00587 0, West Frankfort, Franklin County, Ill., Section ID No. 003 (Main East off North).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 26, 1971.

[FR Doc.71-4497 Filed 3-31-71;8:50 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

ENVIRONMENTAL STATEMENT

Notice of Availability and Request for Comments From State and Local Agencies and Private Interests

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that this agency has prepared a preliminary statement which discusses environmental considerations relating to a proposed channel relocation project on the Rio Grande upstream from Hidalgo, Hidalgo County, Tex. A copy of the statement is being placed in the Office of the Country Director for Mexico, Room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, DC, in the office of the Project Superintendent, U.S. Section, International Boundary and Water Commission, 208 South F Street, Harlingen, TX, and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, TX. The environmental analysis statement was prepared as a part of the study of a channel relocation to accomplish the objectives of the Boundary Treaty between the United States and Mexico signed November 23, 1970.

The U.S. Section hereby requests, within 30 days of publication of this notice in the FEDERAL REGISTER, comments on the preliminary statement from State and local agencies of Texas (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such local agency fails to provide the U.S. Section with comments within 30 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Comments are also requested from any interested individuals or associations within 30 days of publication of this notice.

Copies of the preliminary statement, dated March 15, 1971, and the comment thereon of Federal and State agencies (whose comments are being separately requested by the U.S. Section) will be supplied to such local agencies, individuals or associations upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Dated at El Paso, Tex, this 25th day of March 1971.

FRANK P. FULLERTON,
Executive Assistant.

[FR Doc.71-4467 Filed 3-31-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3641—7-3649]

ABBOTT LABORATORIES ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1971.

In the matter of applications of the Detroit 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.
Abbott Laboratories	7-3641
Amerada Hess Corp	7-3642
Atlantic Richfield Co	7-3643
Avon Products, Inc	7-3644
Bank of New York Co., Inc	7-3645
Bankers Trust New York Corp	7-3646
Boise Cascade Corp	7-3647
Bristol-Myers Co	7-3648
C.I.T. Financial Corp	7-3649

Upon receipt of a request, on or before April 9, 1971, from any interested person, the Commission will determine whether the application 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.71-4471 Filed 3-31-71;8:48 am]

[811-1227, 811-1239]

AMERICANA FUND ET AL.

Notice of Proposal To Terminate Registration

MARCH 25, 1971.

In the matter of The Americana Fund (811-1227), Americana Investment Plans (811-1239); Packer Investors Corporation, 80 Wall Street, New York, New York 10005.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order on its own motion that the registrations of The Americana Fund (Americana) and Americana Investment Plans (Plans) be revoked. Americana and Plans filed notifications of registration of Form N-8A on July 22, 1963, and November 7, 1963, respectively. The registration statements under section 8(b) of the Act have not been filed, and it appears that Americana and Plans have apparently ceased to exist. Repeated efforts by the staff to contact Americana and Plans have failed.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, in its own motion, finds that a registered investment company has ceased to be an investment company, it shall declare so by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 20, 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 the company at the address 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 under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter 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.71-4470 Filed 3-31-71;8:47 am]

[Files Nos. 7-3650—7-3658]

C.N.A. FINANCIAL CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1971.

In the matter of applications of the Detroit 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.
C.N.A. Financial Corp	7-3650
Charter New York Corp	7-3651
Chase Manhattan Corp	7-3652
Chemical New York Corp	7-3653
The Coca-Cola Co	7-3654
Continental Can Co., Inc	7-3655
Continental Oil Co	7-3656
Crown Zellerbach Corp	7-3657
F.M.C. Corp	7-3658

Upon receipt of a request, on or before April 9, 1971, from any interested person, the Commission will determine whether the application 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 Excange 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.71-4472 Filed 3-31-71;8:48 am]

[Files Nos. 7-3659—7-3665]

FEDERATED DEPARTMENT STORES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 25, 1971.

In the matter of applications of the Detroit 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.
Federated Department Stores, Inc	7-3659
First National City Corp	7-3660
General Mills, Inc	7-3661
W. R. Grace & Co	7-3662
Honeywell, Inc	7-3663
I. N. A. Corp	7-3664
International Business Machines Corp	7-3665

Upon receipt of a request, on or before April 9, 1971, from any interested person, the Commission will determine whether the application 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.71-4473 Filed 3-31-71;8:48 am]

[812-2846]

MINORITY INVESTMENTS, INC.

Notice of Filing of Application for Exemption

MARCH 24, 1971.

Notice is hereby given that Minority Investments, Inc. (Applicant), 1200 U Street SW., Washington, DC 20020, a registered closed-end, nondiversified, management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant from the provisions of sections 16(a) and 18(i) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant, which was incorporated in Delaware on October 13, 1970, to engage in business as a Minority Enterprise Small Business Investment Co. (MESBIC) and which has made application for a license with the Small Business Administration (SBA), will, as its principal objective, establish new minority-owned businesses and strengthen existing ones in the Washington, D.C., area. Its operations will complement those of Anacostia Economic Development Corp. and Washington Area Business Service, Inc., two nonprofit corporations organized to provide technical assistance to minority enterprises within the District of Columbia.

Applicant has filed a registration statement under the Securities Act of 1933 to offer publicly two classes of voting stocks, Class A and Class B. The Class A stock, which will be offered primarily to members of the minority community, will be entitled, voting as a class, to elect 60 percent of Applicant's board of directors. Applicant states, however, that shares of Class A stock will not be issued until Applicant has received "adequate" subscriptions for such stock. Subscriptions for 3,300 of such shares at $10 per share will be considered adequate but Applicant plans to attempt to sell as much of this class of stock as possible, amending its registration statement for this purpose, if necessary.

Class B stock, which will be entitled, voting as a class, to elect 40 percent of Applicant's board of directors will be offered to and may be owned only by organizations which are defined in and for purposes of the application as: (a) Business corporations with gross assets of $750,000 or more, (b) trade associations, (c) banks, (d) trust companies, (e) insurance companies, and (f) tax-exempt organizations. Applicant has sold, in a private offering 16,700 shares of Class B stock at $10 per share to 12 District of Columbia banks and 100 shares at $10 per share to the National Council for Equal Business Opportunity.

Applicant represents that its proposed capitalization, whereby holders of less than one-half of the outstanding stock would elect more than one-half of the directors, is the most practical means of achieving the effective minority control which Applicant asserts to be necessary for the success of the enterprise. Applicant states that if it were to issue a

single class of voting stock as required by section 18(i) of the Act, the control of the company would inevitably rest in the hands of shareholders outside the minority community, because such persons have far greater financial resources which they are willing and able to devote to the promotion of minority businesses than do the members of the minority community.

Applicant states that granting the Class A shareholders the right to elect the majority of Applicant's directors would not necessarily be fair to either class of shareholders in the absence of effective controls: (a) To prevent Class B shares from being purchased by persons unaware that the Class A shares will control Applicant; (b) to prevent abuses by either class of shareholders of the rights of the shareholders of the other class; and (c) to prevent Applicant from being controlled by the Class A shareholders if the majority of the outstanding shares of Class A stock ceases to be held by minority group shareholders.

Applicant states that to avoid the first problem Class B stock will only be sold to eligible organizations described above. All Class B stock certificates will be clearly marked to refer to such agreements and to summarize the limits on the voting rights of such shares. To avoid the problem of abuse by one class of shareholders of the rights of the other class, the following provisions have been adopted. To protect the Class A shareholders from being dominated at shareholders' meeting by the more numerous Class B shares, and except as otherwise provided, (a) a majority of shares of either class may call a special meeting of shareholders; (b) a majority of shares of each class is necessary for a quorum at any shareholders' meeting; and (c) all corporate action submitted to the shareholders at a duly constituted meeting must be approved by a majority of the shares of each class present or represented by proxy at such a meeting.

To protect the desires of the Class B shareholders to participate, through their elected representatives, in the operations of the board of directors, but not to control the board, any committee of the board of directors must have at least one director of each class, and a majority vote of the directors of each class is required to approve any changes in the bylaws of Applicant.

To prevent Applicant from being controlled by Class A shareholders if the majority of the outstanding shares of Class A stock ceases to be held by minority group persons, Applicant's certificate of incorporation and bylaws provide that upon the determination by Applicant's board of directors that the majority of the outstanding shares of Class A stock has ceased to be held by minority group persons, a special meeting of the Class B shareholders shall be called and by majority vote of the Class B stock, Applicant's certificate of incorporation and bylaws may be amended to eliminate all class voting provisions. Upon such amendments, each share of stock will be identical to each other share.

The determination of whether the majority of the outstanding shares of Class A stock ceases to be held by minority group shareholders will be made at the outset by Applicant's Class B directors. If such determination is contested by the Class A directors, the matter will be referred to the American Arbitration Association. If such determination is supported by the Class A directors, or by the arbitrator selected to make such determination, a special meeting of the Class B shareholders shall be called for the above purposes.

Applicant has consented to jurisdiction to permit the Commission, on its own motion or by petition, to order a hearing, upon notice, to determine whether the exemption, if granted, should at any time be terminated. To provide the Commission with information concerning the nature of Applicant's business operation, insofar as it relates to the purposes of the requested exemptions, Applicant has undertaken to file with the Commission copies of all reports and records filed from time to time with the SBA and copies of all records maintained pursuant to Rule 31a–1(b)(10) and (11) promulgated under the Act.

Section 16(a) of the Act, as here relevant, provides that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company. Section 18(i) of the Act provides that every share of stock issued by a registered company shall be a voting stock and have equal voting rights with every other outstanding voting stock.

Section 6(c) of the Act provides that the Commission, by order upon application may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act, if and to the extent that such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 16, 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 reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address 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 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.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4475 Filed 3-31-71;8:48 am]

[811-1896, 811-1621]

RANDHURST FUND, INC., AND OMEGA FUND, INC.

Notice of Filing of Application Declaring Company Has Ceased To Be an Investment Company

MARCH 25, 1971.

Notice is hereby given that Randhurst Fund, Inc. (Randhurst) and Omega Fund, Inc. (Omega), % Leon Zdeblick, 6N211 Harvey Road, Medinah, IL 60157, both open-end, diversified management investment companies registered under the Investment Company Act of 1940 (Act) have filed applications pursuant to section 8(f) of the Act for an order declaring that they have ceased to be investment companies as defined in the Act. All interested persons are referred to the applications on file with the Commission for a statement of the representations therein which are summarized below.

Omega was merged into Randhurst on February 5, 1969, with Randhurst being the surviving corporation, possessing all rights and property and being responsible for all liabilities of both corporations.

On July 8, 1970, the shareholders of Randhurst voted to dissolve the corporation and approved a plan for distribution of its assets upon dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 20, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles

from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the applications herein may be issued by the Commission upon the basis of the information stated in said applications, unless an order for hearing upon said applications 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.71–4476 Filed 3–31–71;8:48 am]

[812–2882]

W. E. HUTTON & CO.

Notice of Filing of Application for Order of Exemption

MARCH 24, 1971.

Notice is hereby given that W. E. Hutton & Co. (Applicant), 14 Wall Street, New York, NY 10005, in connection with a proposed public offering of 2 million shares of common stock of Bancroft Convertible Fund, Inc. (Company), a registered, closed-end, diversified management investment company, has filed an Application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting certain transactions from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act). All interested persons are referred to the Application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant and Hornblower & Weeks-Hemphill, Noyes are the prospective representatives (Representatives) of a group of underwriters (Underwriters) formed in connection with the above public offering. Applicant states that before the effective date of the Registration Statement one or more additional Underwriters may also be designated as Representatives along with Applicant.

Applicant contemplates that each Underwriter, including the Representatives, will execute an Agreement Among Underwriters and that the Representatives acting both for themselves and as Representatives for the Underwriters, will execute an underwriting agreement with the Company and Davis-Dinsmore Management Co., the Company's investment adviser (Adviser). It is also contemplated that one or more dealers will offer and sell certain of the shares and in connection therewith will enter into Selected Dealer Agreements. Under the proposed underwriting arrangements, each Underwriter will be obligated to offer to the public, respectively, its underwriting commitment.

Applicant states that it is possible that the Underwriting Commitment of any one or more of the Underwriters, including any one or more of the Representatives, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing of the initial public offering of the shares. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain Underwriters from the operation of section 16(b). Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

Applicant states that although it is anticipated that the requirements of Rule 16b–2(a) (1) and (2) will be met, one or more of the Underwriters may not be entitled to rely upon Rule 16b–2 to exempt them from section 16(b) of the Exchange Act. The requirement in Rule 16b–2(a)(3) that the aggregate participation of Underwriters not within section 16(b) of the Exchange Act to be at least equal to the participation of Underwriters exempted therefrom under Rule 16b–2 may not be met because it is possible that one or more of the Underwriters, even though they are obligated through the Underwriting Agreement to purchase 10 percent or less of the aggregate number of shares of the Company's common stock to be outstanding upon completion of the initial public offering of shares, may, as a consequence of defaults by other Underwriters who do not purchase their respective Underwriting Commitments, become obligated to purchase on the Closing Date more than 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing. Moreover, one or more of the Underwriters, who are obligated through the Underwriting Agreement to purchase more than 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing may as Underwriters and as Selected Dealers distribute more than 50 percent of the aggregate number of shares being offered. Such a distribution would not meet the requirement of Rule 16b–2(a)(3) that other persons be participating in the distribution to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) of the Exchange Act by Rule 16b–2.

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets, other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus pursuant to which the shares will be offered and sold. No partner, director or officer of applicant is a director or officer of either the Company or the Adviser, and applicant states that it does not anticipate that any partner, director or officer of any other Underwriter will be a director or officer of the Company or the Adviser.

Applicant maintains that the transactions sought to be exempted, therefore, cannot lend themselves to the practices section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provision of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 7, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of 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 sould be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time 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.71-4474 Filed 3-31-71;8:48 am]

[812-2475]

WALTHAM RESOURCES CORP.

Notice of and Order for Hearing on Application for Order Declaring That Company Is Not an Investment Company

MARCH 24, 1971.

Notice is hereby given that Waltham Resources Corp. (applicant), 280 Park Avenue, New York, NY 10017, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Act for an order declaring that applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Virtually all of applicant's assets consist of 700,000 shares (or about 31 percent) of the outstanding common stock of Waltham Industries, Corp. (Industries), which is engaged directly in the business of manufacturing military fuses, aircraft clocks, governor assemblies and other timing devices and, through its wholly owned subsidiaries, in the manufacturing of high precision metal parts, web offset presses, conveyance components and systems and other types of equipment. Since applicant's holdings of Industries stock constitute investment securities as defined in section 3(a)(3) of the Act, and in view of the fact that virtually all of applicant's assets consist of investment securities, applicant appears to fall within the definition of an investment company under section 3(a)(3) of the Act which defines an investment company as an issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets * * * ".

However, applicant claims that it is entitled to a finding that it is not an investment company.

In support of its contention applicant represents that from its inception it was intended to be and held itself out as a holding company devoted to the management of Industries. The application states, among other things, that (as of December 15, 1969) applicant is represented on the Board of Directors of Industries; that complete authority over the overall and long-range management decisions of Industries rests with and is exercised by applicant's executives; that the president of each of the subsidiaries and operating divisions of Industries reports directly to the officers of applicant and that each subsidiary and division head is guided in long-range planning, profit improvement and financial matters by the executives who serve both applicant and Industries.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the application pursuant to section 3(b)(2) of the Act:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 20th day of April 1971, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than applicant, desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission, on or before the 16th day of April 1971, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination.

(1) Whether applicant is an investment company as defined in section 3(a)(3) of the Act.

(2) If applicant is an investment company, whether applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly, or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to applicant and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4477 Filed 3-31-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

OMNI INVESTING CORP.

Notice of Surrender of License To Operate as Small Business Investment Corporation

Notice is hereby given that Omni Investing Corp., Melville, N.Y., incorporated under the laws of the State of New York on October 17, 1962, has surrendered its license (No. 02/02-0231) issued by the Small Business Administration on June 3, 1963.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Omni Investing Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 23, 1971.

[FR Doc.71-4469 Filed 3-31-71;8:47 am]

POOLED RESOURCES INVESTING IN MINORITY ENTERPRISES, INC.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On February 9, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 2646) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326; 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company by Pooled Resources

Investing In Minority Enterprises, Inc., 2990 West Grand Boulevard, Detroit, MI 48202.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/15-5025 to Pooled Resources Investing In Minority Enterprises, Inc., to operate as a minority enterprise small business investment company.

Dated: March 23, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-4468 Filed 3-31-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 24]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 26, 1971.

The following applications are governed by Special Rule 1000.247[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 353 (Sub-No. 4), filed January 15, 1971. Applicant: ROBERT G. FEESE, doing business as LANE'S MOTOR FREIGHT LINES, 816 Santa Fe Street, Woodward, OK 73801. Applicant's representative: Tom Hieronymus, 1002 Nineth Street, Woodward, OK 73801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field tools and oil field equipment* used in connection with the discovery, drilling, development, testing, production, refining, manufacture, and processing of oil, natural gas, and all other liquid hydrocarbons, and to include *explosive and radio-active materials, and all related tools and supplies*, between points in Oklahoma, Kansas, Colorado, New Mexico, Texas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Woodward or Oklahoma City, Okla.

No. MC 591 (Sub-No. 12), filed February 16, 1971. Applicant: LINCOLN-DIXIE FREIGHT LINES, INC., 9400 South Bennett Avenue, Chicago, IL 60617. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, IL 60608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, from the distribution and warehouse facilities of H. J. Heinz Co. at Bridgeview, Ill., to points in that part of Wisconsin south of a line beginning at the Minnesota-Wisconsin State line and extending along Wisconsin Highway 7[1] to junction Wisconsin Highway 48, thence along Wisconsin Highway 48 to junction U.S. Highway 53, thence along U.S. Highway 53 to Cameron, thence along U.S. Highway 8 to Ladysmith, thence along Wisconsin Highway 27 to Cadott, thence along Wisconsin Highway 29 to Green Bay, and thence along the southern and eastern shore of Green Bay to Lake Michigan, including points on the indicated portions of the highways specified. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 11207 (Sub-No. 307), filed February 25, 1971. Applicant: DEATON, INC., 317 Avenue W, Post Office 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cast iron and brass valves and components thereof, cast iron fire hydrants, truck bodies, highway semi-trailers, and can ends*, between points in Alabama, on the one hand, and, on the other, points in 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 Birmingham, Ala.

No. MC 13250 (Sub-No. 109) (Correction), filed February 18, 1971, published in the FEDERAL REGISTER issue of March 11, 1971, and republished in part as corrected this issue. 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. NOTE: The purpose of this partial republication is (1) to separate the commodity and territorial descriptions by including the letters (a) and (b), respectively, before the said commodity description, and the said territorial description, and (2) to redescribe a portion of the commodity description as follows: "(2) *liquid cooling and vapor condensing systems and equipment*;". The rest of the application remains as previously published on March 11, 1971.

No. MC 15371 (Sub-No. 10), filed February 26, 1971. Applicant: CITY TRANSFER, INC., 900 Brussells Street, St. Mary's, PA 15857. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon products*,

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

from Niagara Falls, N.Y., to St. Mary's, Pa., restricted to traffic originating at and destined to the points above named. NOTE: If a hearing is deemed necessary, applicant requests it be at Washington, D.C., or Pittsburgh, Pa.

No. MC 19553 (Sub-No. 33), filed February 24, 1971. Applicant: KNOX MOTOR SERVICE, INC., 5680 11th Street, Post Office Box 359, Rockford, IL 61105. Applicant's representatives: Thomas A. Graham and Paul J. Maton, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. 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, livestock, commodities in bulk, including bulk liquids, assembled automobiles, heavy machinery requiring special equipment for handling and commodities injurious or contaminating to other lading), serving Wales, Wis., which is located approximately 5 miles north of Genesee, Wis., and approximately 8 miles west of Waukesha, Wis., as an off-route point in connection with applicant's regular route operations authorized under MC 19553 and subs. NOTE: Common control and dual operations may be involved. Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 20783 (Sub-No. 84), filed March 4, 1971. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, GA 30030. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to Chattanooga, Murfreesboro, Nashville, Shelbyville, and Tullahoma, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 35835 (Sub-No. 25), filed March 1, 1971. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue SE., Independence, IA 50064. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean products and blends*, dry, in bulk, from Cedar Rapids, 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., or Minneapolis, Minn.

No. MC 39249 (Sub-No. 8), filed March 1, 1971. Applicant: MARTY'S EXPRESS, INC., 2335 East Wheatsheaf Lane, Philadelphia, PA 19137. Applicant's representative: Ronald Ervais, 12 South 12th Street, Suite 2520, PSFS Building, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, such as are sold in retail department stores, between the warehouse sites of Gimbel Brothers in Philadelphia, Pa.; points in Philadelphia, Montgomery, Delaware, Berks, Lancaster, and Dauphin Counties, Pa., to points in Delaware, New Jersey, and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 43475 (Sub-No. 52), filed February 18, 1971. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, MN 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous exlosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment; (1) between junction Minnesota Highway 4 and Minnesota Highway 68, just north of Sleepy Eye, Minn., and junction Minnesota Highway 68 and Minnesota Highway 19, just north of Milroy, Minn., over Minnesota Highway 68; (2) between Morgan, Minn., and Redwood Falls, Minn., over Minnesota Highway 67; (3) between junction Minnesota Highway 68 and Minnesota Highway 4 just north of Sleepy Eye, Minn., and Fairfax, Minn., over Minnesota Highway 4; (4) between New Ulm, Minn., and Mankato, Minn., over Minnesota Highway 68; (5) between Gaylord, Minn., and Nicollet, Minn., over Minnesota Highway 111; (6) between St. Peter, Minn., and Nicollet, Minn., over Minnesota Highway 99; (7) between St. Peter, Minn., and junction Minnesota Highway 22 and Minnesota Highway 111 near New Sweden, Minn., over Minnesota Highway 22; (8) between junction U.S. Highway 169 and Minnesota Highway 93 near LeSueur, Minn., and Gaylord, Minn., from junction U.S. Highway 169 and Minnesota Highway 93 over Minnesota Highway 93 to Henderson, Minn., thence over Minnesota Highway 19 to Gaylord, Minn.; (9) between Belle Plaine, Minn., and Green Isle, Minn., over Minnesota Highway 25; (10) between Warren, Minn., and Thief River Falls, Minn., over Minnesota Highway 1, and (11) between St. Hilaire, Minn., and junction Minnesota Highway 220 and Polk County Road 21, from St. Hilaire, Minn., over Pennington County Road 3 to county line between Pennington and Polk Counties, thence over Polk County Road 21 to junction Minnesota Highway 220. The above routes 1 through 11 are all alternate routes for operating convenience only, serving no intermediate points or the termini thereof except as otherwise authorized, in connection with its presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 52110 (Sub-No. 121), filed February 23, 1971. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50309. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, IA 50309. 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, from the plantsite and storage facilities utilized by Banner Beef Co., at or near Hospers, Iowa, to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to traffic originating at the named origin. 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 52657 (Sub-No. 677), filed March 8, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle bodies, bumpers and tool boxes*, (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) in initial truckaway service, and (3) *materials, supplies, parts and accessories* used in the manufacture, assembly and servicing of bodies, trailers and trailer chassis (except those designed to be drawn by passenger automobiles), between Buffalo, N.Y., on the one hand, and, on the other, 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 Washington, D.C., or Chicago, Ill.

No. MC 51146 (Sub-No. 200), filed February 23, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (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: *Metal containers, container ends, equipment, materials, supplies, and accessories* used in the manu-

facture and distribution of empty metal containers, from Hamburg, Hanover, and Fairless, Pa.; Baltimore and Cambridge, Md.; Millis, Mass.; Danbury, Conn.; Eden and New York, N.Y.; and Edison, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of its existing authority under MC 51146, and will tack where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56679 (Sub-No. 50), filed March 1, 1971. Applicant. BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over 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 because of size or weight), (1) between Hazlehurst, Ga., and Jacksonville, Fla., over U.S. Highway 23, serving all intermediate points; (2) between Baxley and Race Pond, Ga., over Georgia Highway 15, serving all intermediate points; (3) between Savannah and Waycross, Ga., over U.S. Highway 17 to Midway, Ga., thence over U.S. Highway 82 to Waycross, and return over the same route, serving all intermediate points; and (4) between Jesup and Folkston, Ga., over U.S. Highway 301, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 63332 (Sub-No. 2), filed March 1, 1971. Applicant: HENRY B. RUDLOFF, South Liberty Street, Orwigsburg, PA 17961. Applicant's representative: John P. McCord, 200 Mahantongo Street, Pottsville, PA 17901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk or tank vehicles), from points in Schuylkill County, Pa., to Reading, Berks County, Pa., for interchange with Acme Fast Freight, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 65224 (Sub-No. 7), filed March 10, 1971. Applicant: HENNIS FREIGHT LINES OF CANADA LIMITED, a corporation, doing business as FLORIDA REFRIGERATED SERVICE, U.S. Highway 301 North, Post Office Box 1297, Dade City, FL 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1986, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, in straight or mixed shipments with citrus products, from Lake Wales, Fla., to points in Arizona, California, New Mexico, Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, Washington, Texas, and to ports of entry on the international boundary line between the United States and Canada located in Michigan and New York for furtherance to points in Canada. 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 Tampa, Fla., or Washington, D.C.

No. MC 67450 (Sub-No. 35), filed March 10, 1971. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean products*, in bulk, from Danville, Ill., to points in Indiana, Ohio, and 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 75406 (Sub-No. 38), filed March 1, 1971. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, MO 63118. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, MO 63102. 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, and those injurious or contaminating to other lading), between Pine Bluff, Ark., and junction U.S. Highway 79 with combined Interstate Highway 40 and U.S. Highway 70 near West Memphis, Ark., from Pine Bluff over U.S. Highway 79 to junction combined Interstate Highway 40 and U.S. Highway 70, and return over the same route, as an alternate route for operating convenience only in connection with applicant's presently held regular route authority, serving no intermediate points and serving said junction of U.S. 79 with combined Interstate Highway 40 and U.S. Highway 70 for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 83539 (Sub-No. 313), filed February 26, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment; electrical transformers or transformer parts; and regulators, induction or voltage, and parts thereof*, from the plantsite of Allis-Chalmers Manufacturing Co. at or near Gadsden, Etowah County, Ala., to points in the continental United States. 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., or Nashville, Tenn.

No. MC 95540 (Sub-No. 799), filed March 3, 1971. Applicant: WATKINS MOTOR LINE, 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: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 97394 (Sub-No. 9), filed March 1, 1971. Applicant: BOWLING GREEN EXPRESS, INC., Post Office Box 1111, Bowling Green, KY 42101. Applicant's representative: Carl U. Hurst, 1033 State Street, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bowling Green and Somerset, Ky., from Bowling Green over Kentucky Highway 80 to junction Kentucky Highway 90, thence over Kentucky Highway 90 to junction U.S. Highway 27, thence over U.S. Highway 27 to Somerset, and return over the same route, serving intermediate points east of and including Summer Shade, Ky. Restriction: Service at Somerset, Ky., and points in its commercial zone is restricted against the transportation of traffic originating at, destined to or interchanged at Louisville, Ky., and points in its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 99610 (Sub-No. 12), filed March 11, 1971. Applicant: ROSS NEELEY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, AL 35214. Applicant's representatives: Robert S. Richard, 57 Adams Avenue, (Post Office Box 2069), Montgomery, AL 36103, and Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A)(1) Regular routes: *General*

commodities (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Cherokee, Ala., and Memphis, Tenn., as follows: From Cherokee over U.S. Highway 72 to Memphis and return over the same route, serving no intermediate points; (2) between Hamilton, Ala., and Memphis, Tenn., as follows: From Hamilton over U.S. Highway 78 to Memphis and return over the same route, serving no intermediate points; (3) between Reform, Ala., and Memphis, Tenn., as follows: From Reform over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 over Aberdeen, Nettleton, Shannon, and Verona to Tupelo, Miss., thence over U.S. Highway 78 to Memphis and return over the same routes, serving no intermediate points; (4) between Aliceville, Ala. ,and Memphis, Tenn., as follows: From Aliceville over Alabama Highway 14 to the Alabama-Mississippi State line, thence over Mississippi Highway 69 to Columbus, Miss., thence from Columbus to Memphis over the same routes described in (3) above and return over the same routes, serving no intermediate points. Restriction: Service at Memphis under Routes (1) through (4) above is restricted to points in the Mississippi and Tennessee portions of the Memphis commercial zone:

(B) *General commodities;* (5) between Cherokee, Ala., and Cullman, Ala., as follows: From Cherokee over U.S. Highway 72 to junction of U.S. Highways 72 and 43, thence over alternate U.S. Highway 72 to junction with Alabama Highway 157, thence over Alabama Highway 157 to junction with U.S. Highway 31, thence over U.S. Highway 31 to Cullman and return over the same routes, serving all intermediate points; (6) between Birmingham, Ala., and Athens, Ala., as follows: From Birmingham over U.S. Highway 31 to Athens and return over the same route, serving all intermediate points; (7) between Hamilton, Ala., and Birmingham, Ala., as follows: From Hamilton over U.S. Highways 43 and 78 to Winfield, Ala., thence over U.S. Highway 78 to Birmingham and return over the same routes, serving all intermediate points; (8) between Reform, Ala., and Birmingham, Ala., as follows: From Reform over U.S. Highway 82 to junction with U.S. Highway 11 (south of Tuscaloosa, Ala.), thence over U.S. Highway 11 to Birmingham and return over the same routes, serving all intermediate points; (9) between Reform, Ala., and Eutaw, Ala., as follows: From Reform over Alabama Highway 17 to Aliceville, Ala., thence over Alabama Highway 14 to Eutaw and return over the same routes, serving all intermediate points; (10) between Tuscaloosa, Ala., and Mobile, Ala., as follows: From Tuscaloosa over U.S. Highways 11 and 43 to Eutaw, Ala., thence over U.S. Highway 43 to Mobile and return over the same routes, serving all intermediate points;

(11) Between Tuscaloosa, Ala., and Prattville, Ala., as follows: From Tuscaloosa over U.S. Highway 82 to Prattville and return over the same route, serving all intermediate points; (12) between the junction of U.S. Highway 11 and Alabama Highway 5 (west of Woodstock, Ala.), and the junction of Alabama Highway 5 and U.S. Highway 43 (north of Thomasville, Ala.), as follows: From the junction of U.S. Highway 11 and Alabama Highway 5 over Alabama Highway 5 to its junction with U.S. Highway 43 and return over the same route, serving all intermediate points; (13) between Birmingham, Ala., and Andalusia, Ala., as follows: From Birmingham over U.S. Highway 31 to McKenzie, Ala., thence over Alabama Highway 55 to Andalusia and return over the same route, serving intermediate points on U.S. Highway 31, within 125 miles of Birmingham and intermediate points on Alabama Highway 55, within 15 miles of Andalusia; (14) between Montgomery, Ala., and Mobile, Ala., as follows: From Montgomery over Interstate Highway 65 to Mobile and return over the same route, serving intermediate points within 125 miles of Birmingham or within 15 miles of Mobile; (15) between Montgomery, Ala., and Mobile, Ala., as follows: From Montgomery over Interstate Highway 65, to the junction of Interstate Highway 65 with Alabama Highway 59, thence over Highway 59 to Bay Minsette, thence over U.S. Highway 31 to Mobile and return over the same route, serving intermediate points within 125 miles of Birmingham or within 15 miles of Mobile; (16) between Montgomery, Ala., and Andalusia, Ala., as follows: From Montgomery over U.S. Highway 331 to Brantley, Ala., thence over U.S. Highway 29 to Andalusia and return over the same route, serving intermediate points on U.S. Highway 331, within 125 miles of Birmingham, Ala., and intermediate points on U.S. Highway 29, within 15 miles of Andalusia;

(17) Between Montgomery, Ala., and Dothan, Ala., as follows: From Montgomery over U.S. Highways 82 and 231 to the junction of U.S. Highways 82 and 231 southeast of Montgomery, thence over U.S. Highway 231 to Dothan and return over the same route, serving intermediate points within 125 miles of Birmingham, Ala., or within 15 miles of Dothan; (18) between Montgomery, Ala., and Opelika, Ala., as follows: From Montgomery over Interstate Highway 85 to Opelika and return over the same route, serving all intermediate points; (19) between Cuba, Ala., and Eutaw, Ala., as follows: From Cuba over U.S. Highway 11 to Eutaw and return over the same route, serving all intermediate points; (20) between Montgomery, Ala., and Eutaw, Ala., as follows: From Montgomery over U.S. Highway 80 to Selma, Ala., thence over Alabama Highway 14 to Eutaw and return over the same route, serving all intermediate points; (21) between Selma, Ala., and Cuba, Ala., as follows: From Selma over U.S. Highway 80 to Cuba and return over the same route, serving all intermediate points; (22) between Florence, Ala., to Scottsboro, Ala., as follows: From Florence over U.S. Highway 72 to Scottsboro and return over the same route, serving all intermediate points; (23) between Selma, Ala., and Clanton, Ala., as follows: From Selma over Alabama Highway 22 to Clanton and return over the same route, serving all intermediate points; (24) between Selma, Ala., and Jemison, Ala., as follows: From Selma over Alabama Highway 22 to junction of Alabama Highway 22 and Alabama Highway 191, thence over Alabama Highway 191 to Jemison and return over the same route, serving all intermediate points;

(25) Between Huntsville, Ala., and junction of U.S. Highways 43 and 72 (southeast of Tuscumbia, Ala.), as follows: From Huntsville over Alternate U.S. Highway 72 to junction of U.S. Highways 43 and 72 and return over the same route, serving all intermediate points; (26) from Selma, Ala., to Safford, Ala., as follows: From Selma over Alabama Highway 22 to Safford and return over the same route, serving all intermediate points; (27) between junction of U.S. Highways 43 and 72 (southeast of Tuscumbia, Ala.), and junction of U.S. Highway 78 and Alternate U.S. Highway 231 (near Lincoln, Ala.), as follows: From junction of U.S. Highways 43 and 72 over U.S. Highway 72 to Huntsville, Ala., thence over U.S. Highway 431 to Oxford, Ala., thence over Alabama Highway 21 to Talladega, Ala., thence over Alternate U.S. Highway 231 to its junction with U.S. Highway 78 and return over the same routes, serving all intermediate points; (28) between Guntersville, Ala., and Scottsboro, Ala., as follows: From Guntersville over Alabama Highway 79 to Scottsboro and return over the same route, serving all intermediate points; (29) between Birmingham, Ala., and Albertville, Ala., as follows: From Birmingham over Alabama Highway 75 to Albertville and return over the same route, serving all intermediate points; (30) between Birmingham, Ala., and Attalla, Ala., as follows: From Birmingham over U.S. Highway 11 to Attalla and return over the same route, serving all intermediate points; (31) between Birmingham, Ala, and the junction of U.S. Highways 78 and 431 and Alabama Highway 21 (at or near Oxford, Ala.), as follows: From Birmingham over U.S Highway 78 to junction of U.S. Highways 78 and 431 and Alabama Highway 21 and return over the same route, serving all intermediate points;

(32) Between Birmingham, Ala., and Phenix City, Ala., as follows: From Birmingham over U.S. Highway 280 to Childersburg, Ala., thence over U.S. Highways 231 and 280 to Sylacauga, Ala., thence over U.S. Highway 280 to Opelika, Ala., thence over U.S. Highways 280 and 431 to Phenix City and return over the same routes, serving all intermediate points. Restriction: Service at Phenix City, Ala., under Route (32) above is restricted to service at points in the Alabama portion of the Phenix City commercial zone; (33) serving as off-route points the following: (a) Points in Alabama within 125 miles of Birmingham in connection with Routes (5) through (32) inclusive; (b) all points in Choctaw and Clarke Counties, Ala., in connection

with Routes (10) and (12); (c) points in Alabama within 10 miles of U.S. Highway 43 in connection with Routes (10) and (14); (d) points within 15 miles of Andalusia, Ala., in connection with Routes (13) and (16); and (e) points within 15 miles of Dothan, Ala., in connection with Route (17) NOTE: Authority sought in Part (B) above (paragraphs (5) through (33) would enable applicant to perform the same operations presently conducted under certificates of registration numbered MC-99610 and MC-98780, including subs thereunder. Authority is sought for applicant to tack the routes applied for in Parts (A) and (B) at all common points of joinder and to interline with other carriers at applicant's present terminal points and at Memphis, Tenn.; and (2) Irregular routes: *Crated and uncrated household goods*, except articles injurious to other lading and articles of unusual value, in truckload lots only, between all points in the State of Alabama. NOTE: Common control may be involved. Applicant states that the requested irregular route authority will be tacked and joined at common service points, however, it does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 102982 (Sub-No. 23), filed March 8, 1971. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and refractory materials and products*, and *materials and* supplies used in the installation thereof (except commodities in bulk), from Carol Stream and Streator, Ill., to points in Delaware, Kentucky,, North Carolina, and Virginia, under contract with Clow Corp. NOTE: Applicant now holds common carrier authority under its No. MC 125533 Sub-1 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 103993 (Sub-No. 614), filed February 24, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Mississippi and Hempstead Counties, Ark., 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 Little Rock, Ark.

No. MC 103993 (Sub-No. 615), filed February 24, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, from points in Logan County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 103993 (Sub-No. 616), filed February 24, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Ralph M. Miller and Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *buildings sections and building panels*, (3) *parts and accessories* used in the installation and completion of commodities described in part (1) and (2) above, (4) *metal prefabricated structural components and panels, and parts and accessories* used in the installation and completion of such commodities, from points in Fayette County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that there is the possibility of tacking with its Sub 21, however, it does not intend to tack this authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 103993 (Sub-No. 617), filed February 24, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movement, and *buildings and sections of buildings*, from Columbia County, Wis., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 103993 (Sub-No. 618), filed March 8, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Composition board and materials and accessories* used in the installation thereof, from points in Alpena County, Mich., to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies, and equipment* used in the manufacture of (1) above, from points in the United States (except Alaska and Hawaii) to points in Alpena County, Mich. 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 Flint, Mich.

No. MC 106919 (Sub-No. 3), filed March 9, 1971. Applicant: A. L. CHIPMAN, doing business as GOODWIN MOVING AND STORAGE COMPANY, 623 Broadway, Vallejo, CA 94590. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Yolo, San Francisco, Sacramento, San Joaquin, Mendocino, San Mateo, Santa Clara, Stanislaus, Calaveras, and Tuolumne Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 488), filed February 23, 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: *Linoleum cement, wallboard cement, acoustical tile cement, or facing cement* in packages, cans, or pails and packaged in cartons, from New Philadelphia, Ohio, to Pittsburg, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107403 (Sub-No. 806), filed February 25, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as above) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from St. James Parish, La.,

to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked to that here sought but applicant has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107496 (Sub-No. 800) (Amendment), filed January 25, 1971, published in the FEDERAL REGISTER issue of February 19, 1971, and republished as amended, this issue. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel and clay catalyst*, from points in Wyoming to points in Colorado, Kansas, Nebraska, Missouri, Illinois, Minnesota, North Dakota, South Dakota, Utah, Idaho, Washington, Oregon, Oklahoma, Texas, California, Arizona, New Mexico, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to redescribe the commodity sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107515 (Sub-No. 740), filed February 23, 1971. Applicant: REFRIGERATED TRANSPORT, 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 and meat byproducts* in vehicles equipped with mechanical refrigeration, from Savannah, Ga., to points in Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Nebraska, and Colorado. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 741), filed March 1, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and carpeting*, from points in Floyd, Chattooga, Walker, Murray, and Gilmer Counties, Ga., to points in Illinois and those in Lake County, Ind. NOTE: Applicant states that requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dalton, Ga., or Chattanooga, Tenn.

No. MC 107757 (Sub-No. 32), filed February 26, 1971. Applicant: M. G. SLATER, INC., Post Office Box 369, Granite City, IL 62040. 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 Illinois and those in Indiana within 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 Pittsburgh, Pa.

No. MC 109637 (Sub-No. 377), filed February 24, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Murray, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, 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 Washington, D.C.

No. MC 110098 (Sub-No. 111), filed March 1, 1971. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7400 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Gustine, Calif., to points in Arkansas, Kansas, Louisiana, Missouri, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex., or San Francisco, Calif.

No. MC 110525 (Sub-No. 997), filed February 25, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Midland, Bay City, and Ludington, Mich., to points in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. 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 Detroit, Mich., or Washington, D.C.

No. MC 110563 (Sub-No. 59), filed March 9, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, 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: *Frozen meat*, (1) from New York, N.Y., Port Newark, N.J., and Tampa, Fla., to points in Ohio, Illinois, Indiana, Michigan, Iowa, and Nebraska; (2) from Wilmington, Del., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (3) from Tampa, Fla., Charleston, S.C., Wilmington, Del., New York, N.Y., Port Newark, N.J., Boston, Mass., to points in Iowa, Nebraska, Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Wisconsin, and western Pennsylvania; and (4) from Wilmington, Del., to points in Ohio, Indiana, Illinois, Michigan, Kentucky, Missouri, Nebraska, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority

cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111729 (Sub-No. 311), filed March 3, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers and records, audit and accounting media of all kinds*, (a) between Metropolitan Airport, Detroit (Wayne County), Mich., on the one hand, and, on the other, points in Kent County, Mich., on traffic having an immediately prior or subsequent movement by air; (2) between New York, N.Y., on the one hand, and, on the other, points in Bergen and Camden Counties, N.J., and Delaware County, Pa.; and (3) between White Plains, Westchester County, N.Y., on the one hand, and, on the other, points in Massachusetts (except points in Middlesex County), New Jersey, and points in Bucks, Chester, Delaware, Montgomery, and Northhampton Counties, Pa.; (2) *radiopharmaceuticals, radioactive drugs, and medical isotopes*, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York (except New York, N.Y.), Ohio, Pennsylvania (except Philadelphia, Pa., on traffic having an immediately prior or subsequent movement by air), Rhode Island, Virginia, West Virginia, and the District of Columbia;

(3) *Radiopharmaceuticals, radioactive materials, biological products, blood specimens and other specimens for laboratory testing, laboratory supplies used for drawing and storing specimens, and documents relating thereto*, (a) between New Orleans, La., on the one hand, and, on the other, points in Mississippi, Mobile and Baldwin Counties, Ala.; and (b) between New Orleans, La., on the one hand, and, on the other, points in Alabama, Florida, Louisiana, and Mississippi, on traffic having an immediately prior or subsequent movement by air; (4) *blood, urine, and tissue specimens, and documents pertaining thereto*, between Meriden, Conn., on the one hand, and, on the other, Springfield, Mass., and New York, N.Y.; and (5) *microfilm, exposed, unexposed, and processed, microfilm containers and spools used for storing and transporting the microfilm*, (a) between Flora, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee, and (b) between Jackson, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, and Louisiana, on traffic having an immediately prior or subsequent movement by air. NOTE: Common control may be involved. Applicant also holds contract carrier authority under MC 112750 and subs, therefore dual operations may be involved. Applicant states that the requested authority could be tacked with certain existing auhorities but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 419), filed February 24, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. 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: *Foods, foodstuffs and food preparations* (except commodities in bulk) *and advertising premiums and display materials* moving in vehicles equipped with mechanical refrigeration, from points in Massachusetts to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, and Wisconsin. NOTE: Applicant states that joinder is possible with a number of subs. However, operations of this nature are not anticipated, 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 Boston, Mass.

No. MC 111812 (Sub-No. 420), filed February 25, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. 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: *Canned foodstuffs*, from points in Idaho, Oregon, and Washington to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 112617 (Sub-No. 290), filed February 22, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Murray, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, 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 Louisville, Ky., New York, N.Y., or Washington, D.C.

No. MC 113434 (Sub-No. 43), filed February 25, 1971. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, products and supplies* used in or produced by the food processing industry, except in bulk, from the distribution center of Michigan Fruit Canners, Inc., approximately 2 miles west of Coloma, Mich., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 113434 (Sub-No. 44), filed February 26, 1971. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved foodstuff*, not cold-packed or frozen, from Croswell and Edmore, Mich., to points in Illinois, Indiana, Ohio, Kentucky, Missouri, Wisconsin, the Upper Peninsula of Michigan, and that part of Pennsylvania east of U.S. Highway 220. 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 Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 113535 (Sub-No. 18), filed February 19, 1971. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John J. Altenburg (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, from Dubuque, Iowa, to points in Wisconsin (except to Milwaukee, Wis.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or St. Paul, Minn.

No. MC 114087 (Sub-No. 12) (Correction), filed February 5, 1971, published in the FEDERAL REGISTER Issue of March 11, 1971, and republished in part as corrected this issue. Applicant: DECATUR PETROLEUM HAULERS, INC., 161 First Avenue NE., Decatur, AL. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. NOTE: The sole purpose of this partial republication is to change the origin to Birmingport, Ala., in lieu of Birmingham, Ala., as was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 115162 (Sub-No. 219), filed March 9, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire hydrants, parts and accessories; valves, iron or brass, or iron and brass combined; valve parts and valve accessories; pipe, cast iron*, including fittings and accessories, pipe, cast iron and fittings, cast iron, with or without porcelain enamel, cement, cement mortar or composition lining or coating; *meter boxes, stop-cock boxes or valve boxes or parts thereof, cast iron; culverts, cast iron; manhole covers or frames, catch basins, catch basin covers or sewer inlets, cast iron; and cast iron unions*, from Clow Corp. plantsites and warehouse facilities at Oskaloosa, Iowa, to all destinations east of the western boundaries of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Birmingham, Ala., or Atlanta, Ga.

No. MC 115311 (Sub-No. 116), filed February 24, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. 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: (a) *Malt beverages and advertising matter* used in the sale and distribution of malt beverages, when moving in mixed shipments with malt beverages, from Atlanta (Hapeville), Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Maryland, and the District of Columbia; and (b) *empty malt beverage containers and pallets*, from points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Maryland, and the District of Columbia to Atlanta (Hapeville), Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 303), filed February 19, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Joliet, Ill., to points in Iowa, Indiana, Kentucky, Ohio, Michigan, Missouri, Minnesota, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 304), filed March 3, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. 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, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 214), filed March 1, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, T.A., Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, rugs, supplies, textile products, and padding, and materials and equipment* used in the installation of the foregoing, from points in California to points in Colorado, New Mexico, 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 Denver, Colo., or Los Angeles, Calif.

No. MC 116073 (Sub-No. 160), filed February 26, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Winston and Marion Counties, Ala., 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 Birmingham, Ala.

No. MC 117686 (Sub-No. 121), filed February 26, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. 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, from Palestine, Tex., to points in Alabama, Florida, and Mississippi, restricted to traffic originating at the plantsite and storage facilities of Vernon Calhoun Packing Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr., or Denver, Colo.

No. MC 117940 (Sub-No. 43), 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: *Dairy products and other commodities distributed by dairies* (except commodities in bulk), from the plantsites, warehouse, storage and production facilities utilized by Land O'Lakes, Inc., at Chicago, Ill., and points in Chicago, Ill., 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 is authorized to operate as a contract carrier under MC 114789 and subs, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118034 (Sub-No. 16), filed March 1, 1971. Applicant: MILLER TRUCK LINE, INC., 901 East 28th Street, Fort Worth, TX 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meats, meat products, and meat byproducts* as defined in section A of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Swift & Company at Clovis, N. Mex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas (restricted to the transportation of traffic originating at the plantsite of Swift & Co. at Clovis, N. Mex., and destined to the named destination States). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Santa Fe, N. Mex., Dallas or Fort Worth, Tex.

No. MC 118112 (Sub-No. 1) (Amendment), filed January 26, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished in part, as amended, this issue. Applicant: PATRICK F. IZZI, doing business as PAT IZZI TRUCKING CO., 80 Wayland Avenue, Cranston, RI 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. The purpose of this partial republication is to redescribe the commodity description as follows: "Frozen cranberries; cranberry products, including cranberries mixed with other fruits or vegetables." The rest of the application remains as previously published.

No. MC 118336 (Sub-No. 4) (Correction), filed February 16, 1971, published in the FEDERAL REGISTER issue of March 11, 1971, and republished in part as corrected this issue. Applicant: W. B. GIBSON, Route 16, Grantsville, WV 26147. Applicant's representative: J. M. Friedman, Post Office Box 426, Hurricane, WV 25526. The sole purpose of this partial republication is to correct the spelling of Orwigsburg, Pa., which appeared in the FEDERAL REGISTER as Orwigsbury, Pa., in error. The rest of the application remains as previously published.

No. MC 118846 (Sub-No. 7), filed March 1, 1971. Applicant: DALE JESSUP, Rural Route No. 3, Bloomfield, IN 47424. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unprinted printing paper*, other than newsprint, from points in Manchester, Stratford, and Windsor, Conn.; Berlin, Nashua, and Groveton, N.H.; Madawaska, Presque Isle, Bucksport, Jay, Otis, and Lincoln, Maine; Deferiet, Niagara Falls, and Watervliet, N.Y.; Fitchburg, Lee, Ware, Holyoke, and Attleboro, Mass.; and Miquon, West Reading, and Reading, Pa., to points in Madison, Hendricks, Hamilton, Marion, Tippecanoe, Huntington, Clinton, Montgomery, Morgan, Monroe, Delaware, Henry, Shelby, Johnson, and Putnam Counties, Ind., under contract with MacCollum Paper Co., Inc. NOTE: Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 119934 (Sub-No. 171), filed February 22, 1971. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya bean products*, dry, in bulk, in tank vehicles, from Champaign, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Common control may be involved. Tacking not intended. Possibility of tacking at Madison, Ind., when commodity is intended as dry feed ingredients for a through movement to Tennessee and points in Pennsylvania on and west of U.S. 219 under applicant's Sub 161. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 119988 (Sub-No. 39) (Amendment), filed February 12, 1971, published in the FEDERAL REGISTER issue of March 11, 1971, amended and republished as amended, this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Box 1384, 811½ North Timberland Drive, Lufkin, TX 75902. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter;* and (2) *newspaper supplements* otherwise exempt from economic regulation pursuant to section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the plantsite or warehouse facilities of Colorgraphics, Inc., Oklahoma City, Okla., to points in the United States (except Alaska, Hawaii, and Oklahoma). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to expand the authority from a geographical standpoint to include the *warehouse facilities* of Colorgraphics, Inc. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119988 (Sub-No. 40), filed February 18, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Lufkin, TX 74901. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dishes, plates, or trays*, paper, pulpboard, or woodpulp, nested, from the plantsite or warehouse of Holiday Plates, Inc., located at or near Gladewater, Tex., to points in Oklahoma, Missouri (except St. Louis), Iowa, Minnesota, Nebraska, Nevada, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio (except Toledo), Indiana (except South Bend), Pennsylvania, Georgia, New York, Maryland, North Carolina, Rhode Island, and Massachusetts. 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 or Dallas, Tex.

No. MC 119988 (Sub-No. 41), filed February 22, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic cups*, from the plantsite or warehouse at/near Carthage, Tex., of Carthage Cup Co., Inc., to Fort Wayne, Ind.; Sparks, Nev.; Louisville, Ky.; Milwaukee, Wis.; Columbia, Md.; and to points in Florida, Alabama, Georgia, Iowa, Minnesota, 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 Houston, or Dallas, Tex.

No. MC 11998 (Sub-No. 42), filed March 1, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins, Highway 103, Lufkin, TX 75901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, in bales and newsprint, from Herty, Tex., to the ports of Houston, Port Arthur, Orange, Texas City, and Beaumont, Tex., restricted to shipments having a subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Austin, Tex.

No. MC 123048 (Sub-No. 188), filed March 1, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 54301. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings;* (2) *prefabricated building modules;* (3) *parts, attachments, and fixtures of and for prefabricated buildings and prefabricated building modules;* and (4) (a) *advertising materials, appliances, equipment, fixtures, furnishings, furniture, hardware, machinery, and paper and plastic products* and (b) *materials, equipment, and supplies* used in the installation and erection of prefabricated buildings and prefabricated building modules, in mixed shipments with prefabricated buildings and prefabricated building modules; from points in Dane County, Wis., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention

to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123639 (Sub-No. 132) (Amendment), filed February 8, 1971, published in the FEDERAL REGISTER issue of March 11, 1971, and republished as amended this issue. 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 by-products, and articles distributed by meat packinghouses*, 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 points in the Chicago, Ill., commercial zone. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Cherokee, Iowa, and/or Omaha, Nebr., to provide through service from Denver, Colo., and various points in Iowa, Nebraska, and Kansas. Applicant states that he has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. NOTE: The purpose of this republication is to reflect a change in the tacking information. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 123819 (Sub-No. 32), filed March 9, 1971. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, TN 38102. Applicant's representative: Bill R. Davis, 1208 Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, 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 Memphis, Tenn., or Little Rock, Ark.

No. MC 124211 (Sub-No. 180), filed March 11, 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 above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as 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 liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Indiana, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee (except Memphis, and the commercial zone thereof), Vermont, Wisconsin, Wyoming, and Washington, D.C., restricted to traffic originating at the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 124796 (Sub-No. 83), filed February 18, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representatives: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501, and William J. Monheim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, washing and bleaching compounds, and animal litter*, from Los Angeles, Calif., to points in Arizona, under contract with The Clorox Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 124813 (Sub-No. 79), filed February 22, 1971. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed supplements*, from West Bend, Iowa, to points in Indiana. NOTE: Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 125294 (Sub-No. 5), filed February 25, 1971. Applicant: HILLDRUP TRANSFER AND STORAGE, INC., Post Office Box 745, Fredericksburg, VA 22401. Applicant's representative: Alan Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, (1) between points in Rockingham County, Va., on the one hand, and, on the other, points in Page and Shenandoah Counties, Va.; (2) between points in Rockingham, Shenandoah, and Frederick Counties, Va., on the one hand, and, on the other, points in Grant, Hampshire, Hardy, Mineral, and Pendleton Counties, W. Va.; and (3) between points in Grant, Hampshire, Hardy, Mineral, and Pendleton, W. Va. Restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that joinder with MC-125294 (Sub-No. 3) tacking will be in Frederick and Shenandoah Counties, Va. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 126305 (Sub-No. 29), filed March 1, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RD 1, Clayton, AL 36016. 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: (1) *Scrap batteries*, from points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to points in Pike County, Ala., and (2) *lead*, from points in Pike County, Ala., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Jacksonville, Fla.

No. MC 128273 (Sub-No. 88), filed February 18, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, pulpboard, products produced or distributed by manufacturers* and converters of paper and paper products; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment, and except commodities in bulk), between Mobile, Ala., Moss Point, Miss., Bastrop, Hodge, and Spring Hill, La., on the one hand, and, on the other, 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 Atlanta, Ga., or Washington, D.C.

No. MC 128879 (Sub-No. 16), filed March 1, 1971. Applicant: C–B TRUCK LINES, INC., Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between El Paso, Tex., and Clovis, N. Mex.; (1) from El Paso over U.S. Highways 62 and 180 to junction New Mexico Highway 483 (near Hobbs, N. Mex.), thence over New Mexico Highway 483 to Lovington, N. Mex., thence over U.S. Highway 82 to junction New Mexico Highway 18, and thence over New Mexico Highway 18 to Clovis and return over the same route, serving all intermediate points between Carlsbad, N. Mex., and Clovis, N. Mex., including Carlsbad and Clovis; and (2) from El Paso over U.S. Highway 54 to junction U.S. Highway 70 at Tularosa, N. Mex., thence over U.S. Highway 70 to Clovis and return over the same route, serving the intermediate points between Clovis and Roswell, N. Mex., but not Roswell NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., Hobbs, Loving, or Clovis, N. Mex.

No. MC 129328 (Sub-No. 2), filed February 26, 1971. Applicant: PAL TEX TRANSPORT CO., a corporation, Post Office Box 296, Palestine, TX 75801. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, from the plantsite of Glass Containers Corp., at Jackson, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Oklahoma, Tennessee, and Texas, under contract with Glass Containers Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 129335 (Sub-No. 4), filed March 10, 1971. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, VA 24017. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Roanoke County, Va., on the one hand, and, on the other, points in McDowell, Mercer, Summers, and Monroe Counties, W. Va., and points in Buchanan County, Va. Restriction: The service sought herein is 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 it will tack through Roanoke County to Bedford, Botetourt, Campbell, Craig, Floyd, Franklin, Cila, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski, Orange, Greene, Rockingham, Highland, Augusta, Albermarle, Bath, Alleghany, Rockbridge, Amherst, Nelson, Appomattox, Charlotte, Carroll, Grayson, Bland, Wythe, Smyth, Tazewell, Washington, Russell, Buckingham, Dickenson, Wise, Scott, and Lee Counties, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129600 (Sub-No. 3), filed February 18, 1971. Applicant: POLAR TRANSPORT, INC.; mail: 11 Holly Street., Hingham, MA 02043. Business: 575 Pond Street, Post Office Box 273, Braintree, MA 02184. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, restaurant supplies, and equipment*, except in bulk, (a) from New York, N.Y., and Secaucus, N.J., to Los Angeles, Calif., Miami, Fla., Atlanta and East Point, Ga., Chicago, Ill., Arlington, Dallas, and Houston, Tex., and points in Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, (b) from Syracuse, N.Y., to Brockton, Mass., (c) from points in Maine to Brockton and Boston, Mass.; (2) *frozen bakery products*, from Bedford, Pa., to Chicago, Ill., Cleveland, Ohio, Baltimore, Md., Brockton, Mass., Atlanta and East Point, Ga., Arlington, Dallas, and Houston, Tex., Los Angeles, Calif., Miami, Fla., Secaucus, N.J., Syracuse and New York, N.Y.; (3) *carbonated beverages*, except in bulk, from Garfield, N.J., to Brockton, Mass.; (4) *ice cream*, from Baltimore, Md., to Bedford, Pa., and New York, N.Y., and *returned and rejected shipments of the above-described commodities* in (1), (2), (3), and (4), from the above-named respective destination points, to the above-named respective origin points; and (5) *pallets*, between New York, N.Y., Secaucus, N.J., and points in Massachusetts. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Howard D. Johnson Co., of New York, N.Y. NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129727 (Sub-No. 3), filed February 22, 1971. Applicant: CARROLL TRUCK LINES, INC., Box 4, West, MS 39192. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal ties* for cotton bales, from the plantsite of United States Steel Corp. at Fairfield, Ala., to points in Arkansas, Louisiana, Mississippi, and Tennessee; and (2) *metal ties and burlap and/or jute bagging* for cotton bales, from the Port of Gulfport, Miss., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee, under a continuing contract with the L. P. Brown Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 129764 (Sub-No. 3), filed February 24, 1971. Applicant: HENRY ALLEN HASTINGS, doing business as H. A. HASTINGS, Post Office Box 361, Hebron, MD 21830. Applicant's representative: H. A. Hastings (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, for the account of the Celotex Corp., from points in Wicomico County, Md., to the Celotex Corp. plantsites at Philadelphia and Sunbury, Pa., under contract with Celotex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133814 (Sub-No. 9), filed March 1, 1971. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING COMPANY, 1605 Furnace Street, Montgomery, AL 36104. 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: *Prefabricated buildings* or *houses*, complete, knocked down, or in sections, including all *component parts, materials, supplies, and fixtures*, and when shipped with such building or houses, *accessories* used in the erection, construction, and completion thereof, between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Mississippi, and Tennessee, and imported or exported through Mobile, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 133814 (Sub-No. 10), filed March 1, 1971. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING COMPANY, 1605 Furnace Street, Montgomery, AL 36104. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment, machinery, materials, and supplies*, between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and imported or exported through Mobile, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing

is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 133965 (Sub-No. 2), filed March 2, 1971. Applicant: CALZONA TRANSPORTATION, INC., Post Office Box 6558, Phoenix, AZ 85005. Applicant's representative: William J. Lippman, Suite 820, 1819 H Street NW., Washington, DC 20323. Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil*, in bulk, in tank vehicles, from Fullerton, Calif., to Gallup, N. Mex. 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 Phoenix, Ariz., or Gallup, N. Mex.

No. MC 134263 (Sub-No. 3), filed February 25, 1971. Applicant: H. L. WARTHEN, doing business as REDWAY CARRIERS, Route 5, Box 100, Waukegan, IL 60085. Applicant's representative: Paul J. Maton, 10 South La Salle Street, Suite 1620, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products in containers; machinery, materials, supplies, and equipment*, incidental to or used in the processing, canning, bottling, preserving, freezing, distribution, and sale of cranberries and cranberry products, between the plantsite and warehouse of Ocean Spray Cranberries, Inc., Kenosha County, Wis., and North Chicago, Ill., to St. Louis, Mo., and points in Indiana and Ohio, under contract with Ocean Spray Cranberries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Racine, Wis.

No. MC 134599 (Sub-No. 14), filed March 1, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Acklie & Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68507. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys; and advertising and promotional matter* when moving at the same time and in the same vehicle with games and toys, from the City of Industry and Compton, Calif., and their commercial zones to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Mattel, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 134954 (Sub-No. 2), filed March 1, 1971. Applicant: INTERNATIONAL PRODUCTS CORP., 427 Michigan Avenue, Chickasha, OK 73018. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, in bulk or in bags, in straight or mixed shipments, from the plantsite and warehouse facilities of "Olin", located at Pasadena (Houston), Tex., to points in Oklahoma, under contract with Olin Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 135065 (Sub-No. 3), filed March 2, 1971. Applicant: EARL G. DUBOSE, doing business as DUBOSE TRUCKING COMPANY, Route 1, Box 257, Denham Springs, LA 70726. Applicant's representative: Cordell H. Haymon, Suite 301, 101 St. Ferdinand Street, Baton Rouge, LA 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar in packages*, returned shipments limited to *sugar shipments* rejected in whole or part by consignees, and *material and supplies* necessary for the processing and packaging of refined sugar, from Colonial Sugars Co., Gramercy, La., and Godchaux-Henderson Sugar Co., Reserve La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, Michigan, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia and return, under contract with Colonial Sugars Co. and Godchaux-Henderson Sugar Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 135081 (Sub-No. 1), filed March 10, 1971. Applicant: MODERN MOVING AND STORAGE, INC., 1706 Hillcrest Road, Post Office Box 673, Marshalltown, IA 50158. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Iowa and Nebraska, restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135198 (Sub-No. 2), filed March 1, 1971. Applicant: AFFILIATED VAN LINES, INC., 2124 Washington, Lawton, OK 73501. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage*, between points in Comanche County, Okla., and points in Comanche, Kiowa, Caddo, McLain, Carter, Grady, Garvin, Murray, and Stephens Counties, Okla., 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: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Fort Worth, Tex.

No. MC 135201 (Sub-No. 2), filed February 17, 1971. Applicant: B & F TURGEON, INC., 15 North Edgelawn, Aurora, IL 60506. Applicant's representative: E. Jay Lease (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts and accessories and merchandise* normally distributed by retail and wholesale automotive outlets, from Chicago, Ill., to Crown Point, Chesterton, Elkhart, Highland, Hobart, Knox, LaPorte, Lowell, Michigan City, North Judson, Portage, and South Bend, Ind., and Cassopolis, Mich.; and (2) *damaged, defective, or returned shipments* of the above commodities, from points in Indiana and Michigan, to Chicago, Ill., under contract with Standard Unit Parts Corp. (National Automotive Parts Association). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135211 (Sub-No. 1), filed March 2, 1971. Applicant: ESCONDIDO STORAGE CO., doing business as EL CENTRO VAN & STORAGE CO., a corporation, 238 North Quince, Post Office Box 1655, Escondido, CA 92025. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Diego and Imperial Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135238 (Sub-No. 1), filed February 26, 1971. Applicant: THOMPSON COMPANY, INC., doing business as THOMPSON MOVING AND STORAGE, 331 Love Street, Troy, AL 36801. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pike, Dale, Henry, Houston, Geneva, Coffee, Covington, Butler, Crenshaw, Lowndes, Dallas, Autauga, Montgomery, Elmore, Macon, Bullock, and Barbour Counties, Ala., restricted to

shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 135252 (Sub-No. 1), filed February 24, 1971. Applicant: L & M VAN LINES, INC., 3 Notch Road, Post Office Box 97, Lexington Park, MD 20653. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in St. Mary's, Calvert, Charles, and Prince Georges Counties, Md., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, over irregular routes. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135279 (Amendment), filed January 26, 1971, published in the FEDERAL REGISTER issue of February 19, 1971, and republished this issue. Applicant: JAMES R. WIGAL, 5304 Second Avenue, Vienna, WV 26101. Applicant's representative: Robert E. Keltner, 317 Market Street, Parkersburg, WV 26101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from Glassrock, Ohio, to Demuth Glass Co., Vienna, W. Va., under contract with Demuth Glass Co. NOTE: The purpose of this republication is to reflect the origin as Glassrock, Ohio, in lieu of Zanesville, Ohio. If a hearing is deemed necessary, applicant requests it be held at the Federal Building, Parkersburg, W. Va., Wheeling or Charleston, W. Va.

No. MC 135322 (Sub-No. 2), filed February 24, 1971. Applicant: HUSBAND TRANSPORT LIMITED, 10 Center Street, London, ON, Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft engines and components* thereof, between ports of entry along the United States-Canada boundary line, on the one hand, and, on the other, Boston International Airport, Boston, Mass.; Southington, East Hartford, and Middleton, Conn.; Buffalo International Airport, Buffalo, N.Y.; Kennedy International Airport, New York, N.Y.; Newark International Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Baltimore, Md.; Dulles International Airport, Herndon, Va.; Hopkins International Airport, Cleveland, Ohio; Detroit International Airport, Detroit, Mich.; O'Hare International Airport, Chicago, Ill.; Minneapolis National Airport, Minneapolis, Minn.; Seattle International Airport, Seattle, Wash.; San Francisco International Airport, San Francisco, Calif., and Los Angeles International Airport, Los Angeles, Calif; Tampa International Airport and Miami International Airport, Fla. Restriction: Transportation herein shall be restricted to movements in foreign commerce between points in Canada, on the one hand, and, on the other, points in the United States; and in interstate commerce from points in the United States to Southington, East Hartford, and Middleton, Conn., under contract with Air Canada. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135365, filed February 12, 1971. Applicant: ADAM'S CARTAGE LIMITED, Box 203, Walkerville Postal Station, Windsor, ON, Canada. Applicant's representative: Wilber M. Brucker, Jr., 3800 Penobscot Building, 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), (a) from Detroit over U.S. Highway 12 to its junction with Ecorse Road, thence over Ecorse Road to the plantsite of G.M.C. Truck and Coach Division of General Motors Corp., Van Buren Township, Wayne County, Mich., and return over the same route; (b) from Detroit over Interstate Highway I–94 to its junction with Ecorse Road, thence over Ecorse Road to the plantsite of G.M.C. Truck and Coach Division of General Motors Corp., Van Buren Township, Wayne County, Mich., and return over the same route. Service is restricted to the transportation of commodities that applicant will transport across the international boundary in foreign commerce; (c) from ports of entry at the Detroit Windsor International Boundary to Detroit, Mich., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 135385, filed February 18, 1971. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main Street, Bountiful, UT 84010. Applicant's representatives: Zar E. Hayes and Harry D. Pugsley, 400 El Paso Natural Gas Building, 315 East Second South, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocers and food business houses, except commodities in bulk, under a continuing contract with Smith's Management Corp., from points in California to points in Utah and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135386, filed February 19, 1971. Applicant: M. V. MEROLA, INC., 528 Joralemon Street, Belleville, NJ 07109. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry Soap*, in bulk, in stainless steel tank vehicles, between Wellford, S.C., and Lyndhurst, N.J., under contract with Tanatex Chemical Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135390, filed February 25, 1971. Applicant: WM. B. WRIGHT, doing business as B & W TRUCKING CO., 49 Parkway, Rochelle Park, NJ 07662. Applicant's representative: Edward L. Nehez, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by trading stamp redemption companies, from South Hackensack, N.J., to Bennington and Rutland, Vt., under contract with Stop and Save Trading Stamp Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 135419, filed March 11, 1971. Applicant: CONTAINER CARRIER CORPORATION, 301 South 11th Street, Fort Smith, AR 72901. Applicant's representatives: Thomas Harper and Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* in cargo containers, having a prior or subsequent movement by water, between Houston, Tex., New Orleans, La., and Mobile Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and (2) *empty containers*, between all points in the States named in (1) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 133725 (Sub-No. 7), filed December 31, 1970. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, NJ 08854. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and materials* used in the installation of such commodities, from North Brunswick, N.J., to points in the District of Columbia and

points in Virginia on and east of U.S. Highway 15, under contract with Midas International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 430), filed February 25, 1971. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers; (1) between Freehold Township and Borough of Freehold, N.J., from junction Monmouth County Highway 524 and U.S. Highway 9, Freehold Township, N.J., over Monmouth County Highway 524 to junction Stillwell Corner Road, thence over Stillwell Corner Road to junction Monmouth County Highway 537, thence over Monmouth County Highway 537 to junction U.S. Highway 9, Borough of Freehold, N.J., and return over the same route, serving all intermediate points; and (2) Within Freehold Township, N.J., from junction Stonehurst Boulevard and Stillwell Corner Road, over Stonehurst Boulevard to junction Stanck Road, thence over Stanck Road to junction U.S. Highway 9 and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant request it be held at Newark or Trenton, N.J.

No. MC 61599 (Sub-No. 135), filed February 23, 1971. Applicant: QUEEN CITY COACH COMPANY, a corporation, Post Office Box 2387, Charlotte, NC 28202. Applicant's representatives: D. Paul Stafford, 315 Continental Avenue, Dallas, TX 75207, and Andrew P. Goldstein, 1730 Rhode Island Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Anson, Cabarrus, Catawba, Chatham, Cumberland, Davidson, Durham, Gaston, Guilford, Harnett, Iredale, Lee, Lenior, Lincoln, Mecklenburg, Montgomery, Moore, New Hanover, Onslow, Orange, Randolph, Rowan, Stanly, Union, Wake, and Wayne Counties, N.C.; and points in Chester, Chesterfield, Lancaster, and York Counties, S.C., and extending to points in the United States, including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Fayetteville, N.C.

No. MC 128823 (Sub-No. 3) (Amendment), filed November 28, 1969, published in the FEDERAL REGISTER issue of March 4, 1971, and republished as amended, this issue. Applicant: N.J. & N.Y. AIRPORT LIMOUSINE, INC., c/o J. A. Curtis, 657 High Street, Newark, NJ 07012. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and pets*, in the same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, restricted to the transportation of passengers either originating at, or destined to, Newark Airport, at Newark, N.J., La Guardia Airport and John F. Kennedy International Airport, at New York, N.Y.; (1) between the intersection of New Jersey Highways 27 and 18 in New Brunswick, N.J., and junction of the New Jersey Turnpike (Interchange 13) from the intersection of New Jersey Highways 27 and 18 in New Brunswick, over New Jersey Highway 18 to New Jersey Turnpike, (Interchange 9), thence along the New Jersey Turnpike to Interchange 13; (2) between U.S. Highway 1 and U.S. Highway 206, over New Jersey Highway 546; and (3) between U.S. Highway 1 and U.S. Highway 206, over Alexandria Street and University Place, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only in connection with (1), (2), and (3) above. NOTE: The purpose of this republication is to include additional routes (2) and (3) to previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130140, filed March 4, 1971. Applicant: LOUISE (VARRECCHIA) GAMBERDELLA, 519 East Street, New Haven, CT 06511. For a license (BMC 5) to engage in operations as a *broker* at New Haven, Conn., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, as individuals and in groups, in charter and special operations, between points in Connecticut, New York, California, Pennsylvania, New Jersey, Massachusetts, and Washington, D.C.

APPLICATION FOR WATER CARRIER

No. W-1152 (Sub-No. 2) (United Transportation, Inc.—Extension—Upper Kuskokwim River), filed March 16, 1971. Applicant: UNITED TRANSPORTATION, INC., Post Office Box 285, Bethel, AK. Applicant's representative: Andrew E. Hoge, 921 Sixth Avenue West, Anchorage, AK 99501. By application filed March 16, 1971, applicant seeks a revision of certificate No. W-1152 to cover the following changes: Transportation of *property*, by water, between points and places on the Kuskokwim River and its tributaries from the mouth of the Kuskokwim River to McGrath, Alaska. The new authority will require the addition of points north of Tuluksak, Alaska, including Tuluksak. The principal points will be: Lower Kalskag, Upper Kalskag, Aniak, Little Russian Mission, Crooked Creek, Georgetown, Red Devil, Sleetmute, Stoney River, Sterling Landing, and McGrath, Alaska, but other points and places between the mouth of the Kuskokwim River and McGrath will also be served.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 29886 (Sub-No. 270), filed February 22, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), from the terminals of Dallas & Mavis Forwarding Co., Inc., in Madison, Tenn., Indianapolis and South Bend, Ind., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Idaho, Kansas, Louisiana, Massachusetts, Maine, Minnesota, Mississippi, Montana, North Dakota, New Hampshire, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Vermont, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority.

No. MC 135040 (Sub-No. 1), filed January 28, 1971. Applicant: SALTON TRUCK LINES, INC., 740 North 11th Street, Salina, KS. Applicant's representative: Clyde N. Christey, 640 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, and those requiring special equipment, between Salina, Kans., and Stockton, Kans., from Salina northerly along U.S. Highway 81 to its junction with Kansas Highway 18, thence westerly along Kansas Highway 18 to its junction with U.S. Highway 183, thence northerly along U.S. Highway 183 to Stockton, Kans., and return over the same route, serving all intermediate points (except as hereinafter stated), and serving the off-route point of Culver, Kans. Restrictions: (1) To provide no service at Sylvan Grove or Vesper, Kans., and (2) to provide no service between Plainville proper on the one hand, and, on the other, Stockton, Kans. NOTE: The instant application seeks solely to convert its certificate of registration under its No. MC 96774 (Sub-No. 1) to a certificate of public convenience and necessity.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4430 Filed 3-31-71;8:45 am]

[Notice 270]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 26, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 103993 (Sub-No. 622 TA), filed March 23, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative Ralph H. Miller (same address as above). 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 Todd County, Ky., to points in the United States (except Alaska and Hawaii, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Indiana, Illinois, Missouri, and Arkansas), for 180 days. Supporting shipper: Corporate Development, Schult Mobile Home Corp., Middlebury, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 103993 (Sub-No. 623 TA), filed March 23, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Trailers*, designed to be drawn by passenger automobiles, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Mobile International, Inc., Post Office Box 45036, Tulsa, OK 74145. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107295 (Sub-No. 494 TA), filed March 23, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies used in the installation thereof* (except commodities in bulk), from Moncure, N.C., to points in Alabama, Illinois, Indiana, Kentucky, Ohio, Michigan, New Jersey, New York, Pennsylvania, and Tennessee, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 114284 (Sub-No. 48 TA), filed March 23, 1971. Applicant: FOX-SMYTHE TRANSPORTATION CO., 1700 South Portland Avenue, Post Office Box 82307, Stockyards Station, Oklahoma City, OK 73108. Applicant's representative: Carl Smythe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), from St. Joseph, Mo., to points in New Mexico, for 180 days. Supporting shipper: Armour & Co., Inc., James W. Scherling, Meat Products Division, Chicago, Ill. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115331 (Sub-No. 305 TA), filed March 23, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, insecticides, herbicides, fungicides, pesticides, and rodenticides*, between East St. Louis, Ill., on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, Arkansas, Nebraska, Iowa, Minnesota, Wisconsin, Kentucky, Upper Michigan, North Dakota, and South Dakota, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, IL 60606. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 116014 (Sub-No. 54 TA), filed March 24, 1971. Applicant: OLIVER TRUCKING COMPANY, INC., Lexington Road, Post Office Box 53, Winchester, KY 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies* used in the installation thereof (except commodities in bulk), from Moncure, N.C., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee, for 180 days. Supporting shipper: Allen K. Penttila, Corporate Director of Traffic and Transportation, Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1500 West Main Street, Lexington, KY 40505.

No. MC 116073 (Sub-No. 162 TA), filed March 23, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from Portage, Wis., to points in Minnesota, Iowa, North Dakota, and South Dakota, for 180 days. Supporting shippers: Fleetwood Enterprises, Inc., 3125 Myers Street, Post Office Box 7638, Riverside, CA 92503; Pierce Mobile Home Sales, Inc., 219 Main, Post Office Box 739, Moorhead, MN 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 118180 (Sub-No. 10 TA), filed March 23, 1971. Applicant: GOVAN EXPRESS, INC., 3200 Conflans Street, Post Office Box 1605, Irving, TX 75060. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when moving in refrigerated vehicles, from Irving, Tex., to points in Texas, New Mexico, Oklahoma, Kansas, Arkansas, and Louisiana, for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: El Grande Foods, Inc., 409 Briery Road, Irving, TX 75060. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 13C12, Federal Office Building, 1100 Commerce Street, Dallas, TX 75202.

No. MC 127400 (Sub-No. 2 TA), filed March 23, 1971. Applicant: CAPUANO DELIVERY SERVICE, INC., 145th Avenue and Hook Creed Boulevard, Valley Stream, NY 11581. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, between Woodbridge, N.J., on the one hand, and, on the other, Carl Place, N.Y., restricted to transportation service to be performed under contract with Abraham & Straus of Brooklyn, N.Y., for 180 days. Supporting shipper: Abraham & Straus, Brooklyn, N.Y. 11201. Send protests to: Anthony Chiusano, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 128235 (Sub-No. 6 TA), filed March 23, 1971. Applicant: ALVIN JOHNSON, 137 13th Avenue NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo., to Rush City, Minn., for 180 days. Supporting shipper: McDonald Distributing Co., Rush City, Minn. 55069. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128940 (Sub-No. 13 TA), filed March 23, 1971. Applicant: RICHARD A. CRAWFORD, doing business as CRAWFORD TRUCKING SERVICE, Post Office Box 722. Also: 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and preparations, advertising media, materials, and supplies*, used or useful in the preparation and serving of foods in restaurants or commissaries; (1) between Washington, D.C., and points in Nebraska, Minnesota, and Wisconsin; (2) from points in Ohio, West Virginia, and Michigan to Washington, D.C.; and (3) from Washington, D.C., to points in Florida, except Orlando, for 150 days. Supporting shipper: Fairfield Farm Kitchens, 5200 Addison Road NE., Washington, DC 20027. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 133228 (Sub-No. 5 TA), filed March 23, 1971. Applicant: JOHN WELCH, WILLIAM WELCH, AND W. D. WELCH, a partnership, doing business as WELCH BROS. TRUCKING CO., 1105 South Boulder, Portales, NM 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, NM 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board and gypsum products*, from the plantsite of Georgia Pacific Corp., located at or near Acme, Tex., to points in Arizona, with the operations authorized to be performed under a continuing contract or contracts, with Georgia Pacific Corp., Portland, Oreg., for 180 days. Supporting shipper: Georgia Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 133566 (Sub-No. 10 TA), filed March 23, 1971. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, IN 46947. Applicant's representative: William J. Boyd, 28 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1, sections A, C, and D to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (2) *equipment, materials, and supplies* used in the conduct of meat packing businesses, from the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Connecticut, Delaware, Kentucky, New Hampshire, Maine, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 133863 (Sub-No. 3 TA), filed March 23, 1971. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except building materials, in containers and trailers which have a prior or subsequent movement by water), between the ports of Baltimore, Md.; Boston, Mass.; New York, N.Y. as defined in 49 CFR 1070.1, and Philadelphia, Pa., for 180 days. Supporting shipper: American Export Freight, Inc. (Agent for American Export Isbrandtsen Lines), 26 Broadway, New York, NY 10004. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 134716 (Sub-No. 2 TA), filed March 23, 1971. Applicant: RUSH TRUCKING, INC., 803 Northwest Seventh Terrace, Fort Lauderdale, FL 33311. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, toilet articles, and premiums, and equipment, and supplies* in connection therewith, from Fort Lauderdale, Fla., to points in Broward and Palm Beach Counties, Fla., on traffic having a prior out-of-State movement, for 180 days. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30302. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 135398 (Sub-No. 1 TA), filed March 23, 1971. Applicant: CULLEN TRUCKING CO., INC., 9541 South Baltimore Avenue, Chicago, IL 60617. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Eatable shortening and meats*, between Chicago, Ill., and points in Michigan, Indiana, Wisconsin, Ohio, Illinois, Kentucky, Missouri, and Tennessee, for 150 days. Supporting shipper: South Chicago Packing Co., 9229 South Baltimore Avenue, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135398 (Sub-No. 2 TA), filed March 23, 1971. Applicant: CULLEN TRUCKING CO., INC., 9541 South Baltimore Avenue, Chicago, IL 60617. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Eatable shortening and meats*, between Chicago, Ill., and points in Michigan, Indiana, Wisconsin, Ohio, Illinois, Kentucky, Missouri, and Tennessee, for 150 days. Supporting shipper: Chicago Shortening Corp., 9101 South Baltimore, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135407 TA, filed March 23, 1971. Applicant: AIR CARGO TRANSFER, INC., International Airport, Philadelphia, PA 19153. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, PA 19038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and those requiring the use of special equipment), between Philadelphia International Airport and Northeast Philadelphia Airport in or near Philadelphia, Pa., on the one hand, and, on the other, points in Bucks, Chester, Delaware, and Montgomery Counties, and Philadelphia, Pa., Burlington, Camden, Gloucester, and Salem Counties and Trenton, N.J., points in New Castle County, Del., including New Castle County Airport, near Wilmington, Del., and the Dover Air Force Base, Dover, Del., Restrictions: The authority herein requested is restricted to traffic having a prior or immediate movement by aircraft, and moving on an air bill of lading, for 180 days. Supporting shippers: Wolf D. Barth, 515 Lafayette Building, Philadelphia, PA 19106; Amco

Customs Brokerage Co., 208 South Third Street, Philadelphia, PA 19106; Allen Forwarding Co., 1200 Mall Building, Fourth and Chestnut Streets, Philadelphia, PA 19106; Fimaco, Inc., 230 West Washington Square, Philadelphia, PA 19106. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135425 TA, filed March 23, 1971. Applicant: CYCLES LIMITED, Post Office Box 5715, Jackson, MS 39208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor cycles, parts and accessories*, (1) from Lutherville, Timonium, Md., to points in Arkansas, Louisiana, Mississippi, Virginia, West Virginia, Kentucky, Tennessee, Alabama, South Carolina, North Carolina, Georgia, Florida, Maryland, Texas, and the District of Columbia, and (2) From Lutherville, Timonium, Md., to points in New Mexico, Arizona, California, Missouri, Oklahoma, and Colorado, between points in Arkansas, Louisiana, Mississippi, Virginia, West Virginia, Kentucky, Tennessee, Alabama, South Carolina, North Carolina, Georgia, Florida, Maryland, New Jersey, Texas, Oklahoma, Colorado, and the District of Columbia, for 180 days. Supporting shipper: The Birmingham Small Arms Co., Inc., 80 Pompton Avenue, Verona, NJ 07044. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 135426 TA, filed March 23, 1971. Applicant: MODERN MOVING & STORAGE, INC., of South Carolina, 1871 King Street Extension (Post Office Box 6065, Myers Branch), Charleston, SC 29045. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in South Carolina. Restricted to shipments moving in containers with an origin or destination beyond the points involved, for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA 90503; Swift Home-Wrap, Inc., 839 Northwest Northgate Way, Seattle, WA 98125; Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, CA 90502; Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 135427 TA, filed March 23, 1971. Applicant: DONALD E. THOMPSON, doing business as THOMPSON TOWING SERVICE, Main Street, Clear Spring, MD 21722. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, and replacement motor vehicle, and trailers* (except house trailers and mobile homes designed to be drawn by passenger automobiles) *and parts*, between points in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, Ohio, and the District of Columbia, for 180 days. Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 71-4524 Filed 3-31-71;8:52 am]

[Notice 673]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 29, 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-35435. By order of March 26, 1971, the Motor Carrier Board approved the lease to Mercury Van Lines, Inc., Silver Spring, Md., of the operating rights in Certificate No. MC-109856 (Sub-No. 2), issued April 23, 1954, to Ralph DeCosta Shaw, doing business as Seaboard Van Lines, Washington, D.C., authorizing the transportation of household goods between Pontiac, Ill., and points within 35 miles thereof, on the one hand, and, on the other, points in Wisconsin, Minnesota, Michigan, Iowa, Nebraska, Colorado, Missouri, Kansas, Kentucky, Indiana, Ohio, and Pennsylvania. Robert J. Gallagher, 1776 Broadway, New York, NY 10019, attorney for applicants.

No. MC-FC-72620. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Espenship Moving and Storage, Inc., Norristown, Pa., of the operating rights in Certificate No. MC-51214 issued July 18, 1955, to Elmer F. Espenship, Norristown, Pa., authorizing the transportation of household goods between Norristown, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New Jersey and New York and between points within 10 miles of Norristown, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and the District of Columbia. Gerald F. Glackin, 516 Swede Street, Norristown, PA 19401, attorney for applicants.

No. MC-FC-72691. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Harry Lobel and Martin Cohen, a partnership, doing business as Mountain Limousine Service, 6319 Oakland Street, Philadelphia, PA 19149, of the operating rights in Certificate No. MC-114845 issued June 30, 1958, to Harry Lobel, Samuel Kushner, and Martin Cohen, a partnership, doing business as Mountain Limousine Service, 8320 Fayette Street, Philadelphia, PA 19150, authorizing the transportation of passengers and their baggage, limited to the transportation of not more than six passengers in any one vehicle, but not including the driver thereof, and not including children 10 years of age who do not occupy a seat or seats, in special operations, in nonscheduled door-to-door service, during the period extending from May 15 to September 15, both inclusive, of each year, between Philadelphia, Pa., on the one hand, and, on the other, points in Saratoga, Warren, and Essex Counties, N.Y., and Monroe and Pike Counties, Pa.

No. MC-FC-72707. By order of March 26, 1971, the Motor Carrier Board approved the transfer to J. C. Dailey, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC-16798 (Sub-No. 1) issued June 9, 1960, to John C. Dailey and Edward J. Colahan, Jr., a partnership, doing business as J. C. Dailey Co., Philadelphia, Pa., authorizing the transportation of lumber and lumber and forest products, between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Delaware (except from Wilmington, Del.), that part of Pennsylvania within 150 miles of Philadelphia, and points in New Jersey, Maryland, and the District of Columbia. E. Brooks Keffer, Jr., 2000 Two Penn Center Plaza, Philadelphia, PA 19102, attorney for applicants.

No. MC-FC-72752. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Horner Truck Service, Inc., Canton, Mo., of certificates Nos. MC-129576 (Sub No. 1) and MC-129576 (Sub No. 2) issued to Marion E. Horner and Ronald E. Horner, doing business as Horner Truck Service, Canton, Mo., authorizing the transportation of: Fertilizer solutions, materials, and fertilizer, in tank vehicles, between points in Iowa, Arkansas, Illinois, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. Ernest A. Brooks II, attorney, 1301 Ambassador Building, St. Louis, MO 63101.

No. MC-FC-72759. By order of March 26, 1971, the Motor Carrier Board

approved the transfer to Loyd Truck Line, Inc., Orrick, Mo., of the operating rights in permits Nos. MC–111540, MC–111540 (Sub-No. 3), MC–111540 (Sub-No. 4), and MC–111540 (Sub-No. 7) issued October 5, 1950, September 3, 1965, November 16, 1965, and January 30, 1967, respectively, to William E. Loyd and Darrell L. Loyd, a partnership, doing business as Loyd Bros. Truck Line, Orrick, Mo., authorizing the transportation of metal culvert pipe, from North Kansas City, Mo., to points in Kansas; from the plantsite of Kaiser Aluminum & Chemical at Kansas City, Kans., to points in Missouri; from Kansas City, Mo.-Kans., to points in Oklahoma and Arkansas; between Kansas City, Kans., and Bedford, Ind., and from Bedford, Ind., to points in Missouri, Kansas, Oklahoma, and Arkansas. Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, KS 64106, attorneys for applicants.

No. MC–FC–72761. By order of March 26, 1971, the Motor Carrier Board approved the transfer to V & A Warehouse Corp., Paterson, N.J., of certificate No. MC–18091, issued to Modern Express Co., Inc., Paterson, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in specified counties in New Jersey, and pocket books and material and supplies for same, between New York, N.Y., and Pennsburg, Pa., and South Norwalk and Bridgeport, Conn. George A. Olsen, practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306.

No. MC–FC–72777. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Appalachian Coach Co., Inc., 201 North Jefferson Street, Galax, VA 24333, of the operating rights in certificates Nos. MC–123835 and MC–123835 (Sub-No. 2) issued January 2, 1962, and June 18, 1962, respectively, to Garland L. Gordon doing business as Appalachian Coach Co., 201 North Jefferson Street, Galax, VA 24333, authorizing the transportation of passengers and their baggage, and express, mail and newspapers between specified points in Virginia, Tennessee, and North Carolina.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–4525 Filed 3–31–71;8:52 am]

[Rev. S.O. 994; ICC Order 49, Amdt. 2]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 49 (Penn Central Transportation Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 49 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 25, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71–4517 Filed 3–31–71;8:52 am]

[Rev. S.O. 994; ICC Order 16, Amdt. 8]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 16 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 25, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71–4526 Filed 3–31–71;8:52 am]

[Rev. S.O. 1066]

STUPP CORP.

Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 22d day of March 1971.

Upon consideration of the petition filed on March 4, 1971, by the Stupp Corp., Baton Rouge, La., seeking certain modifications of Revised Service Order No. 1066.

It apearing, that Revised Service Order No. 1066 was issued by the Railroad Service Board in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of plain, unequipped general service gondola cars on the railroads named in the order; that there are no shortages of gondola cars, of the size and type described by the petitioner, reported by any railroad serving Baton Rouge, La.; that no carrier serving Baton Rouge, La., has sought any modification or revision of Revised Service Order No. 1066; that the petitioner states no errors of fact or law, or other ground, warranting the relief sought; and for good cause appearing:

It is ordered, That the petition be, and it is hereby denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–4519 Filed 3–31–71;8:52 am]

[S.O. 1063]

ALLIED CHEMICAL CORP. AND PARKE DAVIS AND CO.

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 24th day of March 1971.

Upon consideration of the petitions filed by the Allied Chemical Corp., filed March 1, 1971, and by Parke Davis and Co. on March 17, 1971, requesting revocation of Service Order No. 1063.

It appearing, that Service Order No. 1063 was issued by the Railroad Service Board in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that similar provisions in similar service orders were three times postponed during the period October 2, 1970, to December 31, 1970; that the petitioners have had ample opportunity to review their operations to avoid the excessive detention of empty freight cars held for their exclusive use; that numerous empty cars assigned to the exclusive use of certain shippers are held idle for excessive periods awaiting orders for placement for loading; and that the petitions state no errors of fact or law warranting the relief sought, and for good cause appearing:

It is ordered, That the petitions be, and they are hereby denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–4518 Filed 3–31–71;8:52 am]

FEDERAL REGISTER

VOLUME 36 • NUMBER 63

Thursday, April 1, 1971 • Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION

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Schedule of Fees



Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18802; FCC 71-311]

PART 1—PRACTICE AND PROCEDURE

Schedule of Fees

Memorandum opinion and order. 1. The Commission has before it a number of petitions for reconsideration concerning various aspects of its fee schedule adopted July 1, 1970, with an effective date of August 1, 1970. (Report and Order, 23 F.C.C. 2d 880; 35 F.R. 10988,[1]) In addition, there have been submitted to the Commission a request for a declaratory ruling,[2] a request for further review of certain aspects of the new fee schedule,[3] and a multitude of correspondence in the months since July 1 relating to individual items in the fee schedule as adopted, as well as to the general approach taken toward the different services. The Commission has reviewed fully all of the matters raised, both explicitly and implicitly, in the many submissions by these interested persons and the following paragraphs reflect our consideration of the various categories of questions raised. However, while all of the matters raised have been fully considered, we have not attempted to address ourselves to each and every comment and our treatment of these questions by categories encompasses consideration of all of the individual variations set forth in the separate comments.

2. Questions have been raised as to the legality and propriety of the fee schedule adopted by us, based on various contentions: That the fees set forth amount to taxation; that the Commission is not required to collect, by way of fees, its entire budget; that to establish such fees, the Commission improperly relied on only one criterion—value to the recipient; and that the activity costs set forth in the report and order are at variance with those supplied by the Commission to the Congress. While these comments present no new information or evidence which has not been considered by the Commission in connection with the adoption of the fee schedule on July 1, 1970, it may be useful to summarize briefly the legal basis and approach underlying the adoption of our fee schedule.

Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. sec. 483(a)) provides that "any work * * * benefit, privilege, authority * * * franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared or issued by any Federal agency * * * shall be self-sustaining to the full extent possible and * * * each Fedeal agency is authorized by regulation * * * to prescribe therefor such fee, charge or price * * * as [it] shall determine,* * * to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served and other pertinent facts,* * *". After the authority of the Commission to establish fees in accordance with these statutory provisions was judicially upheld (Aeronautical Radio, Inc., v. F.C.C., 335 F. 2d 304; cert. den. 379 U.S. 966), the then Bureau of the Budget regularly urged the establishment of higher fee schedules and the Congress called upon the Commission, in connection with its appropriations for fiscal year 1970, to increase its fees "to fully support all of its activities." (H. Rept. 91-316, June 19, 1969, p. 7-8; Committee of Conference, H. Rept. 91-649, Nov. 18, 1969, p. 6). Both Houses of Congress have reiterated these views in connection with their separate consideration of the Commission's appropriation for fiscal year 1971. (H. Rept. 91-1060, May 7, 1970; p. 5; S. Rept. 91-949, June 24, 1970, p. 5). In arriving at the new schedule of charges, the Commission has given considerable but not exclusive consideration to its allocation of costs of Commission activities, as described in its supplemental notice in this docket issued on March 4, 1970. This breakdown of activity costs is obviously not on all fours with that set forth in our budget request to the Congress since, for purposes of the fee schedule, the costs of overhead and support activities were broken down on a prorated basis and allocated to the bureaus whose activities are directly the subject of fees. Paragraph 4 of our previous report and order fully sets forth this approach and shows the relationship between Commission costs and projected fee revenues. When viewed in this light, it seems clear that the charges established in our fee schedule are clearly legal and within our authority to establish.

EFFECTIVE DATE OF NEW FEE SCHEDULE

3. Numerous questions have been raised concerning the effective date of the new fee schedule and its overall impact. The fee schedule adopted on July 1, 1970, was made effective as of August 1, 1970. Consequently, applications received by the Commission on or after August 1, 1970, are subject to the new schedule of application filing fees, and grants made by the Commission on and after August 1, 1970, are, except as noted below, also subject to the new schedule of grant fees. The report and order establishing the new fee schedule was adopted on July 1, 1970, and released and generally published on July 2, 1970, although it was not printed in the FEDERAL REGISTER until July 8, 1970. However, in accordance with the provisions of section 4(c) of the Administrative Procedure Act. 5 U.S.C. 553(d), paragraph 10 of the report and order sets forth in some detail the reasons why the fee schedule was being made effective as of August 1, 1970, less than 30 days after its publication in the FEDERAL REGISTER. We believe that this action is in compliance with the provisions of applicable law and should remain undisturbed.

4. While making the new fee schedule effective as of August 1, 1970, we determined to exempt grants made on or after August 1, 1970, if the application for such grant had been filed with the Commission prior to July 1, 1970, the date of adoption of the new fee schedule. We stated in paragraph 11 of the report and order that application processing during the month of July would proceed on a normal basis and that action on applications would not be held up because of the imminence of the August 1 date. We also established this limited exemption in order to eliminate any claim that action on matters filed prior to the date of adoption of the new fee schedule might be delayed until on or after August 1, 1970, so as to be able to exact the new grant fees. Viewed in this light, it is clear that assertions by various petitioners of improper retroactive application of the new fee schedule are without foundation. In no instance is the newly established schedule of fees applicable to any grant which is made prior to August 1, 1970. Thus, what the parties are, in effect, contending is simply that the exemption from the new fee schedule made by the Commission with respect to grants on or after August 1 based on applications filed prior to July 1, 1970, should be enlarged and expanded so as also to exempt grants based on applications filed on or after July 1, 1970, and up to and including August 1, 1970. It is proposed by various parties to enlarge the exemption by changing "prior to July 1, 1970" to such dates as "prior to close of business July 1, 1970", "July 2, 1970", and finally "August 1, 1970". In each instance, it appears that the new exemption date proposed would, if adopted by the Commission, eliminate the grant fee in a particular matter in which the contending party is involved.

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[1] Law Offices of Arthur Stambler, Law Offices of Morgan, Lewis and Bockius Lunde Corp., Bret Broadcasting Corp. et al., Steuben Broadcasters, Inc., et al., Radio Hopewell, Inc., Clay Broadcasting Corp. (Texas) et al., Mid-America Media, Inc., et al., Storer Broadcasting Co., National Association of Broadcasters, Joint Petition-Cole, Zylstra & Fawid, American Radio Relay League, California Citizens Band Association, Redwood Citizens Banders, Inc., Special Industrial Radio Service Association, Inc., Electronic Marine Products, Chicago Area Radio Club Council, Inc., RCA Global Communications, Inc., National Broadcasting Co., Inc., Communications Satellite Corp., Joint Petition-Twenty Miscellaneous Common Carriers, United States Independent Telephone Association, American Trucking Association, Inc., et al., West Texas Microwave Co., Law Offices of Wheeler & Wheeler, Oklahoma Broadcasters Association, the PHD Amateur Radio Association, Inc., and R. G. Galbraith et al.

[2] Jointly filed by CBS TV Network Affiliates Association, NBC TV Network Affiliates Association, and ABC TV Network Affiliates Association, West Texas Microwave Co., Law Offices of Wheeler & Wheeler, and Oklahoma Broadcasters Association.

[3] The Oklahoma comments were filed on July 10, 1970. The comments were received too late for consideration before adoption. Since the comments raised were similar to those raised in the petitions for reconsideration, the Commission has included the pleadings in the scope of this order. Additionally, a "Supplement to Joint Petition for Reconsideration of Increase in Common Carrier Fee Schedule" was filed by United Video, Inc., and several other communications have been received from individual members of the public.

5. Apart from the individual benefits sought, however, there appears to be no basis for a change in our action in this regard. No claim of surprise as to the adoption of the new fee schedule can properly be made, since the notice of proposed rule making had been issued in February 1970, 4½ months prior to July 1, 1970, and since the Commission's representations to the Congress that a new fee schedule would be adopted by the beginning of fiscal year 1971 had been widely reported. Further, it must be recognized that while these comments have come, in the main, from the broadcast industry, the matter of separate grant fees involves not only broadcast services but also the common carrier services and our equipment approval actions. To now enlarge upon the exemption heretofore made would not only constitute a departure from the sound basis upon which the limited exemption was grounded, but would also be inequitable with respect to the many applications which were filed on or after August 1, 1970, but which could have been filed prior to that date had the applicant been aware that the earlier filing would result in a saving of the grant fee. We remain of the view that the action previously taken does not constitute a retroactive application of the newly established schedule of grant fees and that the limited exemption provided heretofore rests upon a sound foundation. We find no reasonable grounds for now enlarging upon this exemption.

6. One additional point requiring reiteration concerns paragraph 11 of the report and order in which the Commission stated that applications received on and after August 1, 1970, would be subject to the new fee schedule. Some applicants have, by letter, complained because their applications were postmarked prior to the effective date of the new fee schedule. in the Commission's offices until after the effectiv dat of the new fee schedule. Such applications have been routinely returned with a notice pointing to the insufficiency of the fee tendered. Normal Commission rules and practices regarding time of filing of documents refer uniformly to the date the document is "filed with the Commission," i.e., received at the Commission's offices. Consequently, the action by the Commission with regard to those applications is in keeping with its normal course of business, and no departure therefrom is justified herein.

IMPACT OF NEW FEES ON "SMALL BUSINESS" LICENSEES

7. In commending the Commission on its proposed fee schedule, the Senate Appropriations Committee in its report of June 24, 1970 (S. Rept. 91-949), urged the Commission to proceed with caution "in order to insure that the new fees will be equitable in every respect and will not make operations prohibitive or unduly burdensome for the smaller licensees, and in particular, those located in the less populated areas of our country." In addition, the National Association of Broadcasters, in its petition for reconsideration, while recognizing the difficulties in establishing hard and fast levies for exemption of small broadcasters from the annual operating fee, urged the Commission to adopt a liberal waiver policy on an ad hoc basis. The Commission is, of course, deeply concerned with this matter and we have no intention of maintaining fees at such a level as to make their cost prohibitive for persons who seek or who have licenses and are otherwise qualified to be Commission licensees. In this regard, particularly, the Commission will direct its continuing review of all individual charges and will make such revisions and changes as seem to be equitable and warranted in the circumstances.

8. With respect to the broadcast services, we would reiterate our previously stated view that the new fees will not be prohibitive or unduly burdensome to the small station owner. Under the old fee schedule, AM and FM licensees paid a filing fee of $75 for renewal applications which were filed every 3 years. This has now been eliminated, and, by contrast, the maximum annual operating fee for existing AM and FM licensees of $52 under the new schedule reflects an increase in fees of but $27 per year as against the old schedule. Further, the new schedule establishes an annual operating fee for AM and FM licensees at a level which is 24 times the station's highest single 1-minute spot rate. Thus, stated another way, the annual fee is equivalent to the price of but two 1-minute spot announcements per month out of the substantial number of commercials which an AM or FM station carries each month. Similarly with TV stations, the old schedule established a fee of $150 at license renewal time. When compared to this figure, which is equivalent to $50 a year, the new schedule setting forth a minimum annual fee of $144 cannot be said to be an unduly onerous or prohibitive increase. Also, the annual fee for TV stations is equivalent to 12 times the station's highest 30-second spot announcement—this being equal to the price of only one 30-second spot announcement per month out of the large number of commercial announcements which the average TV station broadcasts each month.

9. The Commission is keenly aware of the significant number of unprofitable broadcast stations and of the contention that the annual operating fees would cause a diminution of program services by broadcast stations, particularly in marginal and unprofitable stations. We would emphasize, however, that no evidence has been submitted in support of these assertions, and that since all broadcast licensees have established financial qualifications sufficient to carry on their broadcast operations, it is highly unlikely that the new fee schedule would constitute a significant burden in a broadcast station's total operation. Further, as we emphasized in our previous report and order, while a station's spot rate may not be a precise index of value of the station's license, it is a figure determined upon by the licensee in his own best judgment. And any licensee claiming that the rate card in effect on June 1 (which is to be filed with the Commission as a basis for computing annual fees) is not reasonably descriptive of its yearly average, may petition for the filing of a more appropriate rate card. The Commission will, of course, maintain a continuing review in this area, and if the facts indicate a change is necessary, appropriate revisions will be made. Meanwhile, any broadcast licensee whose financial situation is such that the annual operating fees will cause a diminution of program service to the public, or otherwise materially affect his operation, may petition the Commission for a waiver of the annual operating fee for a given period, and show good cause for the relief requested.

10. Several petitioners have pointed out and protested an apparent inconsistency in the fee schedule between the Common Carrier Services and Safety and Special Radio Services with respect to the treatment for fee purposes of mobile stations and multiple transmiters. In general, the schedule for Common Carrier Services established fees on a per station or transmitter basis, while in the Safety and Special Radio Services fees were established on a per application basis without regard to the number of units covered by the application. This inconsistency stems in large measure from differences in the application procedures in the different services. While Safety and Special Radio Services procedures permit the inclusion of a number of mobile units or separate transmitters in one application form, the Common Carrier Services procedures generally require separate applications for each unit. We are in accord with petitioners' view that this inconsistency should be eliminated and that a common approach in principle should be taken in both types of services. We further believe that the approach now reflected in the Common Carrier fee schedule should be generally adopted. Since the size of a communications systems is often reflected in the number of units or transmitters involved, fees based upon this approach should better reflect "value to the recipient" of the Commission's authorizations in these services. In addition, this approach may operate, particularly in the Land Mobile service, to limit the number of units applied for to the number of units actually required for use in a system, thus enhancing the reliability of our data concerning the actual use of licensed facilities. We, therefore, are denying the petitions for reconsideration in this regard and will issue in the near future a notice of proposed rule making looking to the adoption of such changes in the fee schedules of these services as are necessary to accomplish a common approach to the establishment of fees.

11. In the fee schedule adopted on July 1, 1970, a fee was established for the grant of applications for assignment of license for, and the transfer of control of broadcast facilities. The grant fee so established was described as "two percent of consideration for assignment or transfer". As we stated in paragraph 22 of the report and order, "The Commission is well aware of the difficulty of

computing the consideration in cases where cash or other ascertainable market value is not specified." Our experience during the past 8 months has reflected this difficulty and we therefore urge that the parties to such transactions, where the consideration is not specified in cash, submit to the Commission with their application their own estimate of the dollar value of the consideration involved in such assignment or transfer. This should be material assistance to the Commission[4] since, as we have already stated, "there is consideration to support the assignment or transfer in all cases, and the amount of the consideration is therefore a question of fact". In this connection, we have in paragraph 44 herein, adopted one change with respect to consultant and noncompetition agreements which should simplify the determination of consideration in such cases.

COMMON CARRIER SERVICE

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

12. The American Trucking Association, Inc., and the American Movers Conference have petitioned for reconsideration of that portion of the Commission's report and order which prescribes the filing fee on a per unit basis, rather than on a per application basis as formerly, for applications for license, modification of license or renewal of license for individual mobile stations. As indicated in paragraph 10 above, we believe this approach is proper and we propose to adopt it for the Safety and Special Radio Services also. These organizations also point out that individual motor carriers hold many DPLMRS mobile station licenses authorized in a single multiple unit application, and contend that the $50 fee per unit is excessive, burdensome, and without justification. Examples of multiple unit authorizations cited include 2,500 units held by Aero-Mayflower, 500 units by Atlas Van Lines, and 400 units for United Van Lines. Other companies are listed as about to apply for several hundred mobile station licenses each. Petitioners contend that the cost of obtaining the initial multiple unit license and every 5 years thereafter at renewal time will place a damper on this type of use of radio to the detriment of the public served by the motor carriers involved and the common carriers who provide service to them. While recognizing that the cost to the Government of issuing an authorization is not the sole or decisive consideration, the petitioners aver that the value to the recipient should be counterbalanced against public policy and interest served by making common carrier mobile communications available to the motor carrier industry without the "exorbitant and burdensome" filing fee imposed. Complaints have also been received from single licensees directed against the amount of the fee for individual mobile station authorizations.

13. While recognizing that the present schedule imposes sharply increased fees for mobile stations, we do not feel that the $50 per unit is excessive for single unit applications, in view of the cost of processing such applications and the value of the authorization to the recipient. However, we agree with the petitioners that the cost of processing an application does not increase in proportion to the number of mobile units requested. We are, therefore, modifying the fee schedule to prescribe the $50 filing fee for only the first mobile unit requested in the application, with each additional unit covered by the application being subject to a fee of $30.

POINT-TO-POINT MICROWAVE RADIO SERVICE

14. The West Texas and "Joint Petition" challenge the equity and fairness of the grant fee prescribed for modification of construction permits or licenses in the point-to-point microwave radio service in § 1.1113 on the grounds that the combined fee of $200 ($50 filing and $150 grant) is excessive for the many relative minor modifications involved. The addition of audio services at an average construction cost of $400 is cited as an example where the $200 fee represents an unreasonable and burdensome assessment. Furthermore, the petitioners contend that most applications for license modifications and modifications of construction permits involve only minor engineering changes with little processing cost to the Commission, and cite as examples the correction of coordinates of a station location, change of polarization or azimuth, addition or deletion of subcarrier channels, change of emission or authorized output power, antenna changes and the like. Additionally, it is pointed out in the pleadings that only a $50 fee is prescribed in the Radio Broadcast Service for similar modifications.

15. We believe that this complaint has merit and that the fee schedule should reflect a distinction between major and minor modifications of construction permits or licenses in the point-to-point microwave radio service. We are, therefore, amending this part of the Common Carrier fee schedule so that modifications and changes other than those specifically listed in this part of the schedule shall be subject to an application filing fee of $25 and a grant fee of $25.

SATELLITE COMMUNICATIONS SERVICES

16. Petitions for reconsideration directed against the Satellite Communications schedule were received from RCA Global Communications, Inc., Communications Satellite Corp., and, jointly, CBS, NBC, and ABC Television Affiliates Associations, respectively. All of the petitioners request reconsideration of the $50,000 flat fee for the initial construction of satellite earth stations, essentially on the grounds that the fee is excessive for all but major earth stations. The petitioners contend that the fee schedule as applying to earth stations should recognize the diversity in type, size and cost of such stations that may be required for domestic satellite system or for special satellite common carrier communication purposes in the future. All recommend a percentage of construction cost approach, with RCA suggesting 1 percent, ComSat one half of 1 percent and the Television Associations 2 percent, with a maximum of $50,000 as an appropriate measure of the fee to be assessed for each station. Communications have also been received from Senator Gravel of the State of Alaska and others requesting that some provision be made in the schedule of fees to recognize the predicted growth of small and relatively inexpensive earth stations.

17. Comsat also protests the $100,000 fee prescribed for satellite construction and launch, unless it was intended by the Commission that the fee would cover an entire satellite program, regardless of the number of satellites involved, and suggests a fee of $10,000 as appropriate for each operational satellite. Further, Comsat suggests that fees associated with satellite construction should be assessed only upon satellites which are successfully placed in orbit and which prove capable of providing commercially acceptable service. Additionally, this carrier recommends that the grant fee for applications filed under section 214 of the Act for authority to install GCE and multiplex equipment at earth stations be assessed against the cost of the equipment to be installed, in lieu of the present flat fee per channel established, and suggests one-half of 1 percent of such cost as appropriate.

18. We believe that the revised schedule adopted herein will satisfy these objections, and will take into account the differing circumstances that may pertain to domestic satellite systems. Specifically, the grant fees for earth stations and satellite constructions generally are to be based on a percentage of construction cost as set forth in the application. For applications for initial construction permit for satellite construction, a relatively nominal flat grant fee is established, with the major grant fee based on a percentage of construction cost, to be assessed after the satellite is successfully launched and capable of commercial operation. The change recommended by Comsat with respect to section 214 applications is being made in the nonradio section of the schedule.

19. One further point concerning applications for space and earth stations in a domestic satellite system warrants mention. In its report and order in Docket No. 16495 (22 FCC 2d 86) the Commission decided to consider the issues in that proceeding in the context of concrete applications for authorization of such facilities and invited applications for systems in the 4 and 6 GHz bands, and in a further notice of proposed rule making in that proceeding, issued September 26, 1970, the Commission invited the submission of alternative system applications proposing higher frequencies. The Commission has accepted for filing an application submitted by Western Union (Public Notice FCC 70-953), and has provided a cutoff date of March 1, 1971, for the filing of applications to be considered in Docket No. 16495 in conjunction with Western Union's application

[4] However, because of the aforesaid difficulties, we are also considering other means of determining grant fees in such cases.

(FCC 70-953). While labeled "applications", such filings are in essence comments on the issues in the inquiry and rule making proceeding and our invitation for the submission of varied applications reflected the Commission's view that it could best decide the issues in this proceeding with the assistance of information submitted in application form. Under these circumstances, we believe that the imposition of the normal application filing fees would be inappropriate for such submissions. Therefore, while the established grant fee will be applicable to any authorization of facilities for domestic satellite systems, applications for such facilities filed in accordance with the Commission's invitation will not be subject to application filing fees.

20. In addition to the changes noted above, two items have been added to the schedule to identify more clearly the proper fee category for auxiliary station applications, and some minor clarifying language modifications have been made in other fee item descriptions.

COMMON CARRIER NONRADIO APPLICATIONS

21. As recommended by Comsat to conform with the treatment of earth station construction in the satellite communications schedule, we are prescribing that the grant fee for section 214 applications to establish and provide channels of communication at an earth station via satellite shall be based on a percentage of construction cost, in lieu of a flat charge per channel. In this connection, we are separating section 214 applications to establish and provide channels of communication via satellite, where no additional construction or installation of equipment is required, and prescribing relatively nominal flat filing and grant fees for these requests.

22. Footnote 9 has been added to the schedule to specify that construction projects undertaken pursuant to grant of continuing authority as permitted in §§ 63.03(c) and 63.04(c) of the Commission's rules are subject to the grant fee.

SAFETY AND SPECIAL RADIO SERVICES

23. Numerous petitions for reconsideration were directed to that part of the revised fee schedules dealing with the safety and special radio services. In addition, the Commission has received many letters and comments of a less formal nature both before and after the time for filing expired. All this information, to the extent pertinent and relevant, has been included in our consideration of these matters. A letter from the Electronic Industries Association and petitions submitted by R. G. Galbraith et al., the California Citizens Band Association, Inc., and the Redwood Citizens Banders, Inc., stated that the grouping together of the bulk of safety and special licensees did not show the distinction between the various users, i.e., commercial as against noncommercial, and that a distinction along these lines should be reflected in the fee schedule. Additionally, it was claimed that many Citizens Band licensees would elect to operate on an unlicensed basis rather than to pay the new fees. It was also stated that the increase in fee revenues should result in new enforcement programs.

24. With respect to making a distinction, in terms of fees, between commercial and noncommercial uses of authorized facilities, it should be noted that such a distinction is already reflected in the fee schedule for the Amateur Radio Service (with lesser fees) and for governmental entities using radio facilities (which are exempt from fees). Moreover, no fees are charged for applications filed in the Special Emergency Radio Service by hospitals, disaster relief organizations, beach patrols, school buses, and nonprofit ambulance operators and rescue organizations. Similar exemptions are provided for applications related to Closed Circuit Educational Television Service, Civil Air Patrol Stations, Aeronautical Radio-Navigation and Search and Rescue Stations and to the Disaster Communications Service. To make further distinctions for fee purposes would, at the present time, present considerable administrative difficulties. For example, in the Citizens Service a licensee is permitted to use the same licensed facilities for business purposes, for substantive personal purposes, and for a combination of these two. Likewise, in the Business Radio Service, eligibility is open to both profit-making and non-profit-making enterprises. We, therefore, will make no changes in the fee schedule at the present time to reflect any further distinctions between commercial and noncommercial uses of licensed facilities. However, the Commission is regularly engaged in a continuing review of the fee schedule and the comments of these petitioners in this regard will remain under consideration.

25. The contention that increased unlicensed operation in the Citizens Band would result from the higher fees is hardly worth mentioning. The fact that a prospective licensee would operate illegally rather than pay a fee cannot seriously be considered as a factor against continuing that fee in effect. And there is no evidence to support the contention as to any increase in illegal operation.

26. Insofar as the subject of an expanded enforcement program is concerned, the Commission regularly weighs the need for such activities, together with all other demands on the Commission's time and efforts, and we will continue to do so. It should be noted in this connection that all fee revenues must be turned over to the general funds of the U.S. Treasury and that no part of the fee revenues is retained by the Commission. Our annual budget and appropriation provide both the source of funds and limitations on their expenditures with respect to all activities of the Commission.

27. The Special Industrial Radio Service Association Inc. (SIRSA), claims that the Commission did not address itself to the original objections to the new fees made to the Commission by SIRSA and, therefore, reiterates them. These include the contentions that the general tax revenues should be utilized for part of the costs of the Commission's activities; that the S&SRSB fee revenues will be in excess of its fair share of the Commission's budget; that the fees for renewal should be less than those established for initial applications; and that the value of S&SRSB licenses has not been adequately determined. Since these contentions have been fully considered by the Commission previously in paragraphs 4–5 and 38 to 43 inclusive of the report and order issued July 1, 1970, no useful purpose would be served by repeating our response thereto. We have the same comment with respect to the contentions of the Electronic Marine Products Association that the new fees constitute an unnecessary tax on safety equipment.

28. Three petitioners, the American Radio Relay League, Inc. (ARRL), Chicago Area Radio Club Council, Inc. (Chicago), and the PHD Amateur Radio Association, Inc. (PHD), were concerned with the amateur section of the fee schedule. The ARRL contends that the impact of the new fees may be so severe as to bring about a decrease in the number of amateur radio operators. ARRL also asserts that the "hundreds of comments" supplied by the amateurs were ignored because no mention was made of them in the report and order adopting the new schedule. The Commission is of the opinion that the ARRL has not demonstrated that the imposition of generally modest fees will have the impact predicted by the League. Concerning the complaint that the amateurs' comments were ignored, we can only reiterate that the comments were read and considered; notwithstanding that the text of the report and order failed to identify each and every comment, there is no reason to conclude that they were ignored. The Chicago and PHD petitions proposed exemptions for various categories of amateur licensees. Chicago also proposed the waiving of fees for reexaminations for licenses in the Amateur Radio Service after failure to pass the examination on which the original fee had been paid. We believe that the fee exemptions and waiver proposed by Chicago and PHD are not adequately supported by factual showings. To carry out the requested exemptions and to provide for the waiver request would not be in the public interest, since the fees are nominal and modest permitting an amateur to operate for 5 years. We are, therefore, denying the petitions of the ARRL, Chicago, and PHD.

29. Our attention has also been invited to an oversight which requires correction in the fee schedule for operational fixed stations using frequencies above 952 MHz. Such facilities include, among other things, microwave stations which serve CATV systems and which are authorized for a 5-year term in the Business Radio Service, and the present schedule calls for a fee of $75. While we have been endeavoring to shift CATV microwave systems to the CARS service, the date by which such systems are required to vacate the Business Radio

Service was recently extended to February 1, 1976. At the same time, the Commission, in Docket No. 18916, adopted rules requiring Business Radio Service licensees of such systems to file renewal applications every year rather than every 5 years, which is the general rule for such service. The difference in fees between BRS and CARS reflects both the broader authorization and longer license term in the former and the lesser fee for CARS systems becomes applicable when a BRS licensee shifts to that service. While we believe it inappropriate to change this difference in fees, it would be equitable to adjust the renewal fee in the BRS on a pro rata basis to $15 for the filing of annual renewal applications.

CATV

30. A "Joint Petition for Reconsideration" has been filed on behalf of approximately 200 existing or currently proposed CATV systems, directed against the CATV portion of the new fee schedule (§ 1.1116 of the rules). Petitioners argue that the schedule is inconsistent with the "fair and equitable" standard of 31 U.S.C. section 483(a), in that CATV systems have derived little benefit from the current CATV regulatory scheme, which they allege is primarily for the benefit of the broadcasting industry. Petitioners assert that recent rule making proposals in Docket 18397–A indicate that the Commission now embraces the concept of CATV developing as a national broadband communications system, and concede that the fee schedule as adopted may be justifiable for such a "truly constructive regulatory scheme." Hence, petitioners urge that we suspend and defer implementation of § 1.1116 of the rules until final approval is given to the pending rule making proposals. At that time, it is argued, the Commission will be able to implement the fees necessary to administer the new program. Underlying petitioners' arguments is the premise that a fee schedule must be commensurate with benefits conferred by regulation. But, as we have said and as the statute makes clear, "value to recipient" is but one of the factors to be considered by the Commission in establishing "fair and equitable" fees. Petitioners have advanced no new considerations which would justify a change in our action establishing fees for CATV systems as of August 1, 1970.

31. One specific change in the fee structure is suggested by petitioners, namely, that the fee for petitions for special relief which invoke the mandatory stay provision of § 74.1105(c) of the rules should be reestablished at $300, in order to discourage broadcasters from abusing the provision with frivolous pleadings interposed for delay. We have already considered the advisability of imposing a $300 fee and have concluded that such a large amount would be likely to discourage the filing of petitions which may draw attention to situations requiring remedy. There being no new arguments presented, we see no reason to reconsider our judgment.

32. The National Association of Educational Broadcasters filed a request for clarification of the applicability of § 1.1116 of the rules to noncommercial educational tax-exempt organizations, some of which are allegedly considering ownership and operation of CATV systems. Consistent with the fee provisions for other regulated services, no fee is contemplated under § 1.1116, where, pursuant to § 74.1109 of the rules, a noncommercial educational broadcast station files an objection to a CATV system's proposed carriage of a television signal. We are amending § 1.1116 accordingly.

33. Footnote 12 of the report and order adopted on July 1, 1970, implies that payment of the CATV annual fee should accompany the filing of a CATV system's annual financial report, if such a report is required as a result of the proceedings in Docket No. 18397. The financial reporting aspect of Docket No. 18397 has not yet been concluded. In the interim and in order to simplify calculation of the appropriate fee, the Commission has issued FCC Form 326–A (Computation of CATV Annual Fee) which must be filed on or before April 1 of each year.[5] Since Commission CATV records are kept on a community basis, a separate Form 326–A, with appropriate annual fee attacher, must be filed for each separate and distinct community or municipal entity (including single, discrete, unincorporated areas) served by CATV facilities, even if there is single head end and identical ownership of facilities extending into several communities.

34. In the course of administering the CATV fee schedule, it has become apparent that certain clarifications and editorial changes are required. We have discovered that, in many instances, a single filing fee has been paid for a notification pursuant to § 74.1105 of the rules concerning groups of CATV systems in nearby communities which share a common head end and have identical ownership of CATV facilities. Accordingly, we are adding a note to § 1.1116 of the rules to clarify our intention that the same principle should apply to § 74.1105 notification fees that applies to our determination whether a CATV system lies within a given signal intensity contour of a television station—namely, that a fee is required for each separate and distinct community or municipal entity (including single, discrete, unincorporated areas) served by a CATV system, even if there is a single head end and identical ownership of facilities extending into several communities. See e.g., Telerama, Inc., 3 FCC 2d 585; Mission Cable TV, Inc., 4 FCC 2d 236.

35. Finally, we note that clarification is needed concerning fees for waiver petitions when it is proposed, in a single petition, to carry distant signals into more than one community located within the predicted Grade A contour of a television broadcast station in a top-100 television market. Although we have previously indicated that, for the purpose of § 74.1105 notification fees, a separate fee is required for each community involved, we believe that such a provision would be too onerous in the context of assessing fees for the importation of distant signals into communities having a common head end and identical ownership of CATV facilities. Therefore, we are also adding a note to § 1.1116 of the rules to make clear that for purposes of distant station fees only, if the communities involved in a single petition are served by CATV facilities having a common head end and identical ownership, only a single set of station fees is required for all of the communities (rather than a set of station fees for each community mentioned in the waiver petition).[6] Likewise, only a single fee will be required if a waiver petition is supplemented to add an additional distant signal, and no fee will be required if the name of a community having a common head end and identical ownership of CATV facilities with those of previously named communities in a waiver petition is added to that petition.

BROADCAST SERVICES

36. Arguments concerning the authority of the Commission to adopt the fee schedule, the impact of the effective date, and waiver of fees have been discussed above. This part of the memorandum opinion and order will, therefore, deal only with other matters raised in the petitions for reconsideration and with problems which have arisen in administering the new fee schedule with regard to broadcast services.

37. *Annual license fee.* The annual license fee is based on the rate card of the station. Paragraph 26 of the report and order stated that for AM and FM stations having a joint AM–FM rate, the payment of a single fee based on the highest 1-minute joint rate would suffice to cover the operations of both stations and it would not be necessary to allocate part of the joint fee to AM and part to FM and pay two fees. Similar provision was made as to parent-satellite television stations with joint rates. It now appears that some AM–FM operations have both joint rate cards and separate rate cards, and that this is also true for some parent-satellite TV operations. Thus, for example, an AM–FM operation may have joint rates for "drive time" and separate rate cards for other periods of the broadcast day. In such situations, separate fees must be paid by the licensee—one for the AM station based on its rate card and one for the FM station based on its rate card. Similarly, where there are separate rate cards in parent-satellite TV operations, separate annual fees must be paid.

38. Section 1.1111 of the fee schedule provides that each broadcast station shall pay an annual license fee. Section 1.1102 (c) requires that these fees be paid on

[5] The Commission has extended the time for filing the CATV annual fee for the 1970 calendar year to May 1, 1971.

[6] I.e., if a waiver petition also serves as a § 74.1105 notification, a separate $10 fee will be required for each community involved, even though only a single set of station fees will be due for all of the communities.

or before the anniversary date of the expiration date of the station's license. It also provides that new stations become liable for the fee when they are granted program test authority and that in the first year, the fee will be prorated to cover the period between the date of authorization of program test authority and the next payment date. Questions have arisen as to whether this language means that a permittee operating under program test auhority must pay the annual fee at the next payment date for licensees in his State even though it is a permittee and not a licensee, or whether it is not liable for the fee on the next payment date if it has not yet received a license to cover its construction permit. The intent of § 1.1102(c) (now redesignated 1.1102(e)) is the former, i.e., any operating station, whether operating under a license or a permit with program test authority, must pay the annual fee, on the date generally applicable to stations in its State.

39. Paragraph 11 of the report and order stated that in the first year under the new fee schedule which became effective August 1, 1970, the annual fees for broadcast stations would be prorated over the number of full months of operation beginning August 1, 1970. However, some licensees, on their anniversary dates occurring since the fee schedule became effective, have submitted fees for a full year of operation rather than for the number of months of operation between August 1, 1970, and the anniversary date. Such overpayments will not be refunded but will be credited to any future fees—annual operating fees or other fees—that become due for the station.

40. *Construction permits for TV stations—market ranking.* The fee schedule provides that grant fees for construction permits for new TV stations or for major changes in exising TV stations shall vary, depending on whether the station is located in the top 50 markets, the next 50 markets, or the remaining markets. Market rank is determined by the rating of the American Research Bureau (ARB) on the basis of the net weekly circulation for the most recent year. Inasmuch as the ARB no longer regularly ranks markets in this fashion, the rule will be amended to specify use of ARB market ranking, for the most recent year, based on prime time households (average quarter-hour audience during prime time, all home stations)—a method presently used by ARB for ranking. The ARB "Television Market Analysis" which contains the market rankings is issued about May of each year. While § 1.1102(b) (now redesignated 11.1102(d)) of the rules provides that grant fees are payable within 45 days after the grant is made, the amount of the grant fee that is payable is determined by the market ranking in effect on the date of the grant. Similarly, the amount of application filing fee which is payable is determined by the market ranking in effect on the date the application is filed.

41. *Exemptions from certain assignment and transfer fees.* Comments in this proceeding suggested that applications for assignment or transfer occasioned by rules that might be adopted in Docket No. 18110, requiring divestiture on the part of licensees holding multiple media in the same market, should not be assessed fees. Paragraph 23 of the report and order issued on July 1, 1970, indicated that § 1.1104 would guide the Commission in such cases. It should be noted that rules requiring divestiture have been proposed in a further notice of proposed rule making in Docket No. 18110, 22 F.C.C. 2d 339 (1970). Whether or not the proposal will be adoped is a decision yet to be made in that proceeding.

42. The National Association of Broadcasters, in its petition for reconsideration, urges a broader exemption with regard to applications related to actions taken in Docket No. 18110. It is the view of NAB that if the Commission is willing to issue a tax certificate in assignment and transfer cases, as set forth in our Public Notice, FCC 70–774, July 16, 1970, it would be consistent not to require payment of the applicable fees in such cases. We would point out, however, that § 1.1104 of our rules relates, among other things, to applications which are filed in order to achieve compliance with new or additional requirements of the Commission's rules and that the rules adopted to date in Docket No. 18110 do not require divestiture by any licensee of existing facilities. We are of the view therefore that there is no present warrant for adoption of the NAB proposal.

43. In paragraph 31 of our report and order issued on July 1, 1970, we indicated that we had received some specialized comments requesting exemption from fees for broadcast stations operated by tax-exempt organizations on a noncommercial basis even though the station was not classified as an educational station. Because of various questions not then resolved, we stated that we were not prepared to establish such an exemption but would keep the matter under study. We adhere to that position insofar as a general exemption for noncommercial stations is concerned. However, we are persuaded to the view that the fee exemption presently provided in the Safety and Special Radio Services for local governmental entities which operate stations in such services (which by definition is on a noncommercial basis) should, by analogy, be applied to the broadcast services. We are, therefore, adding a new subparagraph (4) to § 1.1111(b) to provide that fees are not required from local governmental licensees in connection with their operation of a noncommercial broadcast station.

44. *Consultant and noncompetition agreements—assignments and transfers of control.* In establishing fees based upon the consideration paid in assignment and transfer transactions, the Commission recognized that such transactions ofttimes involve consultant and noncompetition agreements and that it was necessary to take such agreements into account in determining the consideration paid for such assignment or transfer. Thus in paragraph 22 of our report and order issued on July 1, 1970, we stated that with respect to amounts paid for such agreements that are part of the overall price, the Commission would follow the general principle of tax law which permits a reasonable allocation of the total price to such agreements. Our experience with this approach discloses considerable difficulties in its application in view of the varying complexities in such agreements. On reconsideration therefore, we believe that the amount to be paid for such agreements should be viewed as part of the total consideration given for the station. Although it can be argued that the consideration for a station is separate and apart from that given for consultant services or noncompetition, the agreement for consultant services or noncompetition may also be viewed as part of the overall package which is being purchased, namely, a station without competition from a specified party or station with certain "consultant" services attached to it. (We note too that many consultant and noncompetition agreements simply reflect an approach designed in the light of tax requirements as a consequence of the overall transaction and from that point of view are quite properly to be treated, even under a principle of allocation, as part of the consideration and subject to the grant fee.) On balance, we believe that the latter view is the better one, and it accords with long-standing Commission practice of treating amounts allocated to such agreements as part of the overall consideration for a station. Additionally it avoids the difficult problem of determining whether the amount allocated to such an agreement is a reasonable one, and hence has the virtue of comporting with one of our major concerns in computing fees—that the fee be readily and simply ascertainable. Therefore, our determination of the appropriate fee required to be paid in assignment and transfer matters shall include as part of the "consideration paid," the amounts allocated to such agreements whether such an agreement is part of an overall contract for the sale or transfer of a broadcast station or a separate agreement executed in connection with such sale contract.

45. Numerous questions of a minor nature have been raised during the past 6 months concerning the language of §§ 1.1102, 1.1103, 1.1116, and 1.1120 of our rules relating to fees. Clarifying language has, therefore, been inserted in these sections, and paragraphs have been renumbered in § 1.1102. One such insertion warrants specific mention. In § 1.1102 of our rules dealing with the payment of fees, we attempted to establish a system of payment which was most practicable to those responsible for the payment of fees and which, at the same time, would not operate to delay or hold up our substantive actions in processing applications and issuing grants, approvals and authorizations. Thus, paragraph (d)(1) provided that required

grant fees are payable within 45 days after grant by the Commission or, in the case of assignments or transfers of control in the broadcast services, immediately following consummation of the transfer or assignment. Unfortunately, however, this accommodation has been abused by some recipients of Commission authorizations in the past 6 months who have failed or refused to pay the required fee even after specific notification by the Commission. We are, therefore, pointing up, by the insertion of additional language in this paragraph, now numbered § 1.1102(d), that all grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period, and that failure to make payment of the applicable fee to the commission by the required date shall result in the grant, authorization or approval becoming null and void and ineffective after that date. A Joint Petition on behalf of miscellaneous common carriers proposes that the grant fee be payable not within 45 days after the Commission has issued its initial primary authorization, the construction permit, but subsequently upon the filing of the covering license application. However, we are not persuaded that the present requirement places any unreasonable burden upon the recipient of the grant. Further, such an approach would place grant fee payments in a time frame selected by each grantee and this would impose a considerable administrative burden on the Commission.

46. In a memorandum opinion and order issued August 5, 1970 (24 FCC 2d 614), denying various petitions for stay of the fee schedules adopted on July 1, 1970, the Commission stated it would maintain adequate records of fee collections so that it could make such refunds as might be appropriate as a result of any changes in the fee schedule which might be adopted by the Commission after determination of the various petitions of reconsideration which had been filed with respect to the new fee schedule. As a result of revisions in the fee schedules adopted herein, certain refunds are in order and appropriate action to accomplish them will be taken by the Commission on its own initiative. The completion of this task may take some time, and the filing of individual requests for refund at this time will only serve to delay the date of completion. It is, therefore, requested that parties await action by the Commission in this regard. If, however, any person claiming entitlement to a refund has not received such refund within 60 days after the issuance of this order, he should then advise the Commission of his claim.

47. As the foregoing paragraphs make clear, major portions of the fee schedule previously adopted by the Commission and made effective as of August 1, 1970, remain unchanged. In the interests of clarity and for ready reference, we are reprinting the entire fee schedule including the changes adopted herein.

48. In view of the foregoing: *It is ordered*, That the petitions noted above are either granted, or denied, or granted in part or denied in part, as indicated in the determinations set forth above.

49. *It is further ordered*, pursuant to authority contained in section 4(i) of the Communications Act of 1934 as amended (47 U.S.C. section 154(i)) title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. section 483(a)), and Budget Bureau Circular A–25 and supplements thereto, that the schedule of fees adopted in the report and order of July 1, 1970 (FCC 70–694, 35 F.R. 10988) and codified as Subpart G, Part 1, Chapter I, Title 47 of the Code of Federal Regulations, is revised to read as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154; 31 U.S.C. 483(a); Budget Bureau Circular A–25)

Adopted: March 24, 1971.

Released: April 1, 1971.

FEDERAL COMMUNICATIONS COMMISSION [7]

[SEAL] BEN F. WAPLE, *Secretary.*

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

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AUTHORITY: The provisions of this Subpart G issued under sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

[7] Commissioner Johnson concurring in the result; Commissioner Houser not participating.

§ 1.1102 Payment of fees.

(a) Filing fees: Each application, including either a petition or notification submitted under the CATV rules, filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there should be attached to the remittance an accounting sheet or notice stating what fees are covered by the check or moneyorder.

(b) Grant fees: The applicant shall observe the instructions contained in the notice of grant concerning payment of grant fees. Grant fees shall be accompanied by a transmittal advice identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(c) All remittances should be accompanied by a letter application rate card, grant fee notice or other document to properly identify the purpose of the fee.

(d) Where a grant fee is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services, the grant fee, based on a percentage of the consideration, in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null and void and ineffective after that date.

(e) Annual broadcast fees: The annual fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall file the station's rate card as of the preceding June 1 together with the amount of the annual fee. A new station first becomes liable for the annual operating fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of program test authority until the next payment date. (Example, if a station is in operation for 7 full months prior to the next payment date, the fee in seven-twelfths of the annual rate.)

(1) If a station has filed an application for renewal of a station license that will expire after July 31, 1970, any filing fee paid with the renewal application will be credited against the initial annual operating fee. Should a licensee pay the former renewal fee which is no

longer required, there will be no refund of the filing fee; it will however be credited against the next annual fee for the station. Licensees should note that they are claiming this credit at the time they submit their rate card and pay their first annual operating fee.

(f) Annual CATV fees: The annual fee prescribed for CATV systems must be submitted by April 1 for the preceding calendar year. A new CATV system becomes liable for the annual operating fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each quarter of operation up to the end of the calendar year. (Example, if a system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last-day figures is to be used in computing the fee required.) The fee will cover the number of full months of operation until the end of the calendar year. (Example, if a system is in operation for 7 full months prior to the end of the calendar year, the fee is seven-twelfths of the annual rate.) In the first year of this fee schedule, a CATV system's annual fee shall be computed by taking the amount otherwise due and multiplying it by five-twelfths.

(g) Applications and attached filing fees should be addressed to: Federal Communications Commission, Washington, DC 20554, or to the appropriate FCC Field Office and should not be marked for the attention of any individual, bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(h) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(i) Except as provided in §§ 1.1103 and 1.1104, all application filing fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in a major change in the application; the resubmission will then be treated as a new application requiring a new filing fee.

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Upon return of an application for renewal of an operator license which is received after expiration of the grace period.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(1) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Services rules (e.g., change of address, pro forma change or corporate name, etc.).

(7) When construction permit holders and licensees make nonsubstantive corrections in license grants within a period of 60 days from grant.

(b) Payments in excess of an applicable fee will be refunded only if the overpayment exceeds $2.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commision's rules or the rules of another Federal Government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) A receiver model certificated prior to August 1, 1970, and which will continue to be distributed after August 1, 1970, need not be recertificated and no filing or grant fee shall be required for continued distribution provided it will continue to be distributed under the same trade name and model number and with identical circuitry.

§ 1.1105 General rule (STA and waiver).

Except as otherwise provided no filing fee is required for any application or request for special temporary authority (STA) or waiver of brief duration or minor character in any service or for the grant of either an STA or a waiver of brief duration or minor character. Upon the grant of an application or request for either an STA or a waiver of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast Services	$25
Common Carrier Services	25
Safety and Special Radio	5
Cable Television Services	25

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

CONSTRUCTION PERMITS

Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF—Top 50 markets [1]	$5,000	$45,000
UHF—Top 50 markets	2,500	22,500
VHF—Next 50 markets	2,000	18,000
UHF—Next 50 markets	1,000	9,000
VHF—Balance	1,000	9,000
UHF—Balance	500	4,500
FM—Class A	100	900
FM—Class B and C	200	1,800
AM—Day—50 kw	500	4,500
AM—Day—25 kw	400	3,600
AM—Day—10 kw	300	2,700
AM—Day—5 kw	200	1,800
AM—Day—1 kw	100	900
AM—Day—500 w	50	450
AM—Day—250 w [2]	25	225
AM—Unlimited 50 kw	1,000	9,000
AM—Unlimited 25 kw	800	7,200
AM—Unlimited 10 kw	600	5,400
AM—Unlimited 5 kw	400	3,600
AM—Unlimited 1 kw	200	1,800
AM—Unlimited 500 w	100	900
AM—Unlimited 250 w [2]	50	450
AM—Class IV	100	900
For Directional Antenna in addition to the above	50	450

[1] The market size shall be determined by the rating of the American Research Bureau, on the basis of the net weekly circulation for the most recent year.

[2] The fee for major changes in 100 watt operations is the same as for 250 watt operations.

OTHER APPLICATIONS

The following fees shall accompany each application:

	AM	FM	TV	Auxiliary [1]
Applications filed on FCC Form 316 (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	$250	$250	$250	No fee
Application for construction permit to replace expired permit, FCC Form 321 [2]	500	500	500	$50
Application for modification other than a major change	50	50	50	50
Application for change of call sign for broadcast station	100	100	100	No fee
All other applications in the broadcast services	50	50	50	50

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] The $500 fee applies to construction permits for new stations or major changes in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $50 in all services.

SUBSCRIPTION TELEVISION

Application for Subscription Television Authorizations:

Application filing fee $1,000

ASSIGNMENTS AND TRANSFERS

Application for assignment of license or transfer of control, exclusive of FCC Form 316 applications (where more than one broadcast station license is involved, the

total amount of fees prescribed for each license so involved will be paid in the manner set forth below):

Application filing fee	$1,000.
Assignment and transfer fee to be paid immediately following consummation of the assignment or transfer.	2 percent of consideration for assignment or transfer.

ANNUAL LICENSE FEES

Each broadcast station shall pay an annual license fee to the Commission that is based on the station's rate card as of June 1 of each year.[1]

For AM and FM radio stations:

The annual fee will be a payment equal to 24 times the station's highest single "1-minute" spot announcement rate, but in no event shall the annual payment for each AM and each FM station be less than $52;

For television broadcast stations:

The annual fee will be a payment equal to 12 times the station's highest "30-second" spot announcement rate, but in no event shall the annual payment be less than $144.

(b) Fees are not required in the following instances:

(1) Applications filed by tax-exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

(2) Applications in the AM service requesting only authority to determine antenna power by direct measurement.

(3) All television translator applications and all television translator relay stations.

(4) Applications by local government entities in connection with the licensing or operation of a noncommercial broadcast station.

[1] In the first year of this fee schedule, a station's fee will be computed by taking the number of months from the effective date to the payment date divided by 12 times the full year annual fee. Stations beginning operation, pursuant to program test authority, after the license expiration anniversary date are liable for a pro rata amount of the annual fee equal to the number of full months in operation from the date of program test authority to the payment date for the short period.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

	Filing fee	Grant fee
DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE [1]		
Application for initial construction permit or for relocation of a base station, including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems. [3 4]	$100	$150.
Application for initial construction permit or for relocation of a dispatch station,[5] auxiliary test station, control station or repeater station.[4]	50	$75.
Application for other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test station, control station or repeater station at an existing station location.	25	$50.
Application for renewal of base station	25	$125.
Application for renewal of license for dispatch station, auxiliary test station, control station or repeater station.	10	$50.
Application for license, modification of license or renewal of license for individual mobile stations:		
One mobile unit per application	50	None.
Each additional mobile unit per application	30	None.
RURAL RADIO SERVICE		
Application for an initial construction permit or for relocation of central office, inter-office or relay facilities.[4]	100	$100.
Application for other than initial construction permit, modification of construction permit or license for central office, inter-office or relay facilities.	25	$50.
Application for license or modification of license for individual subscriber stations.	5	$20.
Application for license for operation of rural subscriber stations at temporary-fixed locations.	10	$20.
Application for renewal of license of central office, inter-office or relay station	125	None.
Application for renewal of license of rural subscriber station	25	None.
POINT-TO-POINT MICROWAVE RADIO SERVICES		
Applications for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities.[4 6]	50	$150.
Application for license for operation of a station at temporary-fixed locations	50	$100.
Application for other modification of construction permit or modification of license.	25	$25.
Application for renewal of license	25	$100.
LOCAL TELEVISION TRANSMISSION SERVICE		
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities.[4]	50	$150.
Application for license for operation of an STL station at temporary-fixed locations.	50	$100.
Application for license for operation of a mobile television pickup station	50	$100.
Application for other modification of construction permit or modification of license.	25	$75.
Application for renewal of license	25	$50.
INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES		
International Fixed Public Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4].	150	$500.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if both applications are filed simultaneously).	75	$100.
Application for change of location of an authorized station	150	$400.
Application for modification of license	25	$100.
Application for renewal of license	100	$200.
International Control Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	100	$400.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if both applications are filed simultaneously).	50	$250.
Application for change of location of an authorized station	100	$400.
Application for modification of license	25	$100.
Application for renewal of license	50	$100.
OTHER RADIO APPLICATIONS		
Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application).	10	$50.
All other common carrier radio applications	25	None.
SATELLITE COMMUNICATIONS SERVICES [7]		
Application for initial construction permit for commercial transmit/receive earth station.[4]	200	½ of 1% of construction cost as set forth in the application, not to exceed $25,000.
Application for initial construction permit for a commercial receive only or transportable earth station.[4]	100	Do.
Application for initial construction permit for an earth station to be used solely for developmental or noncommercial purposes.[4]	50	$100.
Application for renewal of license for a developmental or noncommercial earth station.	50	$100.
Application for modification of construction permit or license or for construction permit for additional equipment at an existing commercial earth station.	100	½ of 1% of construction cost as set forth in the application.
Application for authority to operate a transportable earth station at a fixed site.	100	$200.
Application for renewal of license for a commercial transmit/receive earth station.	100	$5,000.
Application for renewal of license for a commercial receive only earth station.	50	$500.
Application for initial construction permit or modification of construction permit or license for an auxiliary station (boresight) to an earth station or for a telemetry, tracking, and control station.	50	½ of 1% of construction cost as set forth in the application.
Application for renewal of license of an auxiliary station to an earth station or for a telemetry, tracking and control station.	50	$200.
Application for initial construction permit per satellite	250	$5,000.

Footnotes at end of Table.

	Filing fee	Grant fee
SATELLITE COMMUNICATIONS SERVICES—CONTINUED		
Application for authority to launch and operate satellites, per satellite	250	½ of 1% of satellite construction cost as set forth in the application (due 45 days after successful launch and operation).
Application for assignment of a commercial transmit/receive earth station or satellite construction permit for license for transfer of control of a licensee or permittee, per earth station or satellite.	100	$200.
Application for assignment of a commercial receive only or transportable earth station construction permit or license or transfer of control of a licensee or permittee, per earth station.	25	$50.
Application for communications common carrier for authorization to own stock in the Communications Satellite Corporation.	25	$50.
Any other application filed under the Communications Satellite Act or the Communications Act of 1934 in the Satellite Communications Services.	25	$50.
COMMON CARRIER NONRADIO APPLICATIONS		
Section 214 applications for construction landline coaxial cable [9]	100	$5 per route mile.
Section 214 applications to extend or supplement facilities by construction of landline voice cables or installation of carrier equipment on landline wire, cable or radio routes.[9]	50	$6 per 100 equivalent 4 kHz channel miles authorized.[10]
Section 214 applications to lease facilities from other carriers (except overseas channels).[9]	25	$4 per 100 equivalent 4 kHz channel miles authorized.[10]
Section 214 application for overseas cable construction	1,000	$50 per route mile (nautical)
Section 214 applications to establish communication channels on overseas cables.[10]	50	$10 per 100 equivalent 3 kHz miles authorized.[10]
Cable landing license	100	$100.
Section 214 application to acquire overseas cable channels	50	$6 per 100 equivalent 3 kHz channel miles authorized.[10]
Section 214 application to acquire domestic circuits to interconnect international circuits:		
Circuits outside of the United States	25	None.
Circuits within the United States or territories	25	$4 per 100 equivalent 4 kHz channel miles authorized.[8 10]
Section 214 applications to install carrier equipment to establish channels of communication at an earth station.	100	½ of 1% of equipment and installation cost as set forth in the application.
Section 214 application to establish and provide channels of communication via satellite.	50	$200.
Section 214 application to acquire satellite channels	50	$20 per equivalent 4 kHz channel.
Section 214 applications to discontinue, reduce or impair services to the public:		
Telephone companies	50	$50.
Telegraph companies	10	$15.
Public Coast Stations	10	$15.
Interlocking Directorate applications	10	$40.
Section 221 applications	10	$250.
Tariff applications to change charges or regulations on less than statutory notice	25	None.
All other Common Carrier nonradio applications	25	None.

[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than one such station on a single authorization or under a single call sign.

[2] When included as part of a base station application, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for applications for licenses to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

[6] For applicants whose propose to multiplex their radio systems and who make the supplementary showing required by §21.706 of the rules in the lead application in lieu of filing a separate application under section 214 of the Act, an additional grant fee will be payable at the rate of $6 per 100 equivalent 4 kHz channel miles, as prescribed in the schedule for section 214 applications to extend or supplement facilities.

[7] The filing fees specified in the schedule for satellite communications services do not apply to initial applications for domestic systems to be considered in conjunction with that of Western Union; Public Notice FCC 70-953. However, the grant fees will be applicable to any grant. All subsequent applications will be subject to the filing as well as the grant fees.

[8] In the case of connecting circuits for international satellite circuits the mileage is computed as the distance from the U.S. terminal to the nearest earth station.

[9] Projects undertaken pursuant to grant of continuing authority as prescribed in §§ 63.03(c) and 63.04(c) of the Commission's rules are subject to the grant fee.

[10] Fees for other than 4 kHz channels or 3 kHz channels will be the appropriate multiples or fractions of the 4 kHz or 3 kHz channel fee.

§ 1.1115 Schedule of Fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$20
Interim ship license including subsequent initial license	25
Operational fixed stations using frequencies above 952 MHz:	
Initial license and 5-year renewal	75
Assignment of license	75
Yearly renewal	15
Common Carrier Public Coast Stations:	
Initial license and renewal	75
Assignment of license	75
Amateur Service:	
Initial license, renewal and new class of operator license	9
Modification of license without renewal	4
Modification of license with renewal	9
Special Call Sign (plus other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fees set forth below shall accompany the following applications or requests filed in the Safety and Special Radio Services:

Duplicate license	$6

(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government, and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: Hospitals, Disaster Relief Organizations, Beach Patrols, School Buses, and nonprofit Ambulance Operators and Rescue Organizations.

(4) Applications filed in the Disaster Communications Services.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Applications for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave Applications filed for Closed Circuit Educational Television Service.

(8) Applications for Civil Air Patrol Stations, Aeronautical Radionavigation Stations and for Aeronautical Search and Rescue Stations.

§ 1.1116 Schedule of fees for Cable Television Services.

(a) Applications, notifications, and petitions filed in the Cable Television Services shall be accompanied by the fees prescribed below:

Applications in the Community Antenna Relay Service (CARS):	
For a construction permit	$50
For a license or renewal	15
For a modification of construction permit or license	15
Petitions:	
For special relief (other than that specified below), pursuant to § 74.1109	25
For experimental operations pursuant to paragraph 51 of the December 1968 notice of proposed rule making and notice of Inquiry in Docket 18397 (see, also proposed § 74.1107 (b) and (c) in appendix C of that notice)	25
For waiver of hearing re carriage of distant signals within the Grade A contour of a television broadcast station in a top-100 market:	
Per proposed commercial (a) VHF station or (b) network-affiliated UHF station, distant signal	25
Per proposed (a) educational station or (b) independent UHF station, distant signal	10

NOTE: For purposes of the station fees only, if the communities involved in a single petition are served by CATV facilities having a common head end and identical ownership, only a single set of station fees is required for all of the communities.

Notifications pursuant to § 74.1105 10

NOTE: A fee is required for each separate and distinct community or municipal entity (including single, discrete, unincorporated areas) served by a CATV system, even if there is a single head end and identical ownership of facilities extending into several communities. See, e.g., Telerama, Inc., 3 FCC 2d 585; Mission Cable TV, Inc., 4 FCC 2d 236.

(b) An annual fee shall be paid by each CATV system on or before April 1 of each year for the preceeding calendar year. The fee for each system shall be equal to the number of its subscribers times 30 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102 (c).)

NOTE: Where a system offers bulk-rates to multiple-outlet subscribers, such as apartment house or motel operators, each bulk-rate contract is viewed as a number of subscriptions to be calculated by dividing the total annual charge for the bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a CATV system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate of $50 per year, the bulk-rate contract is counted as 20 subscriptions (i.e. 1,000÷50=20.) Where a variety of "annual subscription rates" for individual households exists (e.g., $50 per year, if paid in one sum, or $60 per year, if paid on a per-month basis), the rate used in the subscriber formula should be the lowest annual rate which is offered to individual subscribers ($50 here). Likewise, if the bulk-rate contract is on a monthly basis, it should be divided by the lowest monthly rate which is offered. In the preceding example, a $50 per year charge should be viewed as a charge of $4.17 per month. It is not contemplated, however, that such calculations should be made with respect to extra payments for additional CATV outlets within the same individual household.

(c) Fees are not required in the following instances:

(1) Petition for special relief filed pursuant to § 74.1109 of this chapter by a noncommercial educational broadcast station.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraph (b) of this section, applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for operator license:

First-class license, either radiotelephone or radiotelegraph, new, renewal, duplicate or replacement $5

Second-class license, either radiotelephone or radiotelegraph, new, renewal, duplicate or replacement 4

Third-class permit, either radiotelephone or radiotelegraph, new, renewal, duplicate or replacement 3

Provisional radiotelephone third-class operator certificate with broadcast endorsement—1-year term 2

Restricted radiotelephone permit, new, duplicate, or replacement 8

Restricted radiotelephone permit (alien)—1-year term 2

Application for endorsement of license 2

Application for verification card (FCC Form 758-F) 2

Application for posting statement (FCC Form 759) 2

(b) Whenever an application requests both an operator license and an endorsement, the required fee will be the fee prescribed for the license document involved.

§ 1.1119 Experimental Radio Services (other than Broadcast).

Fees are not required in the case of applications filed in the Experimental Radio Services (other than Broadcast).

§ 1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

Type approval, type acceptance, certification or approval of subscription television systems shall require payment of fees as prescribed below.

CERTIFICATION

Item	Filing fee	Grant fee
1. Application for certification of each receiver Model:		
(a) Television broadcast receiver	$10	$40
(b) FM broadcast receiver	10	30
(c) Any other receiver	10	25
2. Application for prototype certification of equipment operating under Part 18	5	20
3. Request for modification of certificated receiver with no change in model number :[1]		
(a) Television broadcast receiver	10	30
(b) FM broadcast receiver	5	20
(c) Any other receiver	5	20
4. Request for modification of a prototype certificated equipment operating under Part 18 with no change in model number [1]	5	15
5. Application for certification of a radio control transmitter for a door opener under Part 15	5	20

TYPE ACCEPTANCE

1. Application for type acceptance of each equipment type [2 3 4 5]	25	75
2. Application for the addition of one or more rule parts to existing type acceptance for each equipment type as identified by manufacturer (or trade name) and type number	25	75
3. Approval of subscription television system	200	800

TYPE APPROVAL [6,8]

Item	Filing fee	Grant fee
1. Application or submission for type approval: [7]		
(a) Part 73:		
(1) Broadcast modulation monitors-SCA and stereo	100	400
(2) Broadcast modulation monitors—other	50	200
(3) Other broadcasting equipment	50	200
(b) Parts 81 and 83:		
(1) Ship transmitters including lifeboat transmitters	25	125
(2) Radar	25	75
(3) Ship automatic alarm systems	50	200
(4) Ship alarm automatic keyers	25	75
(5) Other maritime devices	50	150
(c) Part 15:		
(1) Wireless microphones	25	125
(2) Other low-power devices	25	75
(d) Part 18:		
(1) Medical diathermy	100	400
(2) Epilators	100	400
(3) Microwave ovens	200	800
(4) Medical ultrasonic	50	200
(5) Industrial ultrasonic	50	200
(6) Other ISM devices	50	200
2. Applications for modification of existing type approved equipment: [8]		
(a) Modifications which require testing:		
(1) Parts 73 and 18	50	200
(2) Parts 15, 81, and 83	25	75
(b) All other modifications	10	40

[1] A request for modification of certificated equipment which involves a change in type (or model) number will be considered as an application for a new certification under items 3 and 4 of the schedule.

[2] The receiver part of a transceiver or a unit which includes a transmitter and receiver shall be separately certificated. The application for receiver certification shall be filed simultaneously with, but under separate cover from, the application for type acceptance.

[3] In the case of an equipment in which one or more receivers and transmitters are packaged as an individual equipment and identified by a single type number, each receiver shall be separately certificated. The application(s) for certification for each receiver shall be filed simultaneously with, but under separate cover from, the application for type acceptance.

[4] Application(s) for type acceptance of equipments which bear different identification will be considered separate applications, regardless of whether such equipment may be otherwise identical.

[5] Fees for type acceptance are not required in the following cases:

(a) When a request for type acceptance is included in an application for station license and covers only the item of equipment to be authorized in that particular station;

(b) When a request is made by the licensee of a station for approval of modifications to a specific item of existing type accepted equipment authorized in that particular station.

[6] Whenever an item subject to type approval is required to comply with more than one set of technical specifications, separate fees will be required for each set of technical specifications for which compliance is examined. For example, a combined frequency and modulation monitor will require the payment of fees applicable to each; a frequency monitor for standard broadcast and FM broadcast will require payment of fees applicable to each. Likewise, combination units of items of the same type, for example, a combination of two radars, will require the payment of two fees.

[7] Application(s) for type approval of equipment which bear different identification will be considered separate applications, regardless of whether such equipment may be otherwise identical.

[8] A request for modification of a type approved equipment which involves a change in type (or model) number will be considered as an application for a new type approval under item 1 of the schedule.

[9] Initial applications for type approval which request use of alternate magnetrons or other critical components will require payment of the fee indicated in 1 plus the fee required in 2(a).

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